

City Council Chamber, City Hall, Tuesday, May 1, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 1, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Ms. Jo Wiginton, Senior Assistant City Attorney, Division Chief, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director present. Council Member Addie Wiseman absent on city business.

Note: Council Member At-Large Position 3 vacant.

At 2:01 p.m. Acting Mayor Pro Tem Berry called the meeting to order and called on Council Member Khan for the first Council presentation. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Council Member Khan stated that various schools came with great ideas as to what future cities should look like and invited students who participated in the National Engineers Week Future City Competition to come forward and be recognized, Carolyn Hamilton, Kelly Freeze, Ryan Fletcher, Mathew Rot and Jill Freeze, and Dr. Zafar Taqvi, Regional Coordinator of the Future City Competition. Dr. Taqvi stated that Council Member Khan had been very helpful to the students and the program and as a token of appreciation for the National Engineers Week he was presenting Council Member Khan an award for his continued support of the Future City Program. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Council Member Berry stated that Mr. Ed Brandon and members of Channel 13 were present in the audience and invited Mr. Brandon to the podium and stated that he was a very special man with a very special history in Houston and today Mr. Brandon was being recognized for his dedication and service to Channel 13 and the entire southeast Texas Region and the City of Houston saluted and commended him and Council Member Berry invited Melanie Lawson, Tim Heller and Don Cobos come forward and join them and presented Mr. Brandon with a proclamation and Mayor White proclaimed Tuesday, May 1, 2007 as Ed Brandon Day in Houston, Texas. Council Members Lawrence, Holm, Alvarado, Lovell and Green absent.

Mr. Brandon stated that it was an honor to be present and he was the one who occasionally sat at home and watched the Council meeting on television and thought they were a very entertaining program. Council Members Lawrence, Holm, Alvarado, Lovell and Green absent.

Council Member Johnson stated that he wanted to recognize an organization that was doing fantastic work in the City, that Technology for all was providing for low income communities the technology that bridged the digital divide and today they wanted to recognize the great work they were doing in the City and invited Ms. Pam Gardner and Mr. Will Reed to the podium and presented them with a proclamation and Mayor White proclaimed Tuesday, May 1, 2007 as Technology for All Houston Hope Day in Houston, Texas. Council Members Lawrence, Holm, Alvarado, Lovell and Green absent.

Council Member Brown stated that he wanted to recognize a distinguished citizen, Mr. Carl Umland, and stated that Mr. Umland was the founder 20 years ago of the Houston Chapter

of Habitat for Humanity and stated that they wanted to recognize him as a very special citizen on this day. Council Members Johnson, Lovell, Green and Berry absent.

Mr. Umland stated that it was a deep honor to appear before the City Council, that he had been there before and it was not always this pleasant, that they brought to the City the idea that there was a need for decent housing for low income folks that they could call their own and share in the pride and in the goodness of the City of Houston, that he thought they succeeded in a lot of that but it was an area where they never finish, so he asked for their continued indulgence and wisdom in helping organizations like Habitat and others in the area of low income housing to do their job and do it better and make it one that they would want to be a part of, that present with him was his wife who was a professor of Chemistry and taught at the University of Houston Downtown for many years. Council Members Johnson, Lovell, Green and Berry absent.

Mayor White and Members of Council thanked Mr. Umland for his service to the City of Houston. Council Members Johnson, Holm, Brown, Lovell, Green and Berry absent.

At 2:22 p.m. Mayor White called the meeting to order and called on Council Member Khan for the prayer and pledge of allegiance. Council Members Johnson, Holm, Brown, Lovell, Green and Berry absent. (No Quorum Present)

At 2:23 p.m. Mayor White requested the City Secretary to call the roll. Council Member Wiseman absent on city business. Council Members Johnson, Brown, Lovell, Green and Berry absent.

Council Members Alvarado and Khan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Johnson, Brown, Lovell, Green and Berry absent. MOTION ADOPTED.

Mayor White requested the City Secretary to call the list of speakers. Council Members Johnson, Brown, Lovell, Green and Berry absent.

Ms. Bessie Swindle, 4103 Madden Ln., Houston, Texas 77047 (713-738-7902) appeared and stated that she was present on behalf of Congressman Al Green, the Sunnyside South Acres Crestmont Super Neighborhood and the Southeast Coalition of Civic Club, that they would like the members to please look at Item No. 14 on the agenda, that it affected their area greatly and they needed the Council's help concerning the concrete companies. Council Members Lovell, Green and Berry absent.

Council Member Edwards stated that she wanted to thank Ms. Swindle and the organizations that she was representing for their support and help in drafting the ordinance, that hopefully the ordinance would be passed tomorrow, that she thought the ordinance would give them a stepping stone to go further. Council Members Lovell, Green and Berry absent.

Council Member Brown stated that Ms. Swindle and Ms. Margaret Jenkins had been out there defending their neighborhoods against the ill effects of the crushed concrete plant, and Ms. Swindle stated that it had been 10 years, and Council Member Brown thanked her for her forbearance. Council Members Lovell, Green and Berry absent.

Ms. Aimee Torney, 2616 South Loop West, No. 225, Houston, Texas 77054 (713-432-0009) appeared and stated that she was the Deputy District Director for State Representative Forest Miles, House District 146, that the Representative had asked her to express his support of the ordinance and appreciated the collaborative efforts of Chairman

Alvarado, the Committee of Environmental and Public Health and the Mayor's Office of Environmental and Health Policy to craft the ordinance. Council Members Lovell and Green absent.

Council Member Johnson stated that he wanted to take a moment of personal privilege to recognize some celebrities in the audience and some talented people from the City of Houston to present them with a proclamation, that he wanted to recognize two young men who were play writers and owners of I'm Ready Productions in the City of Houston, that they were providing plays in 50 cities across the United States and stirring up more than \$70 million in gross ticket sales for their plays, the owners Je'Caryous Johnson and Gary Guidry were getting ready for their stage production play, Whatever She Wants, starring Ms. Vivica Fox and Mr. Richard Roundtree and invited them to the podium for a proclamation and Mayor White stated that on behalf of all the citizens of the City of Houston, he proclaimed, Tuesday, May 1, 2007 as I'm Ready Production Day in Houston, Texas. Council Members Lawrence, Garcia, Lovell and Green absent.

Ms. Fox stated that she wanted to thank the City of Houston for extending such love to her and I'm Ready Productions, that it had definitely had been a labor of love for all of them and hoped they would want to come out and enjoy the shows, that they would be in Houston from Tuesday through Sunday and had two shows on Saturday and Sunday. Council Members Lawrence and Green absent.

Mr. Guidry stated that he and Mr. Johnson wanted to thank Mayor White and the City Council, that they wanted to thank the City of Houston for all the love and kindness that they had shown them and wanted to keep doing great things in the nation and showing that Houston could have quality entertainment in the City. Council Members Lawrence, Garcia, Alvarado and Green absent.

Mr. Leonard Cherry, 6131 Selinsky, Houston, Texas 77048 (713-987-0000) appeared and stated that he was present on behalf of the Cherry Companies, they had been based in Houston since 1952 as a house moving company, the largest in the State, a demolition company, the third largest concrete recycling company in the State of Texas and the second largest in Houston, so he guessed he was present to represent one of those companies that the citizens were concerned about contaminating their neighborhoods, that there were a total of three complaints filed with the City in all of 2006 and none of those complaints ultimately resulted in a violation, that under the current draft ordinance that was in place it would prevent them from doing road removal because the typical way to remove a road was to break it with a hammer and pull it, by the definition of crushing they would no longer be able to do that, it was a common practice throughout the U.S. as they moved more and more towards recycling to attempt to recycle these products and reuse them rather than landfill them, that under the current draft ordinance they would be able to crush on site at demolition sites for reuse of the material but it only represented a small application of the recycling applicability, that currently about 90% of the aggregates used in the greater Houston area were recycled aggregates, under the current draft ordinance, as the existing plants that existed within Houston went away due to attrition and the City continued to grow they would be forced to either haul the raw product material outside of Houston, process it and bring it back in thereby increasing road traffic emissions and those sort of things or to landfill the material simply because it would be cheaper to landfill it than it would be to haul it out and then turn around and bring it back in, thereby consuming the landfill space and increasing the total cost of construction and further compounding their air problems, that they knew that the citizens in the City had a problem and they recognized it but they believed very strongly that the problem existed because they lost 30 inspectors over the last four years that were responsible for monitoring air quality in Houston,

but when the City lost the contract and the funding from the State of Texas the citizens lost the inspectors. Council Members Johnson, Alvarado, Green and Berry absent.

Council Member Edwards stated that for Mr. Cherry to say there had only been three complaints was disingenuous at best, there were three 3-1-1 complaints, that Mr. Cherry had been in numerous meetings around the community or had representatives there so he knew the complaints, that one company had said they had not been inspected for five years so the issue for the City was to get a job done that was a benefit to the citizens as well as to businesses, they were not against business but they were saying there had to be some management and some partnership built between businesses and communities, that the reason she was very vigilant regarding the ordinance was that the State Legislature changed a word in the ordinance that allowed for them to operate almost with impunity and the lobbyist for the concrete groups had that happen and it was well within the law, it was very legal and she understood that but if they could not get protection from their State legislators then they as a City had the responsibility to try to protect their citizens as much as possible. Council Members Johnson, Garcia, Alvarado, Green and Berry absent.

Mr. Cherry stated that he understood, that the statement about only three complaints they were told by the Houston Air Quality that they were provided to them, so if it was a misrepresentation it was certainly not his intent nor did he mean to contend that the existing facilities they had would be placed out of business, he agreed with her, that they were simply going to prevent recycling in the area to grow any greater than it existed today and they would not be allowed to recycle the materials other than in these permanent sites. Council Members Johnson, Garcia, Alvarado, Green and Berry absent.

Mayor White asked Mr. Cherry if he was asserting that the TCEQ was not doing the inspections that they were required to do, and Mr. Cherry stated that what they were aware of was at their one facility that was inside the city limits of Houston they had not had an inspection in 18 months and prior to the City losing their contract and the funding from TCEQ the inspections were being done by the City inspectors and they understood that no longer occurred because those inspectors no longer existed, and Mayor White stated that he appreciated Mr. Cherry informing them that the TCEQ was not doing those inspections because they told the City that they would do those inspections and as a matter of fact they were hiring inspectors to do them and they were going to add inspectors to the budget, and asked Mr. Cherry if he was saying he would not operate right unless he was inspected and Mr. Cherry stated that was not what they were contenting but they agreed more inspectors were needed in the City. Council Members Johnson, Garcia, Alvarado, Green and Berry absent.

Mr. Jim Miller, 2115 Hopkins, Houston, Texas 77006 (713-942-8626) appeared and stated that he was the General Manager of Southern Crushed Concrete, that Southern Crushed Concrete opposed the proposed City ordinance, the Dust Ordinance, in it's present form, the proposed ordinance singles out concrete crushing facilities and regulates them in the use of land space, that over 3 million tons of concrete was recycled in Houston every year, that was over 30% in their understanding of the total solid waste system, that if recycling facilities were forced outside of Houston it would require many new landfills and they would have to vote if they wanted new landfills in the area, that concrete recycling was enhancing Houston's overall air quality, over 150 tons of NOX emissions were eliminated annually because there was less truck and train transportation necessary when recycled crushed concrete was used instead of imported aggregates from central Texas, in addition to forcing recycling facilities to distant locations the increased diesel emissions caused by increasing the trucking would have a negative impact on Houston's air making it harder for Houston to meet the mandatory Air Quality standards, their facilities were already highly regulated, State law prohibited them from being located within a quarter mile of a residence, church or school, they were required to

obtain State permits, these permits already required no visible emissions at the property lines, at the same time much larger sources of emission from other types of facilities were going unregulated, that Southern Crushed Concrete did not believe that the additional layer of regulation that the ordinance would create was necessary and respectfully requested that they not vote to adopt the ordinance as it currently was, there was one aspect of the ordinance that especially concerned them and that was the affect that it would have on pending permits, they had one permit that had been pending for several years and they had spent a tremendous amount of time and money to develop that permit in attempting to work with the City and the State agencies in developing that permit, the proposed ordinance would seem to be changing the requirements that were in effect when the permit was filed, at a minimum they would request that the ordinance be adopted exempting existing applications, in summary passing the ordinance would have a negative impact on air quality and the environment. Council Members Johnson, Green and Berry absent.

Upon questions by Council Members, Mr. Miller stated that their permits required that they have no visible emissions leaving their property line, that a typical crushing operation in Harris County or any city for that matter produced about a one and a half ton particulate matter annually, that according to some calculations that were done by Rice University, Dr. Frazier did a study, and indicated that Southern Crushed Concrete removed 150 tons of NOX from the environment annually and were putting into the environment one and a half tons of particulate matter, that it was less particulate matter for example than was discharged from one of the sewer treatment plants, that people did not have to breathe 148 and a half tons of NOX every year, that he did not know how much one could breathe in without getting sick; that as to the TCEQ's Solid Waste Plan he had someone discuss it with him but did not know it in detail, that the study that they did represented taking the material to the landfills that were the absolute closest to come to so on any particular project, and he thought there were five or six projects presented, that material was hauled to the absolute closest landfill, meaning if they had one further away on a 20 year schedule their air was only going to get worse not better, so they presented in that study the absolute best case scenario because they picked the landfill that was the closest to the projects; that they only had 13 sites and they were all in the Houston area, that it was his understanding that there was only one other place more difficult to get air permits than the State of Texas and that was California. Council Members Lovell, Green and Berry absent.

Mayor White stated that he appreciated specific comments that those within the industry made and knew that perhaps to the frustration of some a number of those concepts were embodied, that on the 150 tons of NOX was he familiar with the public health issue posed by NOX and Mr. Miller stated that he understood it was a contributory factor to ozone creation and that was all he knew, and Mayor White asked if he was familiar with the ratio by which they convert that ton of ozone to parts per million of NOX to ozone, and Mr. Miller stated that he was not, that they hired Mr. Frazier with Rice University to do that, the same individual that the City used, and Mayor White stated that NOX was regulated and was a concern because it could be converted chemically in certain circumstances to ozone; that they wanted to encourage recycling of waste materials but wanted to share that with his own eyes he had seen places near rock crushing facilities where he had been able to put his hand on somebody's windshield and see the hand on the windshield with the concrete and materials, and the idea of the concentrated exposure on the lungs of the residents nearby was something that really hit a button that whatever was supposed to be working and what somebody said in a permit it did not seem to be working and if they continued to do the same thing they had been doing they may not get a different result, so he wanted to articulate that to Mr. Miller to see where they were coming from, and Mr. Miller stated that he appreciated that and they had been inspected four times in the last three weeks, so they had plenty of inspections. Council Members Green and Berry absent.

Council Member Edwards asked if they had gotten the number of concrete crushing plants in the City of Houston, and Council Member Alvarado stated that she did not know what the number was but believed that Ms. Elena Mark's office had the number and some mapping with it as well, and Council Member Edwards stated that was one of the most frustrating parts for them to get the information so they could know who they were trying to regulate, that she appreciated Mr. Miller's work and his being a part of the process. Council Members Green and Berry absent.

Council Member Garcia stated that there was a concrete plant at Lockwood and Navigation that folks had been asking for help for a long time so he wanted people to understand that the issue was not about one side of the town or another, it was about the City of Houston and people wanted change, so he appreciated Mayor White making an analogy because that was exactly what people in the Second Ward and the East End area had been communicating for years, that it was something that he would like to see move forward sooner rather than later. Council Members Edwards, Green and Berry absent.

Council Member Alvarado moved to suspend the rules to hear from Mr. Brandt Mannchen at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Edwards, Green and Berry absent. MOTION 2007-0407 ADOPTED.

Council Member Lawrence moved to suspend the rules to add Ms. Michele Holland to the one minute non agenda speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Edwards, Green and Berry absent. MOTION 2007-0408 ADOPTED.

Mr. Brandt Mannchen, 5431 Carew, Houston, Texas 77096 (713-664-5962) appeared, and stated that he was present representing the Houston Sierra Club and stated that they supported the concrete crushing ordinance, that they wanted one change made to the ordinance, the appeal period process was two weeks and they would like to make it four weeks because sometimes it took a while for citizens to find out that there was an approval of a permit and they needed a little more time to file their appeal, that they would like to see the Bureau of Air Quality Control develop with the neighborhoods and communities a better focus compliance and enforcement program and make it a priority and lastly District D had suffered for many years from nuisance dust and the ordinance imposed distance limits and best management practices for particulate matter and the ordinance could serve to bring citizens and companies together so they could create good neighborhood agreements, so they supported the ordinance and hoped they would approve it. Council Members Edwards, Green and Berry absent.

Ms. Mary Lawler, 2505 Washington Avenue, Houston, Texas 77007 (713-864-8099) appeared and stated that she was Executive Director of Avenue Community Development Corporation, they develop affordable housing in the neighborhoods just north and northwest of Houston downtown, that she was present to speak about the recommendations of the Solid Waste Task Force, that there were two recommendations in their report that she did not agree with and one of them would adversely affect some of their future affordable housing developments which was the recommendation that City trash pickup service be limited to developments that had private drives if those developments had no more than 20 units, that she could see no practical justification for the maximum number of units, that the maximum of 20 units was arbitrary and unfair to developments that exceeded the maximum, that after contacting one public collection company regarding private service she learned that first of all those companies would not provide individual can service to a small development which meant they would be forced to provide dumpster service for the development which would certainly be

much less attractive and convenient for the home buyers, additionally the cost to each homebuyer would be between \$11 and \$20 per month and that was a cost that their low income buyers would find burdensome to afford, that her second issue was that if people were going to be charged for trash service she believed it should be universal and that if it was a service that was being provided to homeowners in the City of Houston it should be provided to all homeowners and not exclude homebuyers just because of the size or configuration of their development. Council Members Alvarado, Green and Berry absent.

Council Member Garcia asked Mayor White when the task force was convened what charge or what perspective did he give the task force as to the need to convene such a group, and Mayor White stated that he did not micro manage the processes that people went through, if there was a need for additional public hearings and review the Council Members knew that they were not easy issues and knew there had to be some choices made and they could help him in accessing if there were some additional stakeholder processes but that did not mean that there would not be choice, that there was a tremendous amount of data collected concerning the various types and features of the various designs of structures, that there was one criteria which was that they had attempted to do a balance of interest that was also considered, were they going to collect from all apartment units and if so who was going to pay for it, so they tried to do something that was revenue neutral and did not require them to cannibalize other essential City services and he did not hear a groundswell to charge a whole lot more for their existing service to everybody in a separate fee and expand it to include apartments, so eventually if they were going to collect more trash then they collect from the number and category of people they had and they would do that by including new types of collection that they were going to do and they would have demands on revenue that exceeded the growth of the population and the cost, so he was sure that was one of the considerations, doing something that was revenue neutral. Council Members Alvarado, Green and Berry absent.

Upon questions by Council Member Brown, Ms. Lawler stated that the task force recommended that no new plats with more than 20 units be provided with public trash pickup, there was a three prong task that they suggested applying which was first of all the number of units in the development, and second of all that there be at least some units that abutted public streets, and third that there be enough room on the public streets to have at least five feet between each trash can, that the second two rules made a lot of sense, that the truck had to be able to get to the cans and have enough room to pick up the cans but the third test, the maximum of 20 units, to her, did not make a lot of sense. Council Members Lawrence, Alvarado and Berry absent.

Mr. Bart Truxillo, 1802 Harvard, Houston, Texas 77007 (713-861-6236) appeared and stated that he was present to speak in support of the historic preservation protection ordinances that were coming up for the Old Sixth Ward, that historical preservation was not just a quality of life issue but it was also a good business issue, that he was an owner investor in the Old Sixth Ward and did not live there but had several properties there and had for a number of years, that he had a property in the Old Market Square Historic District which he had owned for several years and was also a good business and had property in the Historic Heights area where he did reside, that he thought if they traveled any where else in the world they would see that every major city protected their historic structures and made money off of them. Council Members Lawrence, Johnson, Alvarado, Lovell and Berry absent.

Ms. Michele Hollander, 13159 Rummel Cr., Houston, Texas (713-569-7307) appeared and stated that she was the Community Development person for Harris County Systems of Hope, that she wanted to thank Mayor White for accepting their invitation, that next Tuesday at 10:00 a.m. on the steps of City Hall they would be doing National Children's Mental Health Awareness Day and would like to extend the invitation to the City Council Members, that it was

not a City of Houston or Harris County thing it was about children and families and bringing awareness to this important day. Council Members Lawrence, Johnson, Alvarado, Lovell and Berry absent.

Ms. Barbara Settle, 22 South Wynden Dr., Houston, Texas 77066 (713-963-8990) appeared and stated that she had many times come before the City Council and they had not always been pleasant and this was the most unpleasant visit she had ever made, that her property had an earnest money contract put on it that she had not signed and read from a Memorandum Notice and Request, that she had not signed any earnest money contract to sell her property, that she had a fee simple title to the property, that the applicant was not a fee simple owner, that the person who signed the applications was named John Robert and was the same person who signed the earnest money contract that she had a copy of and which did not have her name on it, that it was her homestead, that due to the banana republic operation of their Probate Courts she had an order that forces the sale of her homestead and required the proceeds to be put into the registry of the court, that was an unlawful seizure of her money and equity, that she responded to the City that the proceeds if put into the registry of the court under this contract would force her ejection from the property the day of closure, it was in the title company also and it would leave her penniless and homeless, that she was frightened, that it was not the City's jurisdiction but issuing the letters to give a building permit was their jurisdiction. Council Members Lawrence, Johnson, Alvarado, Lovell and Berry absent.

Mayor White stated that he did not know what the Court of Competent Jurisdiction had done and was not in the middle of it but they would do what ever the law required, and Ms. Settle stated that she wanted the City to hold up on issuing the utility letters, they wanted to put 27 units on her one acre, and Mayor White stated that they would do what the law required. Council Members Johnson, Alvarado, Lovell and Berry absent.

Council Member Holm stated if Ms. Settle would get with Mr. Gary Norman, Public Works, they would get to the bottom of it and as Mayor White stated they would do what the law required. Council Members Lawrence, Johnson, Alvarado, Lovell and Berry absent.

Ms. Melanie Wolfran, 1331 Neeley, Houston, Texas 77055 (713-465-7303) had reserved time to speak, but was not present when her name was called. Council Members Lawrence, Johnson, Alvarado, Lovell and Berry absent.

Mr. Navid Rezanejad, 12338 Barry Knoll Ln., 77024, Houston, Texas 77055 (832-755-7469) had reserved time to speak, but was not present when his name was called. Council Members Lawrence, Johnson, Alvarado, Lovell and Berry absent.

Mr. Robert Robertson, Post Office Box 7020 Houston, Texas 77248 had reserved time to speak, but was not present when his name was called. Council Members Lawrence, Johnson, Alvarado, Lovell and Berry absent.

Mr. Mark Hogue, 9307 Meadow Glen, Houston, Texas 77063 (832-277-6000) appeared and stated that as to what he read in the newspaper about the \$42 and that it would equal to \$19 million he wanted to know what it was going to go for, that there was a police officer that had been harassing two of his friends and they needed to be doing better things and be after the villains and all that and the drug dealers, that today he saw how they were going to increase the water bill and he did not agree with that, that this was his first time at Council, but he attended Metro a lot and they would probably see him more often, that he was on disability and that made it worse for him, that the thing about only two times a year for heavy trash he did not agree with that at all. Council Members Lawrence, Johnson, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Joseph Ballard, 6302 Rocky Nook, Humble, Texas 77336 (281-850-0388) had reserved time to speak, but was not present when his name was called. Council Members Lawrence, Johnson, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Wes Tipton, 4314 Feagan, Houston, Texas 77007 (281-932-8951) appeared and stated that after buying his property and moving in he started to realize that new utility poles had been installed facing the street to service three of seven townhomes built on two 5,000 square foot lots, he also realized that they had an alley that was intended for utility poles and it did not make sense to him why the developer had not been required to gain service from the alley, that he was seeking to have the poles that faced the street removed and service provided from the alley to the townhomes and make it required for developers to gain their utility access from the alley as the alley was put there for such reasons, that he contacted Council Member Garcia's office several times along with the utility companies and the utility companies had been out and explained to him that they had been given the right to basically put poles wherever they wanted to, that he wanted to see that they have some oversight to make sure that they do not ruin the charm of their neighborhoods with utility poles everywhere, that basically what they were doing was making it more convenient for themselves to serve properties, that he was present with a petition signed by his neighbors of the 4300 block, that no one supported the utility poles being on the street, everybody agreed that they should all receive their service from the alley, that on their block there were 45 houses and everybody got the utilities from the alley except seven units that received their utilities from the new poles they put on the street. Council Members Lawrence, Johnson, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that they were trying to find some ways to address the issue in conversations they had with CenterPoint, that it was not an easy thing to turn around, but be assured that they were trying to get some change. Council Members Lawrence, Johnson, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to echo what Council Member Garcia stated that the poles were a blight on the neighborhood, that they were in conversations with CenterPoint to develop some standards for where utility easements go. Council Members Lawrence, Johnson, Alvarado, Lovell and Berry absent.

Mayor White stated that they did not have anybody who had been a lawyer litigating utility rate cases working for the City, that he thought Mr. Tipton had helped them focus on something they needed to do, and Mr. Tipton stated that he would love to have Council Member Garcia, someone from the Planning Department and the power and utility companies all come out to his block and take a look at what was going on. Council Members Lawrence, Johnson, Lovell, Green and Berry absent.

Mr. Chris Passmore, 2425 Sage, No. 11, Houston, Texas 77056 (832-443-4024) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Lovell, Green and Berry absent.

Mr. Andres Ortiz, 6909 Bonham, Houston, Texas 77020 (713-672-2931) appeared and stated that he was from Denver Harbor, the Gateway to the City of Houston, that if and when Council Member Edwards vacates the Council seat he would really miss her, that on Sunday, April 23, 2007 on or about 9:00 a.m. two vicious and dangerous pit bulls got into his backyard, one of them being a male and the other a bitch attacked his two dogs in his backyard, the male was captured and put into custody while the bitch escaped out of the 726 Majestic in Denver Harbor, the Bureau of Animal Regulations and Care, B.A.R.C., answered to about 30,000 calls in a year in the City of Houston, which happened to be the fourth largest city in the Nation and

covered approximately 750 plus square miles, that Houston B.A.R.C. was undermanned, that his argument was that he as a taxpayer expected more from B.A.R.C. and the City then sugarcoated and just throw him a bone explanation as to why or having to wait four and a half hours for animal control to respond to a uniformed Houston Police Department officer's call for assistance, as a taxpayer and citizen of the fourth largest city in the Nation he expects that B.A.R.C. manpower be expanded from a meager staff of 13 to a minimum staff of 55, that El Paso had the manpower of 45 officers, Dallas had a manpower of 40 officers and he was present to be part of the solution and not part of the problem, as a concerned taxpayer he proposed that each of the Council Members lend an ear to the management of B.A.R.C. and grant them their budget needs and wants, especially the manpower, that he also proposed that B.A.R.C. take a strong bite to the stray and dangerous animals in their communities, it was needed because it could be babies or women, that he would ask them to look into it, they were undermanned, it was four and a half hours for a police officers response for help. Mayor White and Council Members Lawrence, Johnson, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that this was an issue that they had been working through and they had new management at B.A.R.C. and they were trying to address the issue, that he had brought together a group of folks to really focus on how they address the issue, that animal on animal was treated differently than animal on people but the fact remained that there were loose animals on their streets, that he had collected some data from the number of calls they get from citizens throughout the City on this type of problem, particularly loose dogs and they were trying to work through a particular solution, that he had put together a group and would ask Jason in his office to get in touch with Mr. Ortiz and have him be a part of it. Mayor White and Council Members Lawrence, Johnson, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that they had heard so many complaints over the years about the low staffing levels of B.A.R.C but it was also education, they had to many irresponsible pet owners out there and in talking with some of the folks from the Health Department Houston for some reason or another seemed to have more than other cities, loose dogs, incidents with dangerous dogs and it was not about outlawing a certain breed but teaching people to be responsible pet owners. Mayor White and Council Members Lawrence, Johnson, Holm, Lovell, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that Mr. Ortiz had said it was a four and a half hour response to a uniformed officer's call for help from B.A.R.C. and Mr. Ortiz stated yes, that HPD called for assistance from B.A.R.C. and Council Member Edwards stated that they were really going to have to look at it, that she knew people got really upset when they talked about dangerous breeds but there were dogs that were being bred to be predators, that was her opinion, and she thought if they got out of line there needed to be some criminal penalty for their owners. Mayor White and Council Members Lawrence, Johnson, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Charles Stava, 2214 Kane St., Houston, Texas 77007 (281-748-4077) appeared and stated through an interpreter, Mr. J. B. Bartell, that he was a resident of the Old Six Ward Historic District, that he purchased his house in early 1997 and it was the first house sold in the neighborhood above the \$100,000 mark, that he and his partner had spent over \$175,000 restoring it and two years ago it won national contests for best restoration of a Victorian era house and was featured on a recent HGTV If Walls Could Talk episode, that he was a biostatistician by profession and would like to share with them his analysis of property values in the Old Sixth Ward Historic District, that he had made several of his analysis published in bio

medical journals and could vouch for his work, that he wanted to look at how property values differentiated between historic and non historic stock, he pulled data from the Harris County Appraisal District 2006 values, that HCAD values based on the most recent sales prices of properties, that his first approach was to subtract the land values from the improvement values so he could focus prices per square foot for improvements, that he categorized the 313 properties in the Old Six Ward into two groups, historic and non historic, he grouped properties older than 50 years into a historic category, for the historic properties he compared restored stock to non restored stock and used the Department of Interior Standards as the basis for restoration in determining which properties were restored, that there were 313 properties that fell within the Old Sixth Ward Municipal Historic District and 76.3% were historic, that property values for historic stock were \$45.3 per square foot and \$56.9 for non historic stock, however looking at values of restored properties the differences were more striking, the average price per square foot for a non restored property was \$27.4 and an amazing \$68.2 per square foot for restored properties, a big difference and it demonstrated that restored properties did out value new construction, that his analysis showed that none of the non historic properties exceeded the \$100 mark and historic properties went as high as \$143 per square foot, that what made the analysis unique was that the smaller restored homes outperformed new and larger homes, the average square foot for historic stock was 1,795 square feet and 2,988 for new construction. Mayor White and Council Members Lawrence, Johnson, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to thank Mr. Stava and J. D. and all the others who were present at the townhall meeting that they had last week, and wanted to thank Mayor White and Ms. Jill Jewet for all of the work that had been done to develop a comprehensive strategy to get the Old Sixth Ward Historical Preservation District established and moving forward. Mayor White and Council Members Lawrence, Johnson, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Jerry Harper, 2003 Decatur, Houston, Texas 77007 (713-880-5861) appeared and stated that he wanted to thank the City Council for bestowing historical status on his home in the Old Sixth Ward, that after listening to the non preservationists at the townhall meeting speak of their concerns for their financial investments it was important for the Mayor and City Council to understand that the majority of the Sixth Ward citizens who were preservationist and bought old homes and enjoyed their neighborhood had made tremendous investments, that he was no speculator and did not intend to see any profit from his home in his lifetime but he was privileged and grateful that he was able to provide something like \$50,000 of his retirement funds to bring his home up to par, that the slide film presentation the other night identified the possibilities for expansion, that was an important part of the future but nothing of any significance was mentioned about the older original buildings and he must tell them that it was those cottage homes that were at the heart of the Sixth Ward and for the preservation movement, that it bothered him a great deal when they even came close to discussing tearing anything down, that he spent months on his back under his home on Decatur and spent weeks on the attic and had been in the walls and had been in all corners and knew everything there was to know about the home and it was an extraordinarily well built house and had survived all these years, the other cottages were just like his, if they had seen his home when he bought it and signed the papers they would have thought he had lost his mind, his wife did to, and he was only sorry that Jane did not beat Cancer and died before she could live in the house with him, but he had worked on it and had now created a place not only for himself but for his daughter, that the other night Mayor White asked how long they should wait before serious action was taken about eyesores, it had taken him years to get his house done but his neighbors who were preservationists seemed to be more tolerant than the non. Mayor White and Council Members Lawrence, Johnson, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Mark Parthie, 1817 Lubbock, Houston, Texas 77007 (713-256-7146) appeared and stated that he was present to speak in favor of the enhanced historic preservation restrictions for the Sixth Ward, that he had lived in the Old Sixth Ward for over 20 years and owned 12 homes there that represented in excess of a million dollars in investment, that he had heard recently questions, including at the townhall meeting last week asking why it sometimes seemed to take so long for restoration projects to be completed and he wanted to address that today, that when planning a new house they start out by studying design options and working with an architect and engineer, selecting a builder, negotiating a price, obtaining permits and a host of other details, by the time they actually break ground they already had a year into the process, for a restoration project they were doing all of those same things, often times it involved even more advanced planning, but the whole time they were doing that there was an ugly dilapidated house sitting there, from his recent experience he could tell them that in Houston's bulldoze and build it new mentality it was often extremely difficult to find competent and reputable contractors and engineers who were willing to work on renovation projects and who understood historic construction, that it also typically took more time to obtain financing for restoration projects because bankers in town only understood new construction, in addition there were hidden issues such as community sewer lines that ran through multiple properties and many old neighborhoods like the Sixth Ward, if they had a 100 year old community sewer line running through their property they were going to spend additional months working with the neighbors and the City and with contractors to resolve that issue, that all of those issues required a huge amount of time to resolve before the restoration work could begin, that was why it took so long to do restoration projects, that he sincerely asked for the support of each Council Member in creating and protected a historic district for the City of Houston and the Old Six Ward. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that what Mr. Parthie had done was really incredible and it was really proof that they not only talk about it but they invested a lot of money and effort in keeping that neighborhood historic. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Leigh Hollins, 2009 Kane, Houston, Texas 77007 (713-861-4337) appeared and stated that she wanted to address a statement that Mayor White made at last weeks Old Six Ward Townhall meeting, to paraphrase, Mayor White stated that he valued the views of those who put their money where their mouth was and it occurred to her that it would be a good idea to address the level of investment made by preservation supporters versus those opposed inside the proposed protected area, by gathering endorsements to Reed Wilsons' concept memo last year the Old Sixth Ward Neighborhood Association tracked the level of support in multiple ways including the level of investment in the community as represented by HCAD records, property owners representing \$24.8 million HCAD appraised value supported the effort to initiate architectural performance standards while property owners representing only \$6.3 million HCAD appraised value opposed it, while the supporters included many residents who owned only one parcel there were also a significant number of residents who owned multiple parcels, residents who had purchased multiple parcels had invested in the long term viability of the historic character of the neighborhood and these residents far out number the opposition resident investors who owned one, two or even three properties and who were self acclaimed house flippers, some of those properties were up for sale indicating that their interest was short term gain and not the long term viability of the community, the preservation resident investors were also to be distinguished from the opposition non resident investor who owned vacant lots and had ample time to develop but had not, leaving the community with blighted properties that were occupied either by standing water and a junk RV or the brown dead weeds that resulted from chemical mowing, so Mayor White's question about how long should it take to restore a

historic structure should be broadened to include the question how long should land speculators be able to hold without developing vacant derelict properties, in closing she would like to invite all of them to walk the neighborhood with her or any of the preservation leadership, see the "I Support A Protected Historic District" signs all over the neighborhood and the yards of many of the supporters and receive a guided tour of their beloved little neighborhood and all of it's properties. Council Members Lawrence, Johnson, Edwards, Holm, Garcia, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he hoped they understood that in the manner it was intended, he thought Mark had pointed out some of the difficulties and delays in rehabilitating historical structures and if there was a fellow who bought two houses and just sat on the houses and did not do anything with them, so if they could help them on that, and Ms. Hollins said that particular man who spoke was the one they had trouble with the illegal demolition, it was an illegal sewer disconnect and was his properties that came up at that particular meeting, and Mayor White stated that he was not saying it should be a week or a month that they should not be demolishing structures but how could they come up with a game plan so somebody would not leave their structures abandoned and derelict forever, that was what he was trying to figure out and it was a difficult issue, and Ms. Hollins stated that if he had some specific properties in mind she knew the property owners would be more than happy to sit down and speak with him about the specifics of their project. Council Members Lawrence, Johnson, Edwards, Holm, Garcia, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Richard Roeder, 1718 Lubbock, Ste. B, Houston, Texas 77007 (713-229-0661) appeared and stated that he resided in the Old Sixth Ward and was a preservationists, that he had owned 19 properties in the Six Ward and yesterday he got his secretary to come out of retirement and go over his personal history and experiences in the Six Ward and what he found out was that he had been very lucky because the worst investment he made of those 19 properties he sold the property in 1995 for three times what he paid for it, and the property that he still owned, he calculated it out, and it's value was 30 times what he paid for it, so if somebody said that preservation put an economic burden on somebody they either did it wrong or did not get there when they should have, that he started in 1968, bought his first property, and it had been a marvelous investment and he would appreciate it if they as Council Members when they were contemplating these ordinances do not believe the flippers who were simply buying property to keep it for a couple of months or one year and then sell it for a huge profit, those days in the Six Ward were long gone, that boat pulled out of the dock about 10 years ago and what was left was a place for people who wanted to get their money's worth by living in a beautiful restored property with great neighbors. Council Members Lawrence, Johnson, Edwards, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White asked Mr. Roeder that for people like him who had invested in their property, if somebody put up something that filled to the lot line with three garages right next door would it help or hurt his property value, and Mr. Roeder stated that he would be offended. Council Members Lawrence, Johnson, Edwards, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Maria Isabel, Post Office Box 498, Houston, Texas 77001 (713-542-0721) appeared and stated that she and her husband Barry purchased property in the Old Sixth Ward two years ago with the intention of building their dream home there, there used to be a structure on the property and it had been boarded up for years and was dilapidated and a horrible mess, the neighbors around the property were very happy that they took it out, that they were planning to build their dream home, that last week she overheard some ladies talking about the angry White women of the Old Sixth Ward because the government was putting restrictions on their properties, that she wanted to clarify that she was Cuban and a citizen of the United States, that

they purchased the property and had intentions for it and now the new restrictions were not going to allow them to build their dream, that it was a little difficult not to be angry and defensive when someone else was coming onto their property and saying they had purchased there, yes, there were these certain rules and they knew what they could do within the property, but now they were changing the rules and they could not have it, that she had an issue with that, that she supported historical preservation and loved the Victorian homes and loved the diversity of her neighborhood, that was why they bought there, if she did not like the Victorian houses why would she have bought there, that she enjoyed the ambience of the commercial buildings in their neighborhood and thought historians that had invested in their properties certainly needed their protection and she thought they should have it but she wanted an opt out, she needed an exception, they had a 34 foot RV that if they did a drive way on the side of the property there was no way the RV was going to make the round turn to the garage in the back, that she did a survey last week and there were a lot of garage doors in the Old Sixth Ward, their plans did not call for three doors it was just two doors and it was 17 feet away from the property line as per code. Council Members Lawrence, Johnson, Edwards, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Ms. Isabel stated that they did not know what it was that was being contemplated that would make it so that they could not build a suitable house they could live in because they did not have the rules yet, they did not know what the design guidelines were but the guidelines that had been talked about before was the fact that they were not going to allow garage doors in the front or fences, that she wanted a privacy fence in the front and the roof pitches, there were a lot of flat roofs in their neighborhood, that some of the neighbors were telling her she could not have a flat roof, and Mayor White stated that they wanted to take a look and if she could get some specific comments, that for vacant lots there would be some different standards, to take a look at what they have and if she could be as specific if she could it would be useful, that they would take into account the citizen comments and they would have another draft and people could comment on that and they could have public hearings on it, but he wanted to prepare her that there would be some design guidelines. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Green 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, Johnson, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Linda Reichardt, 7034 Edgemoor, Houston, Texas 77074 (713-208-1919) appeared and stated that she lived in Sharpstown and was the lady that picked up trash and recycle and had been doing it for 10 years, that she was present on something that really concerned her and it was concerning what it said over the Council Chamber door, that "The People Were The City" that she was asking the City Council to form a review board for Harris County Probate Court for the elderly and their families. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated if she was talking about irregularities if she could get that to them and go through it with Ms. Claudia Vasquez, Mayor's Citizens Assistance Office, that they had very limited ability on the Probate Court. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Green 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, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Susan Stein, 3222 Hazy Park Dr., Houston, Texas 77082 (713-907-1101) appeared and stated that she had a handout for the Council Members, that she lived in west Houston and was an urban environmentalist and had been working on a neighborhood for about four years, that as a school teacher she was aware that sometimes they had to try a different style of getting the point across, so they had another one of her packets, that it got the point across and when they were ready to attend to it they could look at it, that the wait time on it was two years, that no one seemed to want to move forward on it however Mr. Sakolosky called her this morning and it looked like the City was going to pay attention to it, that Harris County had pretty much pushed it into the jurisdiction of the City of Houston but told her to go for it, that it was also going to count on the collaboration of Kinder Morgan, that the details were in the packet she handed out, that it was one of those events that happened as someone piggy backed on the revitalization of their neighborhood, some sharp people came in and bought a tract of land on Eldridge, hastily filled it with landfill, even three feet over and above the elevation of their adjacent neighborhood, it was in the flood plain, beat the deadline for needing a City permit for landfill in a floodplain area, that they could feel the tension as the land was filled, it was very stressful, the encroachment of water into their backyards had been triple fold in the past two years and she was hoping that would weigh in their favor, now as a persuasive tangible consequence for the landfill that went in, that there was a retention pond across Eldridge and she guessed the strategy was that timing was everything, that as the dirt was taken out of the area to make the retention pond she was sure the guys got together and bought the dirt for pennies on the dollar and used it for the landfill across the street. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that they did pass some rules and did have enforcement of people building up their property until they flooded their neighbors, that Citizens Assistance had helped him and the inspectors had helped him on several number of occasions, and Ms. Stein stated that Neighborhood Protection had been fabulous but for some reason they had not been suggested for this particular disaster and it was approaching that, the backyards affected by this were on a Kinder Morgan easement that was about 25 feet and then the tract of land that filled in, and Mayor White stated that he did not know all of the sequence of events and what they changed or how they did it, but there were some inspectors, that he knew they started doing something different a few years ago, that Mr. Norman, Public Works, would help figure out whether or not these people did anything, the basic principle they ought to be working on was that they could not fill up their land so that it floods their neighbors, that they would put the sequence of events and see if they did it right or wrong. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Albert Brewer, 7723 Willow, Houston, Texas 77088 (281-447-6125) had reserved time to speak, but was not present when his name was called. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. airport, Houston, Texas 77071 (832-882-7761) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Green 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 was deputized by the County and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Sue Kinney, 17435 Imperial Valley, Houston, Texas 77060 (281-405-8394) appeared and stated that they please not give her a hard time, that she called last week and if they did not want her in the meeting so please let her know, that she rode the bus, that she should be

second or first, but was the last, that she was present because of her apartment and her telephone and light bill and air conditioning, that she wanted her money, that it had been going on over and over again, that she did not have any medicine. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Mr. James Hale, Jr., 10221 Rockaway, Houston, Texas 77016 No Phone appeared and stated that he had a problem that would take more than a minute to explain, that he was present to complain about his vehicle with the Houston Police Department but more importantly he would explain that he was a carpenter and a qualified individual and it was a problem of maybe institutionalized attack against an elderly worker, that the problem was that he was told that he did not have the qualifications for the job that he applied for and he had a copy and would like to leave the City Council a copy of his qualifications and would appreciate them reading them. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

At 4:56 p.m. City Council recessed until 9:00 a.m., Wednesday, May 2, 2007. Council Member Wiseman absent on city business. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, May 2, 2007

The Houston City Council reconvened at 9:00 a.m. Wednesday, May 2, 2007, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

Note: Council Member At Large Position 3 vacant.

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

At 9:21 a.m. Mayor White called the meeting to order and stated that they would start with a public hearing. Council Members Johnson, Wiseman, Khan, Lovell and Berry absent.

### **HEARINGS - 9:00 A.M.**

1. Pursuant to Section 370.002 of the Texas Local Government Code, City Council will conduct a public hearing regarding the Juvenile Curfew Ordinance (Ch. 28, Art. V, City of Houston Code of Ordinances) to determine whether the Curfew Ordinance should be continued. Copies of the Curfew Ordinance and data provided by the Houston Police Department are available for inspection in the Office of the City Secretary. To reserve time to appear and testify call the Office of the City Secretary (713) 247-1840 prior to the commencement of the public hearing. Alternatively, written comments may be submitted to the Office of the City Secretary – was called.

The City Secretary stated that Chief Thayler would make remarks on the hearing. Council Members Johnson, Wiseman, Khan and Berry absent.

Chief Thayler stated that he thought he had pretty much laid out his report last week, they had some contact with the City Council Members to try to answer their questions and he was present to be responsive to any additional questions, that unless the Council would like to go

through the same presentation he thought the information was already out there. Council Members Johnson, Wiseman, Khan and Berry absent.

The City Secretary stated that no one had reserved time to appear at the public hearing. Council Members Johnson, Wiseman, Khan and Berry absent.

Council Member Garcia moved to close the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Johnson, Wiseman, Khan and Berry absent. MOTION 2007-0409 ADOPTED.

- 1a. ORDINANCE modifying and continuing the City's Juvenile Curfew Ordinance; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented.

Council Member Garcia stated that in regards to the Curfew Ordinance he was submitting an amendment to clarify the definition of “adult” to be inserted into the ordinance as follows:

“Motion by Council Member Garcia to amend Item 1a as follows:

In Section 3 of the proposed Ordinance, amend Section 28-171 of the Code of ordinances, Houston, Texas by adding, in the appropriate alphabetical order, the following definition:

*Adult* means an individual who has attained the age of 18.” Council Members Johnson, Wiseman, Khan and Berry absent.

Council Members, Council Member Edwards requested that at some time they have a meaningful discussion about how do they handle their young population, that she had been told by demographers that they had the largest under 18 population in the Country and except for the first year she had been on Council when they had a big budget fight about After School Program dollars there had been very little discussion about how they worked with their young people, that she thought they were taking the easy road out, their young people needed something to do that was meaningful and substantive. Council Members Johnson, Khan and Berry absent.

Council Member Clutterbuck stated that she and Council Member Lovell had been hosting a series of meetings in the southwest part of Houston to discuss juvenile crime and making a safe place for students to walk to and from schools, as a result of the first meeting with the school district one of their big concerns had been helping with the truancy problem and they discovered that the City of Houston Police Department did not have the authority to round up truants that was only under the purview and jurisdiction of HISD Police Officers, so the HPD officers in the southwest part of town spearheaded a round up for daytime curfew violators and in four weeks they rounded up over 400 students, that was her observation, that the daytime curfew gave them the ability to return the children to school; that her question about Council Member Garcia's amendment, relating to the defenses, Item 2, was if the minor was accompanied by his or her parent or guardian, how were the police going to determine that the adult was designated by the parent or guardian as opposed to being a gang member out recruiting young people. Council Members Johnson and Berry absent.

Council Member Garcia stated that was a great observation and what they had found was that whenever an individual got a ticket it was vetted in the courtroom, most of the curfew violators were interviewed and screened by other staff members to ascertain what were the circumstances, however they also made sure to insert the guardian provision to be a little bit more technical because they were seeing that a lot of cases were being dismissed because the parent would say they gave them permission to be with John Doe who was just six months to a

year older but was not a true guardian but now the parents would have to make that proof in the court.

Council Member Lovell stated that she wanted to agree with Council Member Edwards and say to Council Member Clutterbuck that the meetings they had been having out there had been extremely useful, they had learned so much about what was going on with their kids and what they had learned was that they could put all the laws they wanted down but by the time kids hit high school their patterns of behavior were set and to be able to reverse or modify that behavior was extremely difficult and time consuming and yet they had children in middle school, six, seventh and eighth graders, 12, 13 and 14 years of age, of which it was the school district's role, but they end up with the consequences of them not being engaged and the truth was that they were running 12, 13 and 14 year olds off of their campuses and into the neighborhoods without know where those children were going and who they were hanging around with, what they were doing in the neighborhood and they felt their only responsibility was to get them off of their campus and then it would not be on their report that they had any trouble and if anything happened in those neighborhoods they would not call HPD to assist them because they did not want to have the call for service on their school, there were some really good middle schools who had wonderful After School Program who were partnering up and she thought the best thing that she and Council Member Clutterbuck had done was to bring all the resources to the table and to affect the crime rate in that area, but most importantly for those children to feel safe and bring in groups of people who knew how to deal with children at risk, like youth advocates who were doing a wonderful job out there, that was why they had to have, in the budget cycle, more conversations, it was not a lack of money the dollars were there, but if they had to be the facilitators to reach out to the middle schools and insist that they have After School Programs and that they allow the taxpayers in their neighborhoods to continue to use the building they pay for, that they close down like it was their's, it was not, it was the taxpayers and neighbors building and their children ought to be allowed to stay there and be safe. Council Members Johnson and Berry absent.

Mayor White stated that he would appreciate the benefit of their thinking about what their position should be concerning the financial responsibility and some of the resources that she referred to, that he was listening to what they were saying and would be willing to work as a member of the team. Council Members Johnson and Berry absent.

Council Member Brown stated that they often pass laws or adopt ordinances and really do not follow up with the community and he thought that rather than framing it as a crack down on kids, which it could be interpreted by many, how would they get the message across to them that it was a vision of a safe city and everybody had a part to play in getting the results that they wanted, that it was a family and parent issue as well, how to they get that across. Council Members Johnson and Berry absent.

Mayor White stated that he understood exactly what he was saying and thought Council Members also had a role in that on how they communicate. Council Members Johnson and Berry absent.

Upon questions by Council Members, Chief Thayler stated that the bottom line was one of the questions, whenever they had a curfew ordinance, was to make sure that all constitutional rights were protected, in these instances in the event that there was an exception and they try to capture those exceptions and the constitutional thing, such as traveling to and from religious activity or school activity but if there was something else that may have been missed in the exceptions and was something that could be identified by some court proceeding, such as participating in a political rally, he guessed there may be a question whether that was a governmental sponsored event or not, but to make sure if there was any exception that was a

constitutionally protected provision that they also would not be enforcing the curfew in those instances and he thought for the most part he knew that the Council had a great concern about the discretion that the officers used but again he would invite them to check with Municipal Courts if they still had questions about the discretion that had been employed in the past, such as the question about Charter Schools and checking into that issue, that the officers when they knew of circumstances where the individuals going to and from Charter Schools were in uniform and may be right on the border of the daytime curfew and encountering those individuals that they do not issue or detain juveniles in those instances; that when they say students were cutting classes to participate in political rallies or those sorts of things in the day, if they would recall an instance that happened about a year and a half ago where there was a great debate in the public eye and those students were out of the classrooms, those events they coordinated with the school districts, they make contact with them and had a presence to make sure the juveniles were safe in that instance and they also contact the City Legal and he thought they handled it pretty well and the students were escorted back to school; that to say that the curfew ordinance makes them criminals it was a Class C citation and the officer had discretion, it was the only thing in the Code of Criminal Procedures that allowed an officer the discretion to actually enforce that ordinance or not given the circumstances and situation because it was the most minor offense that they had in their laws. Council Members Johnson and Berry absent.

After further discussion by Council Members, Council Member Wiseman stated that she would tag Council Member Garcia's amendment to Item No. 1a. Council Members Johnson, Garcia and Berry absent.

Council Member Wiseman stated that she would also tag Item No. 1a. Council Members Johnson and Berry absent.

2. **PUBLIC HEARING** on proposed amendments to Chapter 42, Code of Ordinances, Houston, Texas, relating to Section 42-40 basic subdivision plat submittal requirements – was called. Council Members Johnson and Berry absent.

The City Secretary stated that they had speakers that had reserved time to speak at the public hearing. Council Members Johnson and Berry absent.

Ms. Gafrick stated that the Solid Waste Task Force made two recommendations to Chapter 42 that a Solid Waste Collection Plan be filed with a single family residential subdivision plat and the amendment was that on the face of the plat there would be a note that stated whether the property was eligible or ineligible for Solid Waste Collection Service from the City, that yesterday there were three changes made to the ordinance and one change was that the Solid Waste Collection Plan identify the provider and that they correct a typo to refer to the correct section in the ordinance that was changed from 42.50 to 42.40 and the third change was that they needed to have approval of the plan as a prerequisite to receiving plat approval, and that concluded her comments. Council Members Johnson, Garcia and Berry absent.

Ms. Toy Woods, 9511 W. Sam Houston Pkwy North, Houston, Texas 77064 (281-970-8970, ext. 150) appeared and stated that she was with the Greater Houston Builders Association, that she was present to speak about Item No. 2a, that she was not speaking for or against but was present to ask for one more week, they actually had a group of city builders and planners who would like to review it for one more week, that she realized it was a high priority for Mayor White and the Council Members and she had spoken with Director Graffick about it and she hated to delay it but they did have a group who wanted to meet and they actually had a meeting set up for after the Council meeting so they hoped to get back to them within the next 24 to 48 hours with any questions or clarifications that they had so they could go ahead and

move forward with it, that they did not anticipate any problems but were asking for a little bit more time.

Mr. Tom Pothier, RR3, Box 874, San Leon, Texas 77539 (281-468-3228) appeared and stated that it was a mistake that he was on this list, that he was supposed to be on the Chapter 47 list, and Mayor White stated that they had public hearings yesterday but if there was something that he had there would be somebody to help him make a copy to circulate to the Council Members.

Council Member Khan moved to close the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0410 ADOPTED.

2a. **ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solid Waste Collection – was presented, and tagged by Council Members Wiseman, Garcia, Holm and Khan.

Council Member Brown stated that he would like to see and put a plug in for an option when they do the Solid Waste Plan, an option to have the applicant submit a site that showed physically the containers and trucks, etc. circulate, that to put a note on the drawing was asking for trouble, that they could have an option to have a site plan attached to the plat.

Mayor White stated that the item had been tagged, that he knew there was some discussion about that at committee and one of the issue when they had additional items to be reviewed and either accepted or rejected by someone qualified at the Planning Department would be the criteria that they apply and the judgment that they use in accepting or rejecting a plan for how the garbage collection would occur, that he would ask Ms. Gaffrick and the committee if they had not considered it to discuss it, that thinking ahead was a good thing, but just what the balance was between what they required and then the initial permit and the resources and expertise that it would take to review it pursuant to some criteria because they did not want to require anything that was not going to be reviewed or either approved or disapproved according to some criteria, that was just make work, that the Council Member talked about an option to do something and if there were some things that they give people to file that were not going to be reviewed or approved or disapproved then maybe that was something that they should consider, and Council Member Brown stated that he made the suggestion in the spirit of making it easier to get an approval and if they put it on a map it was very easy for any one to figure out what was going on, that he thought clarity was what the development community wanted, and Mayor White stated that he would ask Ms. Gaffrick to give him a report on it and thought the clarification was important by Council Member Brown. Council Member Berry absent.

### **MAYOR'S REPORT** - TIRZ Issues

Mayor White stated that he was going to pose a question to Members of the City Council, that he was going to identify an issue and come up with that he was thinking was a solution but the reason he was doing it was to get their opinions, that the TIRZ were required under the interlocal agreements to file quarterly reports, the TIRZ were public entities that had public funds, in this case property tax dollars, there were many good things that were done by TIRZ and there were many advantages to the City in TIRZ particularly 1 through 19 where because of some quirks in State law there were funds that could be spent inside the City which were apt to go outside the City because of the participation of other taxing jurisdictions, the purpose of his comments were not do discuss the pros and cons of a TIRZ or a particular TIRZ, there were a large number of TIRZ where they did not have on file with the City of Houston any financial reports even through December 31, 2006, that he meant income statements and balance

sheets, reconciliation of balance sheets to income statements with the variance analysis and he was not sure that everyone who had not been involved in government, fine citizens who they had asked as volunteers to serve on the TIRZ boards, understand the consequences of even inadvertent errors concerning the disbursement of funds that may violate, for example if there was an amount disbursed in excess of a budget or that was not budgeted or that was not covered by a budget category in an approved budget and there was a disbursement from that TIRZ then even if it was good hearted or inadvertent or somebody thought they talked to somebody at the City about xyz, he did not want to scare anybody but it was a serious matter because it was public funds, that he was trying to figure out what to do about it that did not make it one of these things where it was the City versus the TIRZ, that was not what it was about, that he thought they had great people sitting at the Council table who every one of them was doing what they did because of commitment to public service and they had some issues occur in the back office of the Mayor Pro Tem's Office and everybody wanted there to be systems of F&A procedures and control them, the Mayor Pro Tem, the Acting Mayor Pro Tem and people around the table because they appreciated that they could not go around doing the accounting for the City, each one of them, and do their jobs, they wanted there to be structures and signoffs and procedures and stuff like that so what he was thinking about was maybe doing an RFP that would say for some accounting type firms and he was sure there were regional local accounting firms who could provide the basic accounting services on a comparable format for various TIRZ in a way that they could roll up each month when they went through the MOFAR, through the report where they had a section that had TIRZ and it had the totals, budget, tax and variance allowances and what they spent year to date so they could all take a look at it, right now that was missing from the reports, that it was not a matter of control, he was not trying to dictate what a TIRZ does, they had that power ultimately within the budgets, but they did not have that in the Monthly Financial Reports and it had to be done in a way that it could be consolidated with those reports on a uniform computer format and if people needed to send out notices that were required or public hearings of the TIRZ then they could be some of those administrative services which were ministerial and could be provided by that managing agent as well, that one thing they thought about was should they do some of it in house at the City but F&A had it's hand full and some people may interpret it as was it a TIRZ or the City, that they were different things and spending different people's money, they did not own the money, he did not and neither did the TIRZ Board Member, it was the taxpayers, but he was just trying to get at this thing and was not pointing fingers at any particular TIRZ administrator who had not complied with written agreements, that was what he was sort of thinking of, maybe they ought to have an RFP and ought to be open to an accounting firm and it ought to be on a uniform format and it would not interfere with the policy that the TIRZ Boards made, it would just provide them some support so somebody did not get in trouble, and ultimately the City was responsible if somebody did because if they did not even know what people had spent year to date in a public entity receiving tax dollars that was not good and as they knew they evolved where there would be separate responsibilities within the TIRZ and then there was a City employee, very talented, that kept a lot of it in their head, and now with Mr. Mesa and Mr. Fiederlein they were trying to have a slim but expert staff take a look and help them with some oversight, however allowing Council Members concerning the policies of the individual TIRZ but they could not be begging, borrowing and scraping with the individual TIRZ about the financial regularities within the TIRZ.

Council Member Lawrence stated that some of the TIRZ were very well organized and getting their reports in, they had some wonderful firms working with the TIRZ, that she thought they needed to look at each TIRZ individually, see what the goal was and see how those entities who were paying money into the TIRZ could get something out of it, that the whole purpose was to have an extra pot of money to improve an area, that they had a lot of capable people on the boards but then actually being a CPA and turning in these reports and working with six and seven figure numbers was beyond some people's volunteerism and she thought that was where the problem was, that she thought the Mayor's idea of looking at an RFP and making the firms

and making sure it was transparent, that they could see what was going on in every TIRZ and compare with others and see who was actually handling them, that everything needed to be the same to compare. Council Members Wiseman and Berry absent.

Council Member Garcia stated that if they were going to do it for one TIRZ or a couple of TIRZ then they needed to do it for all and have a standard system, but in the State Law that governed the TIRZ did it not give the City Council the authority to do the accounting, was it not currently there, and Mayor White stated that he was talking about double entry bookkeeping that was on a web enable platform that would allow any citizen who was a resident of that TIRZ to know what the balance sheet and income statement was as of month end and year to date which would allow the City Controller to go in and pull up the deals and if she wanted to audit or if accountants wanted to audit, and Council Member Garcia asked if the quirk in the State Law that the Mayor made reference to was that right now if a TIRZ was not submitting it's paperwork that there was a lack of consequences that they could excerpt and Mayor White stated that he was confident that they could do it. Council Members Wiseman and Alvarado absent.

Council Member Khan stated that the TIRZ meetings that he attended they submit their monthly reports in their meetings, at least the ones he went to and he was surprised that it was not a requirement that it should be part of their job to submit it to the Controller or F&A on a monthly basis so it was a serious matter and thought they needed to do it, and was there a mechanism for contract oversight, was there somebody at the City watching when they spend the money, who was responsible for oversight, and Mayor White stated that he thought it was one of the things that may be in the RFP to have control systems that meet public standards and those were things like who signed and countersigned and prepared a check to a TIRZ administrator, that the Controller checks to see whether there were balances in the account when they make a disbursement. Council Members Wiseman and Garcia absent.

Council Member Holm stated that as policy makers she thought all of them welcomed the openness and transparency and the accountability and some times they did not exactly understand what those rules were so she looked at it as an opportunity to equip well meaning people to be able to perform transparency and with full responsibility and accountability to the City Council's fiduciary duties, so she thought where they were going with it not only for the TIRZ but for every appointed board that handled and made decisions that affected the finances or what happens to the City that they ought to equip them with the capacity to do the job that the City expects and need and that the citizens deserve. Council Members Lawrence, Wiseman and Garcia absent.

Council Member Berry stated that he would say the single most important budgetary issue facing the City, at least one that never gets any attention, was the TIRZ issue and it was one of the most intractable and political issue that they ever dealt with and he would also say that they needed to deal with it during this term to get some resolution in place by the end of the year, that it had been a problem since before he came to Council, that there were good and bad TIRZ, there were necessary TIRZ and politically connected TIRZ and it was the case that some very good people did TIRZ work, no offense, that they had to tackle the problem and get very aggressive and undo the situation and get it fixed immediately, that he would like for it to become a top priority up there with public safety for them to resolve immediately. Council Members Khan and Holm absent.

Council Member Lovell stated that the real issue was that there were tax dollars being collected and spent by people who were not elected, they were appointed and she fundamentally had a problem with that, if somebody was spending her tax dollars she wanted to be able to vote them out of office or not, that she was a real fan of the TIRZ and wished they had one in her part of Montrose because she saw what was happening in other parts of the City

and a really good TIRZ did really good so they needed to analyze why do the TIRZ that really do a good job why were they doing well and why were the ones that were struggling or not doing so well why were they not, that she thought they needed to put in some training and expectations that they want from people who serve on those boards and what was expected of them and she thought the idea of having a website where anybody could go and see how their tax dollars were being spent in their area was a good thing and would alleviate some of the confusion of what was happening with the tax dollars. Council Member Holm absent.

Mayor White stated that he had made a couple of notes on the comments that had been made concerning, at least on the accounting side, a way that they could role up in the MOFAR and could be web enabled and could ease the audit and could use uniformed software programs, there were a number of comments on this issue that Mr. Mesa and Mr. Feiderline he hoped were listening to concerning TIRZ training, that he had thought about it time and time again and there was a question of who trained whom to do what, that they wanted the judgment of the people on the board concerning priorities in the area. Council Member Holm absent.

Council Member Brown stated that he supported the Mayor's idea of an RFP and thought it was a good approach, that they did need to remember that the City Council reviews and approves the project plan and budget every year or they should be doing that for the TIRZ and that should provide some degree of accountability but there were two things, where was the accounting firm getting the raw data, were they talking about an audit level type of accounting because it was only as good as the raw data they get, and Mayor White stated that it would be the firm who makes the disbursements and enters the disbursements into the subsidiary ledger as part of a standardized chart of accounts for each TIRZ so if something was approved in the budget then it was somebody who prepared the checks for disbursement and enters it into the subsidiary ledger in accordance with established control procedures, and Council Member Brown stated that the only thing he would add to that was if they were adopting the project plan and budget those disbursements and the use of funds needed to be directly related to executing the plan and budget and they talked about quarterly reports and Mayor White stated that they required the agreements to have quarterly reports but he was suggesting that they be rolled out in the MOFAR so everybody knows where they were montly. Council Members Johnson, Holm, Alvarado and Berry absent.

Council Member Edwards stated that she would suggest that they move forward with a process that affected all TIRZs and there did not seem to be any consequence to TIRZ not responding to requests, there did not seem to be any consequence for them not doing that and she did not know if that was a State jurisdiction or if the City could have that but it seemed as though, if they were dealing with public funds, that there had to be an accountability system that was applicable to all and everybody had to fall in line or else if they did not turn in their forms then they were no longer a TIRZ, it seemed that at some point and time they had to be very definitive about what they were talking about. Council Members Johnson, Holm and Berry absent.

After further discussion by Council Members, Council Member Lovell requested that Mr. Fiederlein and Mr. Mesa come back to Council with a set of guidelines; and Council Member Garcia suggested that much like they did with the guidelines they had with appointing people to respective committees and commissions why could they not require a signed affidavit so that people could understand that they were signing to a particular set of governing rules, that they needed them to signoff on a set of acknowledgments saying they understood they were using taxpayer money and understood that misappropriation was a violation of State and Federal Law; and Council Member Edwards asked if there was a probationary status for TIRZ when they first formed, and Mayor White stated no, and Council Member Edwards asked that on the Monthly Reports that they got from the Controller and F&A Director, however they could do it, to have

Mr. Mesa or Mr. Fiederlein to give monthly reports on TIRZs. Council Members Holm, Lovell and Berry absent.

Mayor White stated that he wanted to thank the Council Members and they would follow up with the suggestions made. Council Members Holm, Lovell and Berry absent.

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION**

**REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

At 10:54 a.m. Mayor White recognized Ms. Annise Parker, Controller and Ms. Judy Gray Johnson, for the Monthly Financial Report and the Quarterly Investment Report. Council Members Holm, Lovell and Berry absent.

Ms. Parker stated that she was happy to hear the discussion about the TIRZs and better financials, they were component units of the City, that she wanted to be clear though they all did have audited financials it was that the audited financials dealt with money in and out, they did not deal with the execution of the project plan so the data was not meaningful on the basis that Council needed it to be and often because they were component units they were part of the problem on getting the annual report out on time because dragging those audited financials out of them could be difficult, they were much better this year, but she was very glad the Council was considering taking that step.

Ms. Parker stated that for the Monthly Financial Report for the period ending March 31, 2007 they would notice that her letter in this month's MOFAR was longer than it usually was and that was because they were at the point in the Fiscal Year where departments were making a lot of changes up and down and they tried to note as many of the significant changes as they could in the letter, that she would not go into great detail here, that their current projection was for an increase in end of year Unreserved Fund Balance in the General Fund of \$18.1 million that was up \$2 million over last month and that was actually a \$31 million swing from what was projected in the budget, the latest change was the net result of a \$8.3 million increase in projected revenues and a \$6.3 million increase in expenditures, more than half the increase in their revenue projection was due to continued positive performance in sales taxes, as for the expenditures, \$3.6 million of the increased expenditure spending for computers and other information technology by various departments, there was also a \$3.5 million loan to the Dangerous Buildings Fund to pay for stepped up demolition activity, these increases were offset by three quarters of a million dollars of lower than anticipated electricity costs in the Public Works Department, there were various changes in the three Enterprise Funds, they were noted in the Monthly Report, they had distributed another Katrina update and Council Members would note that of the original \$10 million advance \$2 million had actually been returned to what was Fund 405 and there was a positive balance remaining the Katrina Funds, that moving onto the Investment Report, as of March 31, 2007 the City had approximately \$2.3 billion invested in the General Investment Pool and as a reminder to Council the pool was similar to that of a short term bond fund, it held investments of very high credit quality and their investment strategy was to match assets and liabilities for a time period of one year and then invest the rest on a discretionary basis, that during the last quarter their invested balances increased by \$495 million, it was a seasonal variation that occurred every year as a result of Property Tax collections, their invested balances would decline as that money was used to fund the operations of the City and to make Debt Service payments over the next few months, that on a year over year comparison however their invested balances were up by \$259 million, that could not be considered just a seasonal variation but what was she believed an indication of a very

healthy economy that was reflected in their cash balances, a general increase in what they were earning in interest on their balances and positive cash flow in the Combined Utility System and Airport Systems, in addition to the General Investment Pool they had three small investment pools that totaled about \$27 million and these pools addressed requirements of the Federal Government in two cases and an insurance company requirement for Reserve Fund in the other case, and a detailed listing of all of their investments was available in the Investment Report that they received, that this was also the day they made their SWAP Report and that was included inside the Monthly Report and not in a separate Investment Report, the written SWAP Report detailed all of the four SWAPs in great depth and she would be happy to answer questions if any one had any issues with that, and that completed her remarks.

Ms. Johnson stated that as the Controller said the good news continued to be Sales Tax Revenues, the last check they received was up 13.4% from the same time the previous year, they did not expect that double digit rate of increase to continue but they were always pleasantly surprised and had been the last few months, that they also increased their estimate for the Natural Gas Franchise Revenues for two reasons, one was that the quarterly amount that they received on April 20, 2007 was higher than what CenterPoint had previously estimated it to be, they had also included in their estimate one month increase in the Fiscal Year 2007 and that would result from the Franchise that was currently on the Council Agenda, they also had included items that were in the General Appropriation Ordinance that was on the Council Agenda for consideration today including the advance to the Dangerous Buildings Fund, it was simply temporary money that the City would payout first and then get reimbursed from the proceeds of Certificates of Obligation next year, it was just cost effective not to do a separate bond issue for that. Council Members Holm and Berry absent.

Council Member Green moved to accept the Monthly Financial Report, the Quarterly Investment Report and the SWAP Report, seconded by Council Member Alvarado. Council Members Holm and Berry absent. MOTION 2007-0411 ADOPTED.

### **CONSENT AGENDA NUMBERS 3 through 40**

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

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION**:
  - Position 1 - **MS. PENNY BUTLER**, reappointment, for a term to expire 2/1/2009
  - Position 3 - **MR. DONALD L. POARCH**, reappointment, for a term to expire 2/1/2009
  - Position 5 - **MR. W. J. BOWEN**, reappointment, for a term to expire 2/1/2009
  - Position 7 - **MS. ADRIANA TAMEZ**, reappointment, for a term to expire 2/1/2009
  - Position 9 - **MS. MARIE D. ARCOS**, appointment, for a term to expire 2/1/2009
  - Position 11 - **MS. TANAZ CHOUDHURY**, reappointment, for a term to expire 2/1/2009
  - Position 13 - **MS. CHARLOTTE ANN HAYNES**, reappointment, for a term to expire 2/1/2009
  - Position 15 - **MR. ROBERT A. RIDGE**, reappointment, for a term to expire 2/1/2009
  - Position 17 - **MS. CARLA LENA' WYATT**, reappointment, for a term to expire 2/1/2009

- Position 21 - **MR. MICHAEL E. LAVENGCO**, reappointment, for a term to expire 2/1/2009
- Position 25 - **MR. KEIJI ASAKURA**, reappointment, for a term to expire 2/1/2009
- Position 27 - **MS. KATHERINE BUI**, reappointment, for a term to expire 2/1/2009
- Position 28 - **MR. PATRICK CASTILLO**, appointment, for an unexpired term ending 2/1/2008
- Position 29 - **MR. JOSÉ GRIÑÁN**, reappointment, for a term to expire 2/1/2009
- Position 31 - **MS. SUSAN J. CITA**, reappointment, for a term to expire 2/1/2009
- Position 33 - **MR. DARRYL KING**, reappointment, for a term to expire 2/1/2009
- Position 35 - **MR. DARRYL LAMBERT**, appointment, for a term to expire 2/1/2009
- Position 37 - **MR. MICHAEL HATLEY**, reappointment, for a term to expire 2/1/2009
- District A - **MS. JANICE GABRIEL**, reappointment, for a term to expire 2/1/2008
- District B - **MS. THERESA CARMOUCHE-LEDE**, appointment, for a term to expire 2/1/2008
- District C - **MS. JANICE S. ROSE**, reappointment, for a term to expire 2/1/2008
- District D - **MS. BESSIE M. SWINDLE**, reappointment, for a term to expire 2/1/2008
- District E - **MR. PAUL KEVIN DIX**, reappointment, for a term to expire 2/1/2008
- District F - **MS. L'TISHA M. MICHAELS**, appointment, for a term to expire 2/1/2008
- District G - **MR. HARRY J. PHILLIPS, JR.**, reappointment, for a term to expire 2/1/2008
- District H - **MR. JOSE A. MEDRANO**, reappointment, for a term to expire 2/1/2008
- District I - **MR. RAMIRO FONSECA**, reappointment, for a term to expire 2/1/2008

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm and Berry absent.  
MOTION 2007-0412 ADOPTED.

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **MILLER THEATER ADVISORY BOARD**, for terms to expire April 24, 2011:

- Position 2 - **MR. GREG SCOTT MARSHALL**, representing Rice University
- Position 3 - **MR. JASON OBY**, representing Texas Southern University
- Position 14 - **MS. ANTOINETTE M. "TONI" JACKSON**
- Position 15 - **MS. TERRYLIN G. NEALE**
- Position 17 - **MS. BARBARA J. SNYDER**
- Position 19 - **MR. FRANK E. HOOD, JR.**
- Position 21 - **MR. RODNEY E. NATHAN**

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0413 ADOPTED.

**DAMAGES** - NUMBER 5

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **SOUTHWESTERN BELL TELEPHONE, L.P.** vs. City of Houston; in the Civil District Court 270th Judicial District of Harris County, Texas, Cause No. 2005-45703 - \$100,000.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0414 ADOPTED.

Mayor White congratulated the newly appointed members of the Houston Clean City Commission and the Miller Outdoor Advisory Board and asked them to stand and be recognized and thanked them for their commitment. Council Members Holm and Berry absent.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 41, 41a and 41b after the consent agenda. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0415 ADOPTED.

**PROPERTY** - NUMBERS 6 through 10

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kenneth W. Powell, President, Creative Care Corporation, for sale of ±5,720-square-feet of excess fee-owned property within the Kempwood Water Well site, adjacent to 9601 Kempwood Drive, in exchange for conveyance to the City of a sanitary control easement over the entire area being sold, out of the A. T. Miles Survey, A-556, Parcels SY7-056 and QY7-004 - **STAFF APPRAISERS - DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0416 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Rick Sitts, West Belt Surveying, Inc., on behalf of LG Law Limited Partnership, a Texas Limited Partnership [Gables Realty GP, LLC, a Texas Limited Liability Company (Ben Pisklak, Regional Vice President), General Partner], for abandonment and sale of a 10-foot-wide storm sewer easement from Post Oak Place Drive south, ±290 feet to its terminus, located within Unrestricted Reserve "A", Forty-Six Hundred Fifteen Post Oak Place Subdivision, out of the William White Survey, A-836, Parcel SY7-029 - **APPRAISERS DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0417 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Debi Bates-Tribble of Tetra Surveys, on behalf of M. D. Holdings, LLC (Marc Diamond, President), for abandonment and sale of a prescriptive sanitary sewer easement located in Lot 5, Block 12, Weston Subdivision, out of the Obedience Smith Survey, Parcel SY7-071 - **STAFF APPRAISERS - DISTRICT D - EDWARDS** - was presented, moved by Council Member

Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0418 ADOPTED.

9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Barry Hunsworth, Gene Carroll & Assoc., L.P., on behalf of Highland Village Limited Partnership {Village Holding, Inc. (Haidar Barbouti, President), General Partner], for abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61, Parcels SY7-072 and DY7-036 **STAFF APPRAISERS - DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0419 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 11 and 12

11. **AAR, INCORPORATED** for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$81,500.00 and contingencies for a total amount not to exceed \$85,575.00 Dangerous Building Consolidated Fund - **DISTRICTS B - JOHNSON; D - EDWARDS; H - GARCIA and I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0420 ADOPTED.
12. **WAUKESHA-PEARCE INDUSTRIES, INC** for Generator through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Police Department \$193,096.65 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0421 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 21 through 40

21. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the Lawn Street Cul-de-sac right of way and a 10-foot-wide water main easement containing an aggregate of 31,360 square feet of land, more or less, Parcels SY6-079A and SY6-079B, both parcels being out of Lincoln Park Apartments, recorded in Volume 166, Page 92, Harris County Map Records, and situated in the H.&T.C.R.R. Co. Survey, Section 10, Block 1, A-1068; vacating and abandoning said parcels of land to the Houston Housing Authority, the abutting owner, in consideration of owner's payment of \$26,500.00 and other consideration to the City - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0521 ADOPTED.
25. ORDINANCE approving and authorizing first amendment to Lease Agreement between **CA NEW PLAN ASSET PARTNERSHIP IV, L.P.**, a Delaware Limited Partnership, as landlord ("Landlord"), and the City of Houston, Texas, as tenant (the "City"), for approximately 11,900 square feet of net rentable office space at 5198 Aldine Mail Route, Houston, Harris County, Texas 77039, for use by the Department of Health & Human Services WIC Program - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0522 ADOPTED.
27. ORDINANCE awarding contract to **INDUSTRIAL TX CORP.** for Maintenance and Repair of Sludge Dewatering and Drying Equipment Services for the Public Works & Engineering

Department; providing a maximum contract amount - 1 Year with two one-year options \$5,962,915.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0523 ADOPTED.

28. ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Professional Materials Engineering Laboratory Contract between the City of Houston **DAE AND ASSOCIATES, LTD., D/B/A GEOTECH ENGINEERING AND TESTING**, for Miscellaneous Projects with the Houston Airport System (Project No. 615E; WBS A-000138-0014-4-01) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0524 ADOPTED.
29. ORDINANCE appropriating \$1,370,454.00 out of Airports Improvement Fund, WBS A-000486-0008-4-01, \$3,426,134.00 from Federal Aviation Administration Grant Funds, WBS A-000486-0008-4-02; awarding construction contract to **VANDERLANDE INDUSTRIES, INC** for Terminal A Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston (IAH), (Project No. 612G); setting a deadline for Vanderlande Industries, Inc's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City holding Vanderlande Industries, Inc in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of the facilities financed by such fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0525 ADOPTED.
30. ORDINANCE appropriating \$139,782.00 out of Airports Improvement Fund, WBS A-000486-0009-4-01, \$349,454.00 from Federal Aviation Administration Grant Funds, WBS A-000486-0009-4-02; awarding construction contract to **VANDERLANDE INDUSTRIES, INC** for Terminal D Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston (IAH), (Project No. 612H); setting a deadline for Vanderlande Industries, Inc's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding Vanderlande Industries, Inc in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of the facilities financed by such fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0526 ADOPTED.
32. ORDINANCE appropriating \$100,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract for Work Order Contract between the City of Houston and **ARCHI\*TECHNICS/3, INC** for All Departments, WBS D-000115-0004-3; providing a maximum contract amount - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0527 ADOPTED.
33. ORDINANCE appropriating \$608,200.00 out of Drainage Improvements Commercial Paper Series F, Fund No. 4030 as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Design of Drainage Improvement at Grade Separations (approved by Ordinance No. 03-0591), WBS M-000241-0002-3; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F, Fund No. 4030 - **DISTRICTS D - EDWARDS; H - GARCIA and I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0528 ADOPTED.

34. ORDINANCE appropriating \$690,800.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES** for Design of the Reconstruction of Buffalo Speedway from North Braeswood Blvd. to Holcombe Blvd., WBS N-000847-0001-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0529 ADOPTED.
35. ORDINANCE appropriating \$1,739,110.00 out of Water & Sewer System Consolidated Construction Fund as additional funding for an Engineering Services Agreement between the City of Houston and **CORRPRO COMPANIES, INC** for the Corrosion Prevention and Rehabilitation Program for Water and Wastewater Mains, WBS S-000037-0002-3 - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0530 ADOPTED.
36. ORDINANCE appropriating \$385,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MALCOLM PIRNIE, INC** for Design of Rehabilitation of Ground Storage Tanks at Plant 3, Improvements to Chemical Storage and Improvements to plant entrances at East Water Purification Plant, WBS S-000056-0045-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0531 ADOPTED.
37. ORDINANCE appropriating \$333,000.00 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **REPUBLIC ELECTRIC** for LED Retrofit Traffic Signal Upgrades in Downtown, Midtown, Texas Medical Center and 21 various locations, WBS N-000650-0024-4; 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 contingencies and project management relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0532 ADOPTED.
38. ORDINANCE appropriating \$3,800,773.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000266-00G2-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0533 ADOPTED.
40. ORDINANCE No. 2007-489, passed second reading April 25, 2007  
ORDINANCE granting to **CENTERPOINT ENERGY RESOURCES CORPORATION, DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS**, the right, privilege and franchise to construct, install, retire, operate, and maintain its facilities within the public rights-of-way

of the City of Houston, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; containing a repealer; providing for severability and providing an effective date - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0489 ADOPTED THIRD AND FINAL READING IN FULL.

41. **NOTE: Item 41 is presented for the first time and is taggable.**

MOTION to amend Item 41B as follows:

1. By amending Subsection (b) of Section 47-416 in **Section 9** of the proposed Ordinance to read as follows:  
(b) The city official is authorized to issue citations charging the violation of any of the provisions of this article.”
2. By amending Subsection (e) of Section 47-512 in **Section 35** of the proposed Ordinance to read as follows:  
(e) The health officer shall waive compliance with the requirements of subsection (b) of this section if the generator submits to the health officer a completed “Notice of Waiver (NOW)” form as provided by the health officer, which may be in an electronic format, unless the NOW is denied within 30 days of receipt by the health officer. If the health officer denies the notice of waiver of the requirements of subsection (b) of this section, the NOW shall be returned to the generator and the health officer shall state the reasons for the denial, which shall be consistent with this article. An approved NOW shall remain in effect until revoked by the health officer. Revocation of the NOW must be based on violation of this article. A generator may not resubmit a NOW form until six months from the date of revocation. The NOW form shall recite the elements of this subsection (e) and will include the following certifications:
  - (1) The generator section of the form shall require the generator to certify that it has not had any overflow or discharge at the site during the previous 12-month period; and
  - (2) The generator’s transporter section of the form shall require the transporter to certify that, based on the transporter’s judgment, at the generator’s site, the frequency of cleaning is sufficient to:
    - (a) Produce an effluent in consistent compliance with the discharge parameters in this article, or
    - (b) Demonstrate that less than 25% of the wetted height of the entire grease trap or interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases. ” – was presented, moved by Council Member Alvarado, seconded by Council Member Khan. Council Member Wiseman voting no, balance voting aye. Council Members Holm and Berry absent. MOTION 2007-0422 ADOPTED.

41a. WRITTEN Motion by Council Member Wiseman to amend Item 41B below:

I would like to make a motion to Amend Item 15 to read:

AMENDMENT TO ORDINANCE NO. 47-512

1. Purpose and Intent  
Section 47-512 of the City of Houston Code of Ordinances would require generators to change their operations while waiting for the approval of an exemption. Section 47-512 currently does not define the period in which a health officer is required to grant or deny an exemption. It does not outline a method for

a generator or the city to demonstrate the requirements of section 47-512(4)(a) and (b). Section 47-512 subjects generators to the costly and burdensome expenses of unneeded grease trap evacuations and demonstrating the requirements of section 47-512(4)(a) and (b). In the interest of fairness, generators who, in good faith, are meeting the requirements for an exemption should not have to pay for an increased frequency in evacuating their grease traps while waiting for a health officer's approval of their exemption.

2. Amendment

1. The health department shall make available applications for exemption under section 47-512(e) via a website or world wide web-based form.
2. A generator, who has filed an exemption in good faith, as set forth in section 47-512(e), shall be exempted from the requirement of section 47-512(c), unless a health officer denies such exemption based on the criteria set forth in section 47-512(e). In any event, a generator shall evacuate a grease trap or holding tank a least once every 180 days, as forth under section 47-512(f) – **(TAGGED BY COUNCIL MEMBERS KHAN, WISEMAN, ALVARADO, LOVELL and GARCIA)** – was presented. Council Member Berry absent.

Council Member Wiseman moved to table Item No. 41a, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0423 ADOPTED.

41b. ORDINANCE **AMENDING CHAPTERS 47 AND 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to transportation and treatment of certain wastes; establishing a schedule of fees for permits issued in connection therewith; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – **(This was Item 15 on Agenda of April 25, 2007, TAGGED BY COUNCIL MEMBERS KHAN, LOVELL and JOHNSON)** - was presented. Council Member Berry absent.

Council Member Alvarado offered the following written motion to amend Item No. 41b:

"I wish to amend Item 41b, so it will read:

Sec. 47-532. Verification of registration.

It shall be unlawful for any transporter to remove or receive Class B or C waste from any site that has never been issued an original permit or registration to the current generator as provided in division 2 of the article. It is an affirmative defense to prosecution under this section that the waste consists exclusively of portable toilet waste." Council Member Berry absent.

Council Member Alvarado stated that they were keeping the transporters from being liable, if they had not changed it they were forcing them to do the City's work, tagged by Council Members Wiseman and Lawrence. Council Member Berry absent.

Council Member Wiseman stated that she would release her tag on Council Member Alvarado's motion to amend Item No. 41b. Council Member Berry absent.

Council Member Lawrence stated that the reason she was tagging it was because she would like to talk to Legal about responsibilities and what the problems were as far as liability and things like that, she did not think those words should be quickly decided and that was her problem, getting the amendment today and not two days ago and really looking at it, when there were legal decisions to be made she did not want to take them very lightly, that she just wanted

to talk to somebody in Legal about it and what it actually meant, if somebody could explain it to her. Council Member Berry absent.

After discussion by Council Members, Council Member Khan moved to delay Council Member Alvarado's motion to amend Item No. 41b and Item No. 41b to a time later in the agenda, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0424 ADOPTED.

Council Member Wiseman moved to suspend the rules to consider Item Numbers 43 and 22 at this time, and Council Member Green asked if Council Member Wiseman would accept a friendly amendment to also take Item No. 42 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0425 ADOPTED.

43. ORDINANCE relating to Health Benefits for Employees of City Contractors and Responsibility of bidders on certain City contracts – **(This was Item 17 on Agenda of April 25, 2007, TAGGED BY COUNCIL MEMBERS HOLM, JOHNSON, WISEMAN, GARCIA and BROWN)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Berry absent. ORDINANCE 2007-0534 ADOPTED.

Council Member Alvarado stated that this was a issue they had been working on for a some time and she wanted to thank her colleagues for supporting the issue and wanted to recognize the work of Ms. Elena Marks and really big kudos went to Ms. Phyllis Epps who did a phenomenal job and would also give credit to a friend in the State Senate, Senator Eliot Shapleigh who gave her the idea a couple of years ago, that hopefully it would encourage other public entities to do the same thing and thought they could also use it as leverage to encourage the private sector to do it as well. Council Member Berry absent.

22. ORDINANCE appropriating \$465,125.00 out of Tax Increment Fund for Reinvestment One Number Ten, City of Houston, Texas (Lake Houston Zone) for Administrative Expenses and payment of project costs as provided herein - **DISTRICT E – WISEMAN** – was presented. Council Member Berry absent.

Council Member Wiseman stated that she would tag the item because they were being asked to approve the appropriation of almost half a million dollars, the receipts of which they would see later and knew there had been some disagreement between the City and the TIRZ as far as what expenditures were appropriate and what fell inside their project plan and what did not. Council Member Berry absent.

42. ORDINANCE adopting guidelines and criteria, making certain elections regarding eligibility, and **AMENDING ARTICLE IV OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Tax Abatements – **(This was Item 17 on Agenda of April 25, 2007, TAGGED BY COUNCIL MEMBERS GARCIA, HOLM, JOHNSON, CLUTTERBUCK, KHAN, GREEN and WISEMAN)** – was presented. Council Member Berry absent.

Council Member Green stated that yesterday they had some discussion regarding Item No. 42 in the Fiscal Affairs Committee meeting and there was still a few issues that were outstanding so he moved to postpone Item No. 42 for one week, seconded by Council Member Khan. Council Member Berry absent.

Mayor White stated that they supported the delay. Council Member Berry absent.

Council Member Alvarado stated that she supported the delay, and one thing that she had pointed to was an example she saw called a community benefits package that they did in New York and what they had done with major developments, the language they had in some of their packages was that a certain percentage, in this case it was 25%, of the construction contracts would go to companies in the surrounding area, that it would be construction jobs and permanent jobs, that she was not sure what that number was but she would like the administration to work on that so there was an economic benefit to the surrounding community.

A vote was called on Council Member Green's motion to postpone Item No. 42. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0426 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item No. 14 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0427 ADOPTED.

Council Member Wiseman moved to suspend the rules to consider Item No. 44 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0428 ADOPTED.

14. ORDINANCE **AMENDING ARTICLE VI OF CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a new Division 3 relating to concrete crushing sites; establishing a schedule of fees for permits issued in connection therewith – was presented, and tagged by Council Members Wiseman and Holm. Council Member Berry absent.

After discussion by Council Members, Mayor White stated that Item No. 14 had been tagged. Council Member Berry absent.

44. ORDINANCE approving and authorizing an amendment to the City of Houston's Citizen Participation Plan – **(This was Item 30 on Agenda of April 25, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Members Green and Berry absent.

Council Member Wiseman moved to postpone Item No. 44 for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Green and Berry absent. MOTION 2007-0429 ADOPTED.

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

**PROPERTY**

10. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY6-043, located at 7811 Long Point, owned by Banco Popular NA, Texas, for the **LONG POINT AT WIRT INTERSECTION IMPROVEMENTS PROJECT from Pine Chase to Johanna**, N-000674-0001-2-01-10 - **DISTRICT A – LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0430 ADOPTED.

**RESOLUTIONS AND ORDINANCES**

13. RESOLUTION in support of proposed amendment to the “State of Texas Partial Action Plan for Disaster Recovery to use Community Development Block Grant (CDBG) Funding to assist with the recovery of distressed areas related to the consequences of Hurricanes Katrina, Rita and Wilma in the Gulf of Mexico in 2005” – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Berry absent. RESOLUTION 2007-0021 ADOPTED.
15. **ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solid Waste Collection in the City; repealing Ordinance No. 85-842 relating to Solid Waste Sponsorship Agreements; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented, and tagged by Council Member Wiseman. Council Member Berry absent.

Council Member Garcia stated that he was not sure how they came to the number of units that were being proposed but as they heard yesterday from one of the small developers there was some concern on how it would adversely affect some of the small units so he would tag the item and work through the issue to see how they could come to a better threshold as to whether they would draw the line so he would ask the administration if someone could work with him on it, and Mayor White stated that Mr. Cannon and Ms. Bailey and the Controller had visited about his concern and there would be communication. Council Members Khan and Berry absent.

Council Member Holm stated that she just wanted to confirm that what she was reading was that they were establishing criteria, expanding the criteria for the basic collection service to include these specific areas and questioned the 20 units where it came from, and then those specific areas could be entitled to a sponsorship agreement, and Mayor White stated that was correct, and Council Member Holm stated that the only other thing they were doing was that they were reducing the maximum volume of the heavy trash pickup from 40 yards to 8 yards, and Mayor White stated that he believed that was the case, and as people got their questions answered to remember that it was a very difficult issue and there was no one right answer. Council Member Berry absent.

16. ORDINANCE making a general appropriation of certain revenues of the City in support of annual budgets for Fiscal Year 2007; authorizing transfers in support of the annual budgets of the City for Fiscal Year 2007 – was presented, and tagged by Council Members Wiseman and Johnson. Council Member Berry absent.
- 16a. ORDINANCE declaring the intention of the City to Reimburse Dangerous Building Demolition Project Expenditures from future proceeds of Certificates of Obligation, appropriating \$3,500,000 from the General Fund Fund Balance for the purpose of making a cash advance to the Dangerous Building Demolition Fund, appropriating \$3,500,000 from the Dangerous Building Demolition Fund/Dangerous Building Consolidated Fund for the cost of demolition of dangerous buildings – was presented, and tagged by Council Members Wiseman and Johnson. Council Members Clutterbuck and Berry absent.
17. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain Combined Utility System Commercial Paper Notes; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase

of and subscription for certain Escrowed Securities; authorizing Bond Insurance, a Reserve Fund Surety Policy, Escrow Verification and Engagement of an Escrow Agent, a Co-Bond Counsel Agreement, Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency – was presented. Council Members Clutterbuck and Berry absent.

Council Member Lovell stated that she would like an explanation as to how the process took place, that she was not opposed to sharing the bond business it was just a matter of who got picked and how they got picked because she was getting questions on how it happened and she could not explain it. Council Members Clutterbuck, Wiseman and Berry absent.

Council Member Garcia stated that he saw that some of the main primes on Item No. 17 stayed pretty stagnant and wanted to see how they could create a better reciprocation of who participates at what point, that he wanted to have some discussion on how they could make sure that folks were strengthened to participate on the much larger percentage breakdown. Council Members Clutterbuck, Wiseman, Holm and Berry absent.

A vote was called on Item No. 17. All voting aye. Nays none. Council Members Clutterbuck, Wiseman, Holm and Berry absent. ORDINANCE 2007-0535 ADOPTED.

18. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the refunding, final payment, and discharge of the City's obligations under an amended and restated Treated Water Supply Contract to pay debt service requirements on outstanding bonds of the Houston Area Water Corporation; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Bond Insurance, a Reserve Fund Surety Policy, Escrow Verification and Engagement of an Escrow Agent, a Bond Counsel Agreement, Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Wiseman, Holm and Berry absent. ORDINANCE 2007-0536 ADOPTED.
19. ORDINANCE amending a Chart in City of Houston, Texas, Ordinance No. 2007-225 relating to effective dates of the Newsrack Ordinance – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0537 ADOPTED.
20. ORDINANCE determining the population of the City and the population of each of the Council Districts and determining that the existing City Council Districts are not materially unbalanced – was presented. Council Member Wiseman voting no, balance voting aye. Council Members Holm and Berry absent. ORDINANCE 2007-0538 ADOPTED.
- 20a. ORDINANCE establishing the boundaries of single member districts from which District Council Members are elected; containing findings and other provisions related to the foregoing subject; containing a severability provision – was presented. Council Member Wiseman voting no, balance voting aye. Council Members Holm and Berry absent. ORDINANCE 2007-0539 ADOPTED.

23. ORDINANCE approving and authorizing lease agreement (Parking) between the City of Houston, Texas, as landlord (the "City"), and **HOUSTON ASSOCIATION OF REALTORS, INC** ("Tenant") for approximately 3,600 net rentable square feet of parking space located beneath the Edloe Street overpass at the SW Freeway, Houston, Harris County, Texas 77027, for five (5) years at a monthly rental of \$250.00 - **DISTRICT C – CLUTTERBUCK** – was presented. Council Members Wiseman and Berry absent.

Council Member Green stated that he knew they had a Real Estate Department but as far as the negotiations were concerned he wanted to know who handled that aspect of it, was it all done in house or whether they used any firms for the outside on the leases and the other question, because these were probably not the most marketable and probably very specific parcels of land that probably catered to the most contiguous landowner that it may be in house but he would like a briefing from the Real Estate Department on how they handled some of the other market leases, and Mayor White stated that they would do that. Council Members Lawrence, Wiseman and Berry absent.

A vote was called on Item No. 23. All voting aye. Nays none. Council Members Lawrence, Wiseman and Berry absent. ORDINANCE 2007-0540 ADOPTED.

24. ORDINANCE approving and authorizing Lease Agreement between **BRAYS OAKS TOWERS, LTD.**, a Texas Limited Partnership, as landlord ("Landlord"), and the City of Houston, Texas, as tenant (the "City"), for approximately 10,409 square feet of net rentable office space at 10103 Fondren, Suite 100, Houston, Harris County, Texas 77096, for use by the Houston Public Library Department - **DISTRICT C – CLUTTERBUCK** – was presented, and tagged by Council Member Clutterbuck. Council Members Wiseman and Berry absent.
26. ORDINANCE approving and authorizing contract between the City of Houston and **BAYLOR COLLEGE OF MEDICINE** for Professional Staffing Services for the Houston Fire Department Base Station (Telemetry Operations); providing a maximum contract amount - 5 Years \$15,026,464.00 - General Fund – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2007-0541 ADOPTED.
31. ORDINANCE appropriating \$141,138.19 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **PMI SCOTT, LP** for Construction of Sanitary Sewer Lines along Scott Street, WBS R-000802-0049-4 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2007-0542 ADOPTED.
39. ORDINANCE appropriating \$1,735,374.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-00G4-4; 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 out of the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Johnson. Council Members Wiseman and Berry absent.

45. ORDINANCE appropriating \$85,743.39 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **KB HOME LONE STAR, LP** for Construction of Water & Sanitary Sewer Lines to serve Section Six of the Sky View Park Subdivision, WBS S-000802-0048-4 & R-000802-0048-4 **DISTRICT D - EDWARDS – (This was Item 34 on Agenda of April 25, 2007, TAGGED BY COUNCIL MEMBER BROWN)** – was presented. Council Members Lawrence and Wiseman absent.

Council Member Brown stated that he tagged the item last week and he had a really good meeting with KB Homes and they discussed the issue of lack of amenities and the sort of rubber stamp quality of the plan and thought they agreed that there was a problem but the limitation came from the fact that they capped the price of the homes when they made the DPC agreements with developers so based on the sale price of the homes they could not afford to put any amenities in there and they agreed that they would like to have a more diverse development in terms of the way the site plan was done and the product that was offered for sale but the City prevented them from doing that so in effect what they were doing was capping their own tax base inadvertently and creating further concentration of low income housing and thought it was a policy that they needed to reexamine very quickly. Council Members Lawrence and Wiseman absent.

Mayor White stated that they would take a look at it, that he did not think they had an 80% of medium income he thought it was capped at medium house price or \$143,000, that it was his understanding that the \$3,000 storm drainage credit people were only eligible to that if they built at or below the medium house price, which he thought was about \$142,000 or \$143,000 and that the DCP did not have some of those limitations on family income and that neither of them had something that was like the home regulation, 80% of medium family income, so they really needed to get to the bottom of what it was where people were saying that they could not afford to do so and so because of some policy that the City had done and then if they wanted to say they wanted to use public funds to subsidize houses above \$143,000 in the city limits they should think about that and maybe they could get a report from Mr. Icken on that. Council Member Wiseman absent.

Council Member Johnson stated that he thought what happens is that the developers were using the DPC as a crutch to say they could not build above this market because the City of Houston would not allow them to when the actuality was that they could they just would not receive that \$3,000 drainage fee, that he thought they needed to do a better job with their developers and certainly from the encouragement standpoint if they were building more mixed income communities certainly it helped their bottom line and tax base and certainly it helped from a City service standpoint and they were not reshuffling the poverty deck when it came to developing communities because when they were building only low income communities those people who already lived in the community were going to be the only ones who were going to buy into it, that Leeland Woods was a prime example of that, that they needed to continue to push the envelope to ask if they could build a home above that affordable rate and he thought people would then start to look inside the Loop or inside the City to start building. Council Members Wiseman, Garcia and Green absent.

Mayor White stated that he had been listening to what Council Member Johnson and people in the community were saying which was that it was changing a little bit, that it was good that there were people with a mix of income, they put too much on income, on the other hand he did not think they needed to be giving people storm drainage credits for \$200,000 or \$300,000 homes in West Houston so the issue was that it was \$147,000 for the house and a \$3,000 storm drainage credit, many people did not consider that to be an affordable house by the way, that was a stretch for a lot of people so he was just going back and forth because if they were going to be negotiating these things, City Council Member by City Council Member then they were going to have to make sure that they were all on the same wavelength concerning what the facts were so that people did not play with them, and Council

Member Johnson stated that certainly they should not be encouraging those kind of developments and providing a \$3,000 range. Council Members Wiseman, Garcia and Green absent.

Council Member Edwards stated that when developers come to District D they speak to them about all of the issues they were talking about today and she would like to suggest that instead of dealing with them on an ad hoc basis they had a Housing Committee that would like to have these kind of conversations and dialog and maybe in conjunction with Public Works, that the other issue was that she knew builders who could build quality homes with amenities for \$140,000, they exist in Houston so she was not clear when a builder says they could not do that, the same discussion was done when they were talking about visitability in homes and the whole discussion was that they could not afford to do it and Majestic Homes went out and built two demo homes and it cost them \$50 to add visitability to it so she thought there were some things that if they wanted to do them then they needed to set up a plan of action and then maybe set up a pilot program, that one of the things that she got from the district that she represented was that the fear of development in their community was based upon that they did not want to go to bed one night saying that they lived in Sunnyside and wake the next morning saying that they were living now in Midtown light and they did not know how Midtown became Midtown when their cousin lived in Third Ward all their life and now they lived in Midtown and nobody had been able to explain to them who was in charge of that name change and character change, so she appreciated the discussion but thought that at least for the district that she represented it would be helpful was if they put together a process by which they addressed the issues and see how they could make it available and have community input. Council Members Wiseman and Garcia absent.

A vote was called on Item No. 45. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2007-0543 ADOPTED.

Council Member Lawrence stated that she would release her tag on Council Member Alvarado's motion to amend Item No. 41b. Council Members Wiseman and Garcia absent.

Council Member Alvarado had previously offered the following written motion to amend Item No. 41b:

"I wish to amend Item 41b, so it will read:  
Sec. 47-532. Verification of registration.

It shall be unlawful for any transporter to remove or receive Class B or C waste from any site that has never been issued an original permit or registration to the current generator as provided in division 2 of the article. It is an affirmative defense to prosecution under this section that the waste consists exclusively of portable toilet waste." Council Members Wiseman and Garcia absent.

A vote was called on Council Member Alvarado's motion to amend Item No. 41b. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-0431 ADOPTED.

41b. ORDINANCE **AMENDING CHAPTERS 47 AND 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to transportation and treatment of certain wastes; establishing a schedule of fees for permits issued in connection therewith; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – **(This was Item 15 on Agenda of April 25, 2007, TAGGED BY COUNCIL MEMBERS KHAN, LOVELL and JOHNSON)** - was again before City Council. Council Members Wiseman and Garcia absent.

A vote was called on Item No. 41b as amended. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-544 ADOPTED.

Council Member Garcia stated that on the grease ordinance and the telemetry ordinance he wanted to make sure that they continue to talk about the enforcement aspect of it, that he was in disagreement with the opinion of the Legal Department that there was no black market for the grease thefts and he thought that the dollar amounts set for the fee should and could have been raised much higher, that he was disappointed that it was not given stronger consideration, that he wanted to encourage that it be further reviewed, and Mayor White stated that maybe it was something that they could have some of the vendors that had been victimized at his committee and then they could figure out if there was something they could do about it. Council Members Wiseman, Khan, Brown and Berry absent.

Council Member Alvarado stated that she thought the issue that Council Member Garcia raised did warrant some further discussion and hoped they could dedicate some time to that, that she wanted to thank her colleagues for their support on the ordinance and thank Jeff Taylor, Ciel Price and Bob Hunt and also wanted to recognize the cooperation of the Houston Restaurant Association. Council Members Wiseman, Khan, Brown and Berry absent.

Council Member Lovell stated that she hoped that the discussions they had and the promises that were made were kept, that the whole system was unregulated and there was a lot of fraud going on and it was unfair to the businesses, who paid to get their licenses and fees and follow the rules, to gave a group of renegade people out there who did not do so, that she voted for it because she was promised that they would move forward on some regulation. Council Members Wiseman, Khan and Berry absent.

Mayor White stated that they would have some things next week on the agenda on this issue. Council Members Wiseman, Khan and Berry absent.

Council Member Lawrence stated that regulating the commissary needed to be looked at very seriously, that two years ago they went to Austin, under oath made some promises, and then did not keep one of them, they came up with a solution to put some electronic device, well Channel 2 drove to the commissary in an automobile and said they had just gotten their mobile vendor outside cleaned out and asked that they stamp their permit and they did, that to her the first promise that the Health Department made was that they would go by on their way to checking restaurants out and go click at a mobile vendor, that now to think they were going to go to the commissaries and electronically see who went through the gate, well they could go through that gate and play pool and ask that they stamp the medallion and they do that, so the letter that was included did not address the problem and she thought the frustration that they had was that it was still a joke what the City was doing and their Health Department refused to look at it, when they get a good idea they then change their mind, the original idea of having the software to go by and be able to click and point, as they did the water meters was a good idea, they were not regulating the commissaries, she heard for over 8 months and wanted to bring it to committee about regulation of commissaries, it was not even in any kind of draft form in Legal, they kept saying they were doing an ordinance, well they were about to spend a tremendous amount of money that would do nothing as far as the software, that it was ridiculous to spend money on the electronic device at the commissary. Council Members Wiseman, Khan and Green absent.

Mayor White stated that they heard what the Council Members had said and please help him think about it where they give, in his experience, in other areas Director Williams and some of his team a game plan like childhood inoculation, they came up 20%, but they had this and Animal Control and then they had their budgets and they had to help him figure out, they wanted to do what they said they were going to do so help them get there, and anybody at the Health Department watching this meeting, and Michael Moore had heard the comments, and he knew they had not done as much as they should do and as quickly as they should and they needed to get to the core root cause of that, that following the comments they would look at the budget for FY08 and they were all going to have

to help him look at that budget to make sure they got better results than they had gotten the last time. Council Members Wiseman, Khan and Green absent.

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

Council Member Lovell stated that to follow up on the mobile vendors she did not think they needed a whole lot of expensive software, to her it was pretty simple, if they had 10,000 mobile vendors and they were supposed to go to the commissary daily then there ought to be somebody standing there counting the number of mobile vendors that came through gate, that there ought to be a long line at the commissary everyday and if not then common sense would just tell them they were not coming. Council Members Lawrence, Wiseman, Khan, Holm, Garcia and Green absent.

Council Member Lovell stated that this Sunday would be the first Annual Lemonade Stand to teach youth about how to run a business, that to the person whose idea it was she would like to give recognition, that Alex was a four year old Cancer patient who came up with a simple idea, she was going to have a lemonade stand to raise money to help her doctors find a cure for kid's Cancer because she had Cancer, that she put the idea into action with her older brother Patrick and they set up the first Alex Lemonade Stand for Childhood Cancer on their front lawn of July 2000, for the next four years despite her deteriorating health she held annual lemonade fundraising events and because of her inspiration and example there were now thousands of these lemonade stands across the United States, that on August 1, 2004 Alex died at the age of 8 years old but her legacy was that she had left an idea that has raised millions of dollars for Childhood Cancer research in her short lifetime. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that as to the tax abatements, that at one time she had worked for the State Comptroller in the Economic Development Division and she learned that people moved to Texas not because of tax abatements but because they had one of the largest workforces in the United States of American and they were talking about creating housing, development and zones and how do they create new neighborhoods, that doing tax abatements in a vacuum was not going to really bring business to the City, what was going to bring businesses to the City was that they had to go to those businesses and tell them how they could bring to them an educated workforce in the neighborhood or areas where they wanted to move to, that it was something that they needed to actively participate in and be a part of as people moved to the City along with helping them with affordable housing, that on a daily business in the City there were homes being torn down that were perfectly good homes that people could move into the only problem was that they happened to be somewhere in a neighborhood where a developer had decided they wanted to build or someone had bought the house and they wanted to build a brand new home, those could really be truly affordable homes of which they could recycle in to the LARA property or neighborhoods that were being developed, that the cost of moving them was not that great, that they could make available to people, through some programs, things that they might need, that it was something that she would like to look it and allow people to move into homes that were under \$100,000 and truly affordable and they could put their sweat into the house. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that early voted started April 30, 2007 and they were encouraging people to vote in the Special Election on May 12, 2007; and she wanted to dispel some rumors, she was not running for any Congressional seat. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had some questions about Houston Hope, that she thought they did a good job of selling it and now people were wanting to know, especially in the District D area, about moving into the Sunnyside area, that she was not real clear on how that was

going and if they were ready to do that and was not getting a clear path on what they needed to do, and Mayor White stated that he would, that they needed to go through the neighborhood deal, it was a low to moderate and moderate did not always mean 80%, that all of the house designs had to be approved by the City if they took a LARA lot, so they needed to get those changes made quick, but he would ask Mr. Butler to confirm with her on that. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to impress upon on her colleagues the importance of Agenda Item No. 14, the Concrete Crushing Ordinance, that she thought it was something that they had to see to understand the dynamics of what was going on in those communities, that Sunnyside was there before the Concrete Crushing Plants were, that most people who lived in that area could not find another home to move to and she did not know why they should be expected to. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that out of the Flooding and Drainage Committee meetings they had a number of meetings where communities were very concerned about being placed in the new mapping of the flood plain maps, that they were concerned about communities that had not had flooding issues before and were now finding themselves in the flood map, that it was the position of the Flooding and Drainage Committee to have a meeting where they could have the people who were responsible for drawing and dissemination and authorization of the new maps to come and tell people what the process was and how they could appeal if necessary, that they had been unsuccessful in even getting a return call from the FEMA offices to call their office to see if they could get a meeting or have a representative from the FEMA office or the person or group who was responsible for the drawing of the maps, the community was concerned that Public Works or Harris County Flood Control drew the maps, that they were not the ones and they had people from Harris County at meetings and they were still not the ones that they needed to talk to, that they had the responsibility to come and address the questions and concerns of people who paid their checks, she did not think that FEMA got grants from Mars or Venus, they got paid by taxpayers, if she understood the process correctly and if they were not the ones somebody needed to tell her who did the authorization and mapping. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Mayor White stated that this was something for Public Works and Ms. Travis and they needed to call members of their Congressional delegation. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that on Wednesday, May 9, 2007 they would have a townhall meeting for Gus Wortham Park at the Magnolia Multi Service Center at 6:00 p.m. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to give a nice sendoff to Mr. Previn Jones who worked in her office from the very beginning and before that worked for Carroll Robinson and was now working for Council Member Johnson, that Mr. Damon Mattox would be joining her staff and had worked on the Flooding and Drainage Committee with Council Member Edwards. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to congratulate State Senator Mario Gallegos who would be Governor for the Day on Saturday and was proud of him for making a trip, against doctor's wishes, to Austin to defend cities rights across the State on some environmental

enforcement. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to wish Happy Birthday to Mr. Jose Soto and Mr. James Rodriguez, her former Chief of Staff. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that he received a letter from Ms. Barbara Rungy, who for over four weeks had been trying to get heavy trash removed from a house located at 4540 Walker, that she spoke with Ms. Peavy who did an outstanding job of resolving the issue, that she contacted the supervisor and got the trash picked and followed up afterwards and made sure that everybody who had done a good job knew that they had and that the constituent was taken care of, that he wanted to thank Ms. Jackie Peavy and Ms. Gloira Bingham for the good job they did; that he got a letter that touched his heart, that thanks to Ms. Colleen Bush, Call Taker No. 53 and Captain Billy and his crew, Joey, Otis and Randy of Fire Station No. 21, Engine No. 21, he was still alive at 92 years old after a gas leak scare, that on March 17 his hot water heater was leaking water and he smelled gas and called 3-1-1, the operator, connected him with Ms. Bush and she sent someone in authority to check it out and four firefighters led by Captain Billy came and pulled the gas dryer out and turned off the gas thus eliminating the possibility of an explosion, thanks to them he got a good night's sleep, Ms. Dorothy E. Justman, 92 years old, that they did a research and Captain Billy Fly, Engineer Operator Joey Gothney, Firefighters Randy Serat and Otis Todd, Jr. did a job well done. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that he had put together an outline of what a traditional neighborhood development was in terms of its characteristics and what some of the basic standards should be and hoped they could use it as a basis for moving forward with setting some more effective standards for projects where he was assisting developers and trying to create incentives for developers to build within the City of Houston rather than outside the Houston. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that as to the KB project he wanted to add that the Division President of KB Homes was the Chairman of the Sugarland Planning Department and they discussed why all the great development was happening in Sugarland and not in the City, so he looked forward to trying to bring that answer back to the administration and his colleagues on the City Council. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that he attended a very interesting presentation by Houston Galveston Area Council on their Regional Transportation Plan for 2035, that they had until July 2, 2007 to make input on the content of the Regional Transportation Plan 2035 and Houston Area Galveston Council was considering two scenarios, one was a more sprawl scenario where he felt the City loses out because most of the new development and jobs were happening outside the city limits, or a more visionary plan which saw a more public transit oriented urban efficient and orderly city and region, that he asked what kind of input they were making to the decision making and the answer was that they had not made any input and he thought it would be very important for the City of Houston to give the Houston Galveston Area Council a policy statement about what they would like to see the outcomes be in the 2035 plan as far as the City of Houston's position in the expanding region, that he was told that their only input was to attend meetings, if they wanted to be a player they had to send a message to HGAC about their expectations on how the City was going to be characterized in the 2035 plan, and his question was how were they going to play a much more visible role in the process.

Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White asked how do they avoid getting it where it was not something like they wanted to build livable communities, they wanted there to be less traffic congestion, they wanted to promote choices between neighborhoods where people could live that had different characteristics, they wanted to do things cost efficiently, they wanted transportation alternatives including mass transit and things that everybody agreed with that did not need to be said, in other words give him an example of the type of input they wanted in the process, and Council Member Brown stated that if they looked at the two scenarios they were considering the second scenario was much more favorable to the City of Houston and in that one they saw very specific issues and goals related to how extensively their rail transit system and commuter rail was expanded, where investment dollars for toll roads and highway construction went, the whole issue of super streets, there were a lot of specifics that they could weigh in on, and Mayor White stated that he thought it was important that they have input, if there were some particular statements that they needed to make that would shape the sense of direction then he thought that he would like Ms. Carol Lewis and copy to Council Members who were participating in the process, how they could have the maximum impact on that, that he had asked the question before from other people and it had come up with some generalities that were, according to those people who put together the plan, non value added because they were simply understood and they were trying to come up with some things that would promote growth, opportunity, freedom and subsidized less infrastructure that was not as cost effective, that encouraged a dense infrastructure, although from time to time there were Council Members who did oppose dense infrastructure if it was near a neighborhood, that he would ask Ms. Lewis and maybe she could circulate to Council Member Brown and others who were interested, her recommendations and they could comment on that. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that last Thursday she attended Parker Elementary School and honored their choir with a proclamation, that it was the first elementary school choir in the history of the United States to receive National recognition in Washington, D.C., that she asked if the choir was going to perform and in a matter of minutes they through together a presentation that was outstanding, and one of the songs required the accompaniment of a saxophone player and a fifth grader, Mr. John Guttman, did an amazing saxophone accompaniment with the outstanding song that the choir put together. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that the Linkwood neighborhood, after fifty years of private garbage service, would be starting on July 1, 2007 to have the City of Houston Solid Waste Department pick up their trash, they had previously been one of the sponsorship neighborhood and had decided to take advantage of their taxpayer funded services, that she wanted to thank the Solid Waste Department for paying special attention to the senior citizens who lived in the neighborhood and educating them on how to call requests for the drivers to leave the trucks and move the cans from the property if they were unable to move the cans themselves, that was a service that was available to all of the senior citizens in the City of Houston. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that on Sunday, April 29, 2007 she attended the Goldberg Bnai Birth Towers Open House to celebrate a new beginning in their complexes, they had a massive renovation done, over 300 mid rise affordable housing units on their property and were able to use the support of a Community Development Block Grant administered through the City of Houston and their Community Development Program, that they completed their project early and returned over \$100,000 from the project back to the City of Houston for use in other low income housing projects,

that she wanted to thank Seth Rickland who was the administrator and manager of the property. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:40 p.m. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary