

City Council Chamber, City Hall, Wednesday, July 3, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, July 3, 2007, 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, Melissa Noriega and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Jo Wigington, Senior Assistant City Attorney, Division Chief, Legal Department; Ms. Claudia Vasquez, Director, Citizens Assistance; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Ronald C. Green out of the city on personal business.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:14 a.m. Mayor White called the meeting to order and called on Council Member Lawrence for the prayer and pledge and Council Member Lawrence invited Mr. Robert Quarles, a member of her staff, to read a poem titled "Red, White and Blue" and Council Member Lawrence led all in prayer and the pledge of allegiance. Council Members Wiseman, Lovell, Green and Berry absent.

At 9:16 a.m. Mayor White requested the City Secretary to call the roll. Council Member Green out of the city on personal business. Council Members Wiseman and Berry absent.

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

Council Member Johnson requested a point of personal privilege and introduced Mr. Andres Duany, and stated that he was a great urban planner; that there was no other time that he would appreciate that he had an MDI site in his community more than now because of the fact that Mr. Duany was going to redevelop, replat and replan that particular piece of land, and invited Mr. Duany to the podium.

Mr. Duany stated that he had the opportunity to work in many American cities and cities in many other places and realized that there were many ways to go about creating communities; that in all his 25 years of practice he had seldom had a more interesting time than in Houston, that it was indeed the most different place he had ever worked within the United States, that all the other cities were more like each other and Houston really was unique; that he had the opportunity not only to engage technically with their staff, developers and architects locally, but had to philosophize and to actually ask himself what was he encountering here and how was it better or worse than other places; that it had been a fascinating experience; that he was continually discussing what he found in Houston; that it was very much in the air, that self assessment, how was Houston doing, that as a result of a rather important report presented by Joel Kotkin, who was a theoretical planner; that the Kotkin report began by saying "Houston was a place that is very often denigrated by other cities because of it's planning"; that people did in fact think that Houston was in the wrong track and uniquely so and Mr. Kotkin went on to report that "it is indeed different but it was working very very well"; that here he was, at the same time that he was working on three projects for Mr. Frank Liu, which engaged him technically with their staff and City, in other words he was not like Joel Kotkin, he was not doing theory, he was doing it for real, there was a market that they had to adhere to and he understood the builders of Houston, the codes and the standards, but because of Mr. Kotkin's report of just a few months ago everybody wanted to talk about it and that was one of the reasons he believed he was at Council, that he thought that there were people who would like to understand what he thought of that assessment and what his own assessment of Houston was; that it was a City that was one

of the most pleasant that he had ever encountered to work in, there was something about the people in Houston that just clicked, it worked, they got along and it was a very pleasant bunch of people to be among and it was particularly remarkable that actually their technical people, who were usually a very grumpy bunch of people, were also very nice, the utilities people, code people, civil engineers and the Fire Marshal, those were grumpy people in other places because they just tell people what to do and they had no finesse in presenting their standards, so there was indeed something magically nice about Houston and if they looked at the statistics there was something undeniably successful about Houston; that what was it that worried him about Houston, that nothing about the present particularly worried him, he was however worried about the future of Houston; that this City was known for not planning, for not zoning, and it seemed to have done very well in this regard, for example, it was undeniable that developers did not waste any of their funds getting permits, the way they do in California or any other place, so the housing could be less expensive, that they also opened up the ground at a very good clip, so the land value was not artificially raised, as for example in California or Florida or New England, in which actually the land value really puts a burden on people, that people in America now had to work very hard and apply a enormous percentage of their income towards housing, and in some ways he thought it was cruel to do that, and a lot of it was artificial because of the terrible permitting processes; that there was virtually none in Houston, they could look forward to finishing their project and literally breaking ground in three months; that was mere miraculous, for that it was wonderful, however he also noticed that in their belief that there were no standards, in fact they did have standards, but the standards were being set not by them, but by others, there was no such thing as no standards, it was just that they fell back on standards written surreptitiously by others, for example the Fire Marshal was writing all sorts of standards that in fact had not been decided by the City Council, they were making the City look a certain way, and simply because he had bought a certain truck, their utilities were very land hungry, they had huge easements, larger than any he had ever seen in any other City and they were setting standards to, that he asked what was the sidewalk in Houston, and ADA sets a certain minimum and those were their standards, no one had proactively set it. Council Members Wiseman, Clutterbuck and Berry absent.

Mayor White stated that one thing that he appreciated about Mr. Duany's comments, which could be reduced to writing, if he thought they were important, so that they could retain them was that he was dealing with specifics and they could change in Houston, that sometimes they got tired, that people who pontificated about less planning or more planning when they ask them specifics then there was air, that he knew Mr. Duany was dealing with specifics and that was what he appreciated about his comments. Council Members Alvarado and Berry absent.

Council Member Holm stated that she appreciated that Mr. Duany recognized, as all of them did, the uniqueness and how different their City was, but he was willing to help address it and embrace it as opposed to having them fit in into someone else's plan. Council Member Berry absent.

Mayor White stated that as he said to Mr. Duany and the principle who had the good foresight to bring him here with his whole team, if there were any obstacles he had given him two contacts and if one did not work to call him, and Mr. Duany stated that he hoped to do a wonderful project that would influence perhaps the standards. Council Member Berry absent.

At 9:32 a.m. the City Secretary began calling the public speakers. Council Members Holm and Berry absent.

Mr. Frank Sherwood, 9303 Hammerly, Houston, Texas 77080 (713-827-7782) appeared and stated that overall he would say they did a good job with the city pension, but they forgot one segment of people and that was those who started young, they would have years of service

and would not be able to draw retirement for five years and he was asking they correct the situation and if not allowing them to draw it at least allow them when they max out under Plan A to go into the Deferred Program. Council Members Holm and Berry absent.

Mayor White stated that he was talking about the plan for new employees; and Mr. Sherwood stated that he was referring to the pension plan for old employees, the one in place before he came in and corrected errors in the pension, back 4 or 5 years ago with the rule 75 at age 50, some personnel already had 22 years but not the age and now they would just have to wait; and Mayor White asked Mr. Hall to do an illustration; that not where people were right next to the rule, but on a phased in period, he was correct if someone said they worked here 43 years ago and did not want to work anywhere else then they wanted to say to them their service was valuable and would prefer to create an incentive for them to work longer because work was valuable and they had pushed back the rule by a couple of years and a person would not have to wait until 70 if they worked here 25 years and were 43; and Mr. Hall stated that he indicated correctly 3 years ago they did change the combination requirement from 70 to 75 but they phased in the people who were within 2 years of that, they were bridged so they would not be negatively impacted and in effect one had to work 2-1/2 more years now than before if they were not within that 2 years then; and Mayor White stated that as an illustration if someone started work with the city at age 20 and worked for 25 years and now were 45 then they would need to work another 2-1/2 years to age 47-1/2 and the philosophy behind it was to give people a fair replacement, not 100%, of the earnings they left with and to provide incentives for work and retention and having something which provided an incentive for early retirement it was not good; that it was no intention to treat employees with disrespect. Council Members Lovell and Berry absent.

Ms. Beverly Lawson, 15007 Chaseridge, Missouri City, Texas 77489 (281-634-2493) appeared and stated that she lived in the Chasewood Subdivision and for the last 4 years her family had been terrorized by Pit Bulls running at large including her property, she had contacted Animal Control in the last 4 years 5 times and each phone call was prompted by attempted attacks without provocation; that the laws appeared to be addressing the aftermath, death or serious body injuries; that Animal Control responded the next day, to much later and what assurance of safety did victims who were terrorized receive, one ordinance said Animal Control could seize loose dogs when found, why not when reported by citizens; that safety of citizens should take precedence of all issues; that Pit Bulls were dogs with a known propensity to attack without provocation and she was requesting Council implement title vicious dog regulations, higher penalties and fines for offending dog owners and more enforcement power. Council Members Lovell and Berry absent.

Council Member Edwards stated that the issue of Pit Bulls was debated and there was a legal or Constitutional reason they could not name a breed of dog to be prohibited and she did think that should be looked at again and encouraged Ms. Lawson to work with their office; and Ms. Lawson stated that she had a detailed report she would like to leave. Council Members Holm and Berry absent.

Council Member Clutterbuck stated that this was a problem and not with the lack of ordinances, but lack of enforcement of them and two weeks ago she and Council Members Alvarado and Berry offered amendments to authorized BARC to hire more people for more sweeps and they hoped it would work. Council Members Holm, Garcia and Lovell absent.

Council Member Lawrence stated that a court case in Colorado was what prevented them from being breed specific legally; and if she got a chance she should go by the nearest storefront and see whose beat she was in, there was an officer assigned to her home and he

would probably give his number, many times they would come out and call BARC. Council Member Garcia absent.

Council Member Berry stated that she had mentioned slow response; and upon questions, Ms. Lawson stated that one call she placed on Saturday and a month later got the response, she told them a Pit Bull was on her property and when she was going in he pushed his head through her burglar bar; and Council Member Berry stated that was unacceptable and they had a new director who had the department headed in the right direction; and Ms. Lawson stated on the most recent call they came out the next day, the neighbor had 4 Pit Bulls and the one behind her had 2 of them. Council Member Khan absent.

Council Member Edwards stated that a staff member would be coming to get information from her and she felt they were at a point now in the South Park, Sunnyside and Missouri City areas where Pit Bulls were almost epidemic and a status symbol; that many just ran with free reign of the community and something had to be done; and Mayor White stated for those taking notes, including Ms. Stein, he thought Director Williams ought to be very diligent and get temporary people out, or people with experience in animal control, and in consultation with the City Legal Department there ought to be in common law and in management both standards of reasonableness and risk assessment, and it did not mean the ordinance was breed specific, but if someone was charged with snake control it would be good to know what kind of snakes were poisonous and which were not in order to know how to prioritize the call and that was not picking on a particular breed, but making sure time and resources were managed effectively. Council Member Khan absent.

Ms. Janeka Hector, 2600 South Loop West #270, Houston, Texas 77054 (713-863-9002) appeared and stated that she was a housing counselor with ACORN Housing Houston, a non profit organization, and she was present trying to get their name out; that their parent organization was ACORN which was a political activist, neighborhood rights organization; that they helped first time home buyers purchase their home at market rate and they had lending partners which helped them finance and they had home buyer education classes. Council Members Alvarado, Lovell and Berry absent.

Mayor White stated that he was familiar with their work and they were an incredible advocate for the people. Council Members Khan, Alvarado, Lovell and Berry absent.

Council Member Johnson stated that he was familiar with their work and thanked them for what they did and putting their money where their mouth was, they were creating a housing community, building a sustainable neighborhood. Council Members Lawrence, Alvarado, Lovell and Berry absent.

Upon questions by Council Member Brown, Ms. Hector stated that there was an issue of foreclosures and one way to help was to help them manage money better and they had counseling and also helped show how to straighten out their credit and the Chicago office did negotiating for the clients. Council Members Lawrence, Garcia and Alvarado absent.

Council Member Edwards stated about 4 months ago she participated in a press conference with ACORN regarding their call for a moratorium on foreclosures in Texas; and upon questions, Ms. Hector stated that she did not know that status but could get the information for her. Council Members Lawrence, Garcia and Alvarado absent.

Ms. Helen Francis-Mac, 12307 Wrenthorpe, Houston, Texas 77031 (713-776-1746) appeared and stated that she was present asking for the city to pay and get electricity restored to 12522 Milbanks, it was severed by a city employee June 27th, she reported June 18th a

sewer problem with 311 and the city came out and said the city was responsible, June 20th and 21st workers came but did not come back June 22nd as stated and someone was to call her but did not until June 29th; that June 27th the city went back to the location in an attempt to repair the sewer problem but severed all electricity and she did not have money to pay to get it restored; that she paid Center Point \$230 for a 30 day bypass and if it was past that 30 days she would have to sign another \$230 contract and urged they restore the electricity. Council Members Lawrence, Garcia and Alvarado absent.

Mayor White stated that he wanted Ms. Vasquez to report to him and Mr. Fontaine regarding the employee who waited 7 days to get back with her and to Mr. Norman it seemed there should be 2 responses, if they were doing a sewer line and cut the electric they work within the same pace as they did a line break or say as a matter of city policy they would let people fend for themselves and they better talk to him first, but they did a good job on line breaks and if a crew cut the electrical line then what was the response time and who by name was responsible for administering that response on the electrical line break with water/sewer repair; and asked that Mr. Norman and Mr. Fontaine make sure the problem was fixed, but also wanted the two additional reports so he could make sure it did not happen again. Council Members Lawrence, Alvarado and Brown absent.

Council Member Clutterbuck stated that her problem was being resolved but she did think they needed to look at the process so it would not happen to others; that Mr. Norman was present and Barbara, from her office, would speak with her, but she understood it was a claim in Legal and she should not have to wait; and Mayor White stated that to be clear this would be fixed and it seemed there should be a template so things could be checked off and every city process should have a goal of a deadline. Council Members Lawrence and Alvarado absent.

Ms. Christiana Johnson, 7205 Chasewood Drive, Missouri City, Texas 77489 (281-437-1968) appeared and stated that she moved to her present location in March and 2 weeks later began being harassed, her tires were slashed, window broken, etc., she called HPD and was told officers were on the property and she tried to report all incidents to the officer; that once he called her and asked what the noise was and she said it sounded like gun fire and she had called 911 and he immediately said not to worry it was 2 cars shooting at each other and she asked why did he call to find out what it was if he knew; that she went to the Beechnut office in April and got a police report of incidents and she saw a neighbor who acted as though she did not see her, but now she was scared and being followed and they had her phone numbers and she was on Section 8 housing and they would not let her out of her lease. Council Members Lawrence, Clutterbuck, Wiseman and Alvarado absent.

Upon questions by Council Member Edwards, Ms. Johnson stated that she needed to move and was on Section 8 housing; and Council Member Edwards stated that someone from her office would come and speak with her and then they could speak with Mr. Etuk and see if they could get her in a more stable environment. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Alvarado and Berry absent. (NO QUORUM PRESENT)

Ms. Doris Wright, 3835 Beaver Drive, Houston, Texas 77029 (713-672-8210) appeared and stated that she lived in Groveland Terrace and she wanted to thank Council Member Johnson and his staff and Mr. Arturo Michel for attendance and input regarding the Texas Truck Sales Company; that they appeared in September 2006 but because of deed restrictions were not able to keep them from extending their business into their community and since they updated their deed restrictions, but the company had expanded beyond the first 4 lots to an additional 4 lots; that their fence was unsightly and against deed restrictions and wanted the city to support them in ridding the neighbor of the trucks and nuisance they caused. Council

Members Lawrence, Edwards, Wiseman, Khan, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Council Member Johnson did an excellent job bringing the issue to their attention so they could get on it and following the meeting of last night he would be getting a report from Legal and HPD was notified as well. Council Members Lawrence, Edwards, Wiseman, Khan, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson thanked Mayor White for his leadership and the community for being diligent in their efforts; that they saw a problem and went to it; that deed restrictions were the only defense for neighborhoods and the trucking owner said he was doing the neighborhood a favor because of the abandoned and weeded lots, but now there would never be growth in the neighborhood and it was the city's responsibility to do what was best for the citizens in protecting their quality of life and property values and he asked all be done to do that. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mayor White stated to Mr. Norman that he wanted the design standard for the low bearing characteristics of the adjacent streets sent to him Council Member Johnson and the City Attorney, it would cost a lot more if they had to build all streets for 18 wheelers and they would be taking a strict attitude. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that this was a real problem and blight on neighborhoods; that he was working with Council Member Lawrence on a pending ordinance regarding parking vehicles in yards and what they left out they discovered was parking in vacant lots and would be including that also; and the Mayor brought up a good point that the streets were not designed for those trucks and that was another reason for control in residential neighborhoods. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Lillian Humphrey, 4003 Amoor, Houston, Texas 77029 (713-673-1747) appeared and stated that she was also present regarding the Groveland Terrace Community; that a few years ago Tejano Center built several new homes in the area and they welcomed them, however, last year they were invaded by the Texas Truck Sales Company with total disregard of wishes of the community; that they block traffic, emit diesel pollution, noise and excessive weight on streets and now have expanded their business so their junkyard type fences were sandwiched between homes and facing other homes, it was an unwelcome eyesore and also devalued their property; and urged Council's help. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he talked with the Tejano Center who built out there and owned land out there and they were the ones selling land to the trucking company, so they wanted them to understand that their land and housing they were building did not coincide with that, the houses needed to have value and they said they would stop and at this point look to make sure they were not devaluating the area. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Council Member Johnson stated that the Tejano Center sold land to the trucking company but also had more land to sell. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Paul Lee, 6007 Y Street, Katy, Texas 77493 (281-391-7173) appeared and stated that he did not have a blanket complaint of police, but June 2006 he was stopped for speeding and in February 2007 at the trial Officer Matthew L. Davis testified twice that he alone got him on the radar laser and ran into the street, flagged him over and then wrote the ticket and it was all a lie except for him writing the ticket; that the significance of this was if he testified for another officer it was hearsay and inadmissible; that the officer also wrote him a ticket for his window tint and he proved in court he did not need it but was still found guilty; that later an officer stopped him and said he was not going the suggested speed of 35 mph and he said the speed limit there was 60 mph and then the officer changed and said he was following too closely but he was not and again the officer was Matthew L. Davis and at trial the officer said he was 4 feet behind him and of course he was found guilty; that since then he found the officer wrote 30 tickets on the first incident spaced about 3 minutes apart. Council Members Johnson, Wiseman, Garcia, Alvarado and Lovell absent.

Upon questions by Council Member Lawrence, Mr. Lee stated that people told him it was just a traffic ticket, but it was perjury; that according to the Houston Chronicle Officer Davis earned \$162,000 in the last 2 years in overtime alone and to him it was a major incentive to keep writing tickets and since he did not have to prove them in court it was a good lifestyle and he wanted to know where that left people who did nothing wrong and were trying to get a fair trial. Council Members Johnson, Wiseman, Garcia, Alvarado, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mayor White stated that he had a note on the status of this which was he had filed a complaint with HPD Internal Affairs and he was not judging credibility of witnesses, if it was in court it was the judge's responsibility, but would take the opportunity to say the city employed people and absent clear evidence he backed them, but he and Chief Hurtt believed the quality of honesty was critical for officers and he was familiar with some cases where arbitrators, in cases of disciplinary actions, found it was upheld findings of some conduct which did not appear to be honest to him, but they did not enforce a disciplinary action and that was not responsive to his case, but he wanted to say they did back up their officers until proven guilty and if there were cases where officers had not engaged in good faith and honest conduct then that did reflect poorly on the vast majority of hardworking men and women who wore the uniform; and thanked Mr. Lee for bringing it to Council's attention. Council Members Wiseman, Alvarado and Lovell absent.

Mr. Randall Kallinen, 1406 Castle Court, Houston, Texas 77006 (713-320-3785) appeared and stated that he was president of the American Rights Association, a civil liberties and civil rights group based primarily for people of Houston; that at the beginning of the meeting a Navy veteran spoke and he cherished the right to speak out and today Ashley Turner and Benjamin Browning were present with him and arrested June 4th at Corrections Corporation of America ICE, Immigrations Custom Enforcement, facility and it was a peaceful protest where they chained themselves to a fence, yet HPD got them; that in Huddle, Texas a federal judge stated that Corrections Corporation of America facility there more than likely violated children's rights and that was what they were protesting and then they were slapped with a felony; that HPD worked off duty at Corrections Corporation of America and today was present as he wanted the city to investigate the corporation's private company and find out why the two protestors who were trying to help children were cited with a felony; and yesterday the Grand Jury dismissed the felony charges. Council Members Wiseman, Alvarado and Berry absent.

Council Member Khan stated that one of the greatest things about America was the right to free speech, right to protest and right to disagree and he was glad he mentioned the Grand Jury refused to indict the two young heroes who were exercising their rights; and it was officer's duty to protect citizen's rights and he appreciated them exercising their rights to protest whether

they agreed or disagreed and all should take lessons from them; that the speaker before him had stories of HPD also and he did not know the facts, but they saw time and again, there were enough complaints about behavior of some of the law enforcement officers to where it should raise concerns in their minds to where there may be potential problems which needed to be addressed; and thanked them for appearing. Council Members Wiseman, Alvarado and Berry absent.

Council Member Garcia thanked Mr. Kallinen and the two with him for appearing before Council and he appreciated their peaceful protest, but the way the process worked was when an officer made an arrest he did not dictate the charge he only presented the evidence to the District Attorney's office and they decided the charge so he would say there was a specific issue toward the officer but toward the felony charge that was a discussion for the Commissioner's Court or judge's group. Council Members Wiseman, Alvarado and Berry absent.

Upon questions by Council Member Edwards, Mr. Kallinen stated that Ms. Turner was 19 and Mr. Browning was 25 today; and Council Member Edwards stated that Dr. King said any time was the right time to do the right thing and damn the consequences and if it was the right thing they needed to keep doing it and she appreciated Mr. Kallinen's work in helping them to stand up; and in her opinion any forum was the right forum to speak out, any response to oppression was the correct response. Council Members Wiseman, Alvarado and Berry absent.

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 Wiseman, Alvarado and Berry absent.

Ms. Sue Kinney, 17435 Imperial Valley, Houston, Texas 77060 (281-405-8394) appeared and stated that she wanted Mayor White to give her a counselor and wanted her money; that she also wanted a lawyer, her money, television, etc. Council Members Edwards, Wiseman, Alvarado, Brown and Berry absent.

Ms. Mary Pruitt, no address (no phone) appeared and stated that she was homeless and put out for no reason in 2000 and they had her furniture and she needed a place to stay, she was sick and did not want a shelter. Council Members Edwards, Wiseman, Khan, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he would ask Ms. Vasquez to refer Ms. Pruitt to some social service agencies; and Ms. Pruitt stated that she did not want a shelter she wanted a house; and Mayor White stated that there were things they could and could not do and they could refer her to an agency which worked with homeless folks and they could not give someone keys to a house; and he appreciated her bringing it to their attention. Council Members Wiseman, Khan, Garcia, Alvarado and Berry absent.

Ms. Belva Resscano, 3322 Yellowstone, Houston, Texas 77021 (713-747-9610) appeared and stated that she was present for assistance, for the last 13 years she had been harassed and not able to operate her business and went to the FBI, the NACP and American Civil Liberties, etc., and received no help; that her home was entered into and monitored; and continued expressing her personal opinions until her time expired. Council Members Khan, Brown and Berry absent.

Upon questions by Council Member Edwards, Ms. Resscano stated that people had not helped, they backed away and did not want to be involved; and Council Member Edwards stated that Ms. Shannan was present and would see if they could get the harassment stopped. Council Members Khan, Brown and Berry absent.

Mr. Wes Tipton, 4314 Fagan, Houston, Texas 77007 (281-932-8951) appeared and stated that again he was present wondering why they had received no help on Fagan Street with removing the power poles; that they were now there placing more and he would request that the city put a halt to it and get an explanation as to why there was no other route available for the new lines. Council Members Edwards, Wiseman, Khan, Brown and Berry absent.

Mayor White stated to the representative of Center Point who was present that they wanted to respond to citizens concerns and have reliable electric power. Council Members Edwards, Wiseman, Khan, Brown and Berry absent.

Council Member Garcia stated that in the defense of Center Point and Mr. Tipton there was a lack of guideline between what Mr. Tipton complained of and what Center Point had to work with, there was no firm rule or guideline and Mr. Tipton was requesting no poles in his street block because it was unattractive, but it was connected to the rest of the power system around the neighborhood and because they did not have the right rules for alleyways when his development was put up it cut against what Center Point would like to do and also the platting of property did not have a rule or guideline to which they restrict development on all property so there was enough room for poles to be installed and right now Center Point was working with what they had to work with and the issue really needed to be given thought; and asked Mr. Tim Sbrush with Center Point to give his perspective. Council Members Johnson and Brown absent.

Mayor White stated that there were other Council Members wanting to address this; and Council Member Holm stated that it was a huge issue several wanted to weigh on and she welcomed hearing from Center Point; and Mayor White stated that he would like Council Members Holm and Berry to have their time and then Council Member Garcia make his motion to hear from Center Point. Council Members Johnson, Brown and Lovell absent.

Upon questions by Council Member Berry, Mr. Tipton stated that on their street was an alley behind the houses and power poles were in both alleys which services most homes on each side of the street, but a few new townhomes were serviced by the new poles and they wanted those poles eliminated by reconnecting those five townhomes which were connected to the front poles to the alley poles; that Center Point told him they were not able to upgrade the poles in the alley, but it was a lie because pictures showed them upgrading those alley poles as the new developer insisted to gain that power, Center Point said it would cost more but they would do it and now he exposed the front poles were not necessary; that he had been dealing with Mr. Ron Pope but he bragged they did what they wanted; and Council Member Berry stated that was not his experience in dealing with Center Point that they had been eminently reasonable and found ways to make constituent concerns work and if that was not happening here it should; that he could not tell them how to run their business, but would be surprised if he was not getting better communication and answers. Council Members Lawrence, Brown and Lovell absent.

Council Member Holm stated that she too worked with Center Point many times and to make a permanent decision to not place poles in front of homes would be a travesty without having some outcome, the process had to be better; and Mr. Tipton stated that they wanted signs posted with notice given when there would be placement of any new utility poles and there should be a public comment period and the utility company should be able to prove necessity and why it could be done no where else. Council Members Brown and Lovell absent.

Council Member Edwards stated that she was surprised of this interaction; that Center Point had been very cooperative with her trying to work things out; that what did bother her was last week Mr. Tipton was present saying a Center Point employee said they could do whatever

they wanted because they paid off Council Members; and Mr. Tipton stated that he said they paid for the right to do it; and Mayor White stated that he believed Council Members Garcia and Holm phrased it correctly in that they needed to look to standards and processes in going forward which would meet multiple objectives and he understood what Mr. Tipton said and why and there was sense to examining utility poles of the future; that he would also say the challenge of the utility system in the Gulf Coast was security and recovery and an enormously complicated process to make sure what happened when there was no power, even for a relatively short period of time, but he imagined what they meant was the over \$90 million they had paid to the city for rights to put utility easements in right of ways and the money was devoted to public safety; and Council Member Edwards stated that her whole point was she would like the money paid by Center Point explained as to who it was paid to and where it went, she did not want it seeming like Council Members were at their beck and call; and Mayor White stated that if he could Center Point paid for the rights to use public right of way, over \$90 million per year, which was equivalent to approximately having to raise property taxes by 15% across the board and it went to police, fire, EMS, things like that; that he would also say as they spoke the city was vigorously suing Center Point for close to a billion dollars in a True Up Case, an appeal from an order of a district court, this was a diligent group of individuals where they agreed and disagreed but did not play favorites; and Mr. Tipton suggested taking some of that \$90 million and fixing their street. Council Members Alvarado, Brown, Lovell and Berry absent.

Council Member Khan stated that he realized what he was going through; that Center Point was the last company he expected to hear complaints about because in the last 3-1/2 years he received no complaints; that even when it came to cleaning their right of ways they were extremely responsible, but it did not mean there should not be a proper procedure and most of the time if you get people involved before hand it cleared so much and he hoped they were listening today, but no one looked at contributions and made decisions. Council Members Edwards, Alvarado, Brown, Lovell, Noriega and Berry absent.

Council Member Garcia moved to suspend the rules to hear from Mr. Tim Sbrush, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Members Edwards, Alvarado, Brown, Lovell, Noriega and Berry absent. MOTION 2007-0732 ADOPTED.

Council Member Garcia stated that the rule which would resolve this did not exist and he could not exert authority without the rule. Council Members Edwards, Alvarado, Brown, Lovell, Noriega and Berry absent.

Mr. Tim Sbrush stated that they met several times with Mr. Tipton, he had and those on his staff had; that they also met with Council Member Garcia's office and talked with Council Member Brown's office on the issue and three or four months now; that they looked at issues of going into alleys and alleys in that area did have power lines but they did not go all the way through because buildings were built in the alleys and they were taken over which meant they could not get through them; that they did prefer to go into alleys and work with the neighborhood but in this case they could not; that they looked at numerous streets in the area and Council was aware of the development in the older neighborhoods, they tore down a house using 1,000 kilowatt hours a month and put up six or eight using 2,000 kilowatt hours a month and the load was 12 to 16 times what it was before and to be sure they had reliable and safe service they had to build the infrastructure in; that 11 circuits were coming out of the Heights north of I-10 on Heights and Yale and they came south and had 11 circuits and they were getting overloaded; that they look at them on a yearly basis and when they need to upgrade they did; that they were trying to get switching capability so if a pole got taken out they could switch it around; that a couple of months ago at the Kirby Substation they had 20 circuits coming out of there and within 2 hours they had 18 back on and 2 more on that afternoon and if they had not had switching

capabilities of other substations in the area, the whole area would have been dark; that they were adding 3 poles on the street to get reliable service in the whole neighborhood and eliminating a street crossing on Fagan and getting all poles on one side of the street so you would not see wires crossing the street; and what they were doing was mandated by the Public Utility Commission. Council Members Edwards, Alvarado, Brown, Lovell, Noriega and Berry absent.

After a lengthily discussion Mayor White stated that it seemed the transmission distribution company and the city may have process where they examine alternatives as they become a denser city to provide for system security, reliability and options for development; that he had taken notes and would see what team could be put together to look at this and if they undertook this it would be a matter of months and goals needed to be set in advance; and it would not be cheap; and Mr. Tipton stated that it would be helpful to have a review over a defined period of time revisions, processes and standards to accommodate the needs; that the way the lots ran caused alleys to dead end; and Council Member Holm stated that they were in this dilemma because the City of Houston allowed such dense development without appropriate standards; Council Member Holm stated she was chairing the alley taskforce to present recommendations in the fall and this was a problem of who enforced what and insured access to alleys; Council Member Lawrence stated that Public Works was doing inventory of alleys and her understanding was in New York all utilities fit in a very small space and this was important to improve the quality of life; Council Member Brown stated that they were working on a more standardized approach, the difficulty was a reactive approach on a case by case basis instead of looking at an entire block; and they would be coming up with a consensus to present to Council Member Lawrence's committee; and Mayor White stated that New York City 100 years ago was 120 times the population of Houston and had utility lines everywhere, but in the last 100 years at considerable cost they did things and Houston at that time wanted to be an electrified city to have poles like New York and as they became more and more successful they had catching up to do and would work together to do so; and secure conduit below ground was ultimately the way to move and it would reduce liability cost and they needed to get started. Council Members Alvarado and Berry absent.

President Joseph, Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the official U. S. President of the U. S.; and continued expressing his personal opinions until his time expired. Council Member Berry absent.

At 11:49 Mayor White stated that they would return to the consent agenda. Council Member Berry absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 43**

#### **PROPERTY - NUMBER 3**

3. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from William S. O'Donnell of Roanoke Building Company, L. P., for abandonment and sale of a 60-foot-wide road easement out of Lots 6 and 7, Block 25, located within the Scenic Woods Subdivision, Parcel SY7-113 - **STAFF APPRAISERS - DISTRICT B – JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. MOTION 2007-0733 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 4 through 12

4. **EMERGENCY VEHICLES OF TEXAS, INC** for Low Profile Aircraft Rescue and Firefighting (ARFF) Vehicle through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Airport System - \$102,360.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. MOTION 2007-0734 ADOPTED.
6. ORDINANCE appropriating \$56,253.24 out of General Improvements Consolidated Construction Fund for Purchase of Office Equipment and Furniture for the Department of Health & Human Services, WBS D-000072-0002-5 under an existing contract with the State of Texas Procurement Commission - **DISTRICTS F - KHAN and H - GARCIA** – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. ORDINANCE 2007-0782 ADOPTED.
- 6a. **CONTRACT RESOURCE GROUP** - \$34,501.97, **MITY-LITE, INC** - \$17,533.07 and **WENGER CORPORATION** - \$4,218.20 for Office Equipment and Furniture from the State of Texas Procurement Commission's Contract for the Department of Health & Human Services **DISTRICTS F - KHAN and H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. MOTION 2007-0735 ADOPTED.
8. **TRIAD MARINE & INDUSTRIAL SUPPLY, INC** for Inflatable Military Boats with Motors and Trailers for Police Department - \$98,574.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. MOTION 2007-0736 ADOPTED.
9. **HARTWELL ENVIRONMENTAL, INC** for Spur Gear Drive Assembly for Department of Public Works & Engineering - \$38,155.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. MOTION 2007-0737 ADOPTED.
10. **GTSI, CORP.** for Security System Master Plan and the design of a Security Operations Center through the City's Intergovernmental Agreement with the County of Fairfax, for Computer Products and Services under Section 791.025 of the Government Code for Department of Public Works & Engineering - \$299,927.70 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. MOTION 2007-0738 ADOPTED.
12. **CONTRACT RESOURCE GROUP** - \$33,175.87 and **CORPORATE EXPRESS OF TEXAS, INC** - \$308,938.64 for Office Furniture from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing

Program for Various Departments - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. MOTION 2007-0739 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 15 through 42

15. ORDINANCE changing the name of **DEER RIDGE LOOP** located in Deer Ridge Recreational Park in Kingwood to **HUNDRED OAK CIRCLE - DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. ORDINANCE 2007-0783 ADOPTED.
16. ORDINANCE consenting to the addition of 3.907 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. ORDINANCE 2007-0784 ADOPTED.
17. ORDINANCE consenting to the addition of 2.4569 acres of land to **FORT BEND COUNTY MUNICIPAL DISTRICT NO. 25 OF FORT BEND COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. ORDINANCE 2007-0785 ADOPTED.
18. ORDINANCE consenting to the addition of 124.35 acres of land to **FORT BEND COUNTY MUNICIPAL DISTRICT NO. 30**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. ORDINANCE 2007-0786 ADOPTED.
26. ORDINANCE consenting to the addition of 1.94 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 84**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. ORDINANCE 2007-0787 ADOPTED.
27. ORDINANCE consenting to the addition of 16.480 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 46, OF MONTGOMERY COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. ORDINANCE 2007-0788 ADOPTED.
28. ORDINANCE consenting to the addition of 9.934 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 60 OF MONTGOMERY COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. ORDINANCE 2007-0789 ADOPTED.
29. ORDINANCE consenting to the addition of 107.944 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 15**, for inclusion in its district; containing findings and other provisions relating to the foregoing subject; repealing City of

Houston, Texas, Ordinance No. 2006-383 – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. ORDINANCE 2007-0790 ADOPTED.

32. ORDINANCE approving and authorizing contract between the City and **GROTE CONSULTING CORPORATION** for employee relations training pertaining to discipline without punishment; providing a maximum contract amount - \$73,500.00 - Enterprise Fund to be reimbursed by user departments – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
42. ORDINANCE appropriating \$1,607,326.77 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TROY CONSTRUCTION, L.L.P** for Water Distribution System Rehabilitation and Renewal, WBS S-000035-0V10-4; 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. ORDINANCE 2007-0791 ADOPTED.
43. ORDINANCE awarding contract to **EAGLE CONSTRUCTION & ENVIRONMENTAL SERVICES, L.P.** for Handling and Disposal of Hazardous Materials for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,127,490.45 - General, Enterprise, Fleet Management and Storm Water Funds – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

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

**ACCEPT WORK**

1. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,761,346.34 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000266-00S3-4 - 6.68% under the original contract amount **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM and H - GARCIA** – was presented, moved by Council Member Lovell, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. MOTION 2007-0740 ADOPTED.

**PROPERTY**

2. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from William S. O'Donnell of Roanoke Building Company, L. P., for abandonment and sale of a 60-foot-wide road easement out of Lots 18 and 19, Block 26, located within the Scenic Woods Subdivision, Parcel SY7-110 - **STAFF APPRAISERS - DISTRICT B - JOHNSON** – was presented, moved by Council Member Lovell, seconded by Council Member Holm. All voting aye.

Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. MOTION 2007-0741 ADOPTED.

### **PURCHASING AND TABULATION OF BIDS**

5. **LONE STAR UNIFORMS (Bid No. 2)** - \$6,101,637.66, **J&J CLOTHIERS** - \$139,930.79, **STERLING'S PUBLIC SAFETY (Bid No. 2)** - \$130,898.50, **OUTDOOR OUTFITS** - \$337,633.20 and **LION APPAREL** - \$975,600.00 for Firefighter Uniforms for Fire Department - 5 Years \$7,685,700.15 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. MOTION 2007-0742 ADOPTED.
  
7. **INTERNATIONAL BUSINESS MACHINES, CORP.** for Digital Video Surveillance Solution and Services through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Houston Police Department - \$257,730.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. MOTION 2007-0743 ADOPTED.
  
11. **NORTH AMERICAN COMMUNICATIONS RESOURCES, INC** - \$1,319,978.73, **AVAYA, INC** - \$376,368.97 and **HEWLETT PACKARD COMPANY** - \$111,093.63 for Hardware, Software, and a Maintenance Services Agreement through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Department of Public Works & Engineering Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on personal business. Mayor White and Council Member Berry absent. Council Member Edwards presiding. MOTION 2007-0744 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

13. RESOLUTION designating certain properties within the City of Houston as historic landmarks:
  - Dr. Mavis P Kelsey, Sr. House – 2136 Brentwood Drive - **DISTRICT G - HOLM**
  - Roswell W. Moreland House – 2147 Pelham Drive - **DISTRICT G - HOLM**
  - Walter Boyd House – 3424 Wickersham Lane - **DISTRICT G - HOLM**
  - Joseph H. Russell House – 2232 Brentwood Drive - **DISTRICT G - HOLM**
  - Benjamin Renard Homestead – 4109 Lillian Street - **DISTRICT H - GARCIA**
  - Jacques P. Adoue House 2135 Looscan Lane - **DISTRICT G - HOLM**

– was presented. Mayor White and Council Member Berry absent. Council Member Edwards presiding.

After discussion by Council Members, a vote was called on Item No. 13. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. RESOLUTION 2007-0029 ADOPTED.

14. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to redesignating the Building Services Department as the General Services Department – was presented, and tagged by Council Members Wiseman, Lawrence and Khan. Council Member Berry absent.
19. ORDINANCE consenting to the division of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134** into **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134A**, **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134B** and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134C** comprising of 2337.415 acres of land – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0792 ADOPTED.
20. ORDINANCE consenting to the addition of 53.9576 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 146**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0793 ADOPTED.
21. ORDINANCE consenting to the addition of 19.7547 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 16**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0794 ADOPTED.
22. ORDINANCE consenting to the addition of 2.00 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 104**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0795 ADOPTED.
23. ORDINANCE consenting to the addition of 44.5794 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 172**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0796 ADOPTED.
24. ORDINANCE consenting to the addition of 224.6745 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 383**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0797 ADOPTED.
25. ORDINANCE consenting to the addition of 458.558 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 386**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0798 ADOPTED.
30. ORDINANCE appropriating \$5,657,504.00 out of Tax Increment Fund for **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON ZONE)** for administrative expenses, payment of project costs and payments to **HUMBLE INDEPENDENT SCHOOL DISTRICT** as provided herein - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0799 ADOPTED.
31. ORDINANCE amending Ordinance No. 2006-488 relating to the City's consent for the creation of the **CENTRAL HARRIS COUNTY REGIONAL WATER AUTHORITY** – was

presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0800 ADOPTED.

33. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **BUREAU OF JUSTICE ASSISTANCE** to fund the Marshal Area Response Service II Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented, and tagged by Council Member Wiseman. Council Member Berry absent.
34. ORDINANCE amending City of Houston Ordinance No. 2006-628, passed on June 14, 2006 which approved and authorized the submission of the 2006 Consolidated Plan and the Grant application for the 32nd Year Community Development Block Grant ("CDBG") Program, among others – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0801 ADOPTED.
35. ORDINANCE approving and authorizing contract between the City of Houston and **THE ACTIVE NETWORK, INC** for a Web-based Online Reservation System for City Recreation Facilities for the Parks & Recreation Department; providing a maximum contract amount - Initial allocation \$24,500.00 - General Fund – was presented, and tagged by Council Member Wiseman. Council Member Berry absent.

Council Member Holm stated that she wanted to clarify some questions that her office and thought the Parks office had received, that the capacity to go on line for registration was to register their teams for participation, it did not apply to registration for parks or for reserving space, that all came on a first come first served and works with the Parks Department, but the online portion of it was strictly for anybody to register their team, of which there was no limitation, they encouraged as many teams as possible; that additional it notes a \$5 fee, and that fee was in addition to any park revenues or permitting fees that would come into the Parks Department and had no effect on anything that would come into the City, it was a charge that was charged by the provider of the online program for the City. Council Member Berry absent.

36. ORDINANCE appropriating \$4,172,500.00 from Commercial Paper Series E and approving a Purchase and Sale Agreement between **5803 RICHMOND, LTD., A TEXAS LIMITED PARTNERSHIP, SELLER**, and the City of Houston, Purchaser, for the purchase of a 2.2635 acre (98,598 square feet), more or less, tract of land at 5800 Richmond Avenue, consisting of Lots 16, 51, 52, 53, 54 and the east 60 feet of Lot 15, Westheimer Gardens, according to the plat thereof recorded at Volume 24, Page 8, Harris County Map Records, for the location of the District 18 Headquarters of the Houston Police Department - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0802 ADOPTED.
37. ORDINANCE appropriating \$233,223.37 out of Water & Sewer System Consolidated Construction Fund and \$300,000.00 out of Drainage Improvement CPaper Series F Fund; approving and authorizing Developer Participation Contract between the City of Houston and **BUILDERS COMMUNITY DEVELOPMENT CORPORATION** for Construction of a Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Leland Woods Subdivision, WBS S-000800-00K8-4, R-000800-00K8-4 and M-000800-00K8-4 - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Members Johnson and Brown. Council Member Berry absent.

38. ORDINANCE appropriating \$358,276.18 out of Water & Sewer System Consolidated Construction Fund and \$378,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **INWOOD MONTGOMERY, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for the Inwood Park Subdivision, WBS S-000800-00M7-4, R-000800-00M7-4 & M-000800-00M7-4 **DISTRICT B - JOHNSON** – was presented, and tagged by Council Members Johnson and Brown. Council Member Berry absent.
39. ORDINANCE appropriating \$206,609.19 out of Water & Sewer System Consolidated Construction Fund and \$258,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **U. S. SOUTHERN CORPORATION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for the Venus Lake Subdivision, WBS S-000800-00M6-4, R-000800-00M6-4 & M-000800-00M6-4 - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0803 ADOPTED.
40. ORDINANCE appropriating \$600,000.00 out of Public Library Consolidated Construction Fund, \$812,000.00 out of General Improvements Consolidated Construction Fund, \$205,000.00 out of Street & Bridge Consolidated Construction Fund, \$85,000.00 out of Parks Consolidated Construction Fund, \$154,400.00 out of Water & Sewer System Consolidated Construction Fund, WBS E-000JOC-0001-4, D-000108-0002-4, N-000649-0001-4, F-000585-0002-4, R-000267-00E4-4, as an additional appropriation to the existing job order contracts with **WILLIAM & THOMAS, LP dba JAMAIL CONSTRUCTION**, and **RHJ-JOC, INC** – was presented, and tagged by Council Member Brown. Council Member Berry absent.
41. ORDINANCE appropriating \$250,000.00 out of General Improvements Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **BOVAY ENGINEERS, INC** for Citywide Facilities Electrical Upgrade to support the New Information Technology Network (Approved by Ordinance No. 05-0853, WBS D-000119-0002-3 – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0804 ADOPTED.

**MATTERS HELD** - NUMBERS 44 through 59

44. ORDINANCE appropriating \$286,086.46 out of Water & Sewer System Consolidated Construction Fund and \$381,000.00 out of the Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **WATERWAY DEVELOPMENT INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for the Sterling Village Subdivision, WBS S-000800-00M3-4, R-000800-00M3-4 & M-000800-00M3-4 **DISTRICT E – WISEMAN** – **(This was Item 52 on Agenda of June 20, 2007, POSTPONED BY MOTION #2007-613)** – was presented. Council Member Berry absent.

Council Member Wiseman stated that they were working with the Department and the contractors and were trying to find some common ground on some of these developments and moved to postpone Item No. 44 for 30 days, and Mayor White stated that the administration supported the motion. Council Member Berry absent.

Council Member Brown stated that their Developer Participation Contract Program, (DPC), he thought they were beginning to realize they were not getting the results they needed, so when were they going to realize the program was not working and was not as productive a use of the taxpayers dollars as it could be and they were going to revise the program so that the kind of outcome was what they wanted, that he thought it was wrong to keep putting money in a program that could be so much better and would urge his colleagues to move forward with some revisions to the DPC Program. Council Member Berry absent.

Mayor White stated that for all involved if people had specific revisions in the DPC Program which would remove some of the barriers to doing what they wanted to do then he would entertain that and had asked people repeatedly for that, that he did know that a lot of these things had been backlogged for quite a while, and if anyone had specifics then they would consider those very seriously. Council Member Berry absent.

A vote was called on the motion to postpone Item No. 44 for 30 days. All voting aye. Nays none. Council Member Green out of the City on personal business. Council Member Berry absent. MOTION 2007-0745 ADOPTED.

Council Member Wiseman moved to suspend the rules to extend the meeting beyond the scheduled noon recess, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the City on personal business. Council Member Berry absent. MOTION 2007-0746 ADOPTED.

45. ORDINANCE appropriating \$430,489.32 out of Water & Sewer System Consolidated Construction Fund and \$375,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **MIDDLEBURY PROPERTIES, LP** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Fuqua Landing Subdivision, WBS S-000800-00N2-4, R-000800-00N2-4 & M-000800-00N2-4 - **DISTRICT E – WISEMAN – (This was Item 53 on Agenda of June 20, 2007, POSTPONED BY MOTION #2007-614)** – was presented.

Council Member Wiseman moved to postpone Item No. 45 for 30 days, seconded by Johnson. All voting aye. Nays none. Council Member Green out of the City on personal business. Council Member Berry absent. MOTION 2007-0747 ADOPTED.

46. ORDINANCE appropriating \$461,639.06 out of Water & Sewer System Consolidated Construction Fund and \$420,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **MIDDLEBURY PROPERTIES, LP** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Four of the Clearwood Crossing Subdivision, WBS S-000800-00N1-4, R-000800-00N1-4 & M-000800-00N1-4 - **DISTRICT E – WISEMAN – (This was Item 54 on Agenda of June 20, 2007, POSTPONED BY MOTION #2007-615)** – was presented. Council Member Berry absent.

Council Member Wiseman moved to postpone Item No. 46 for 30 days, seconded by Johnson. All voting aye. Nays none. Council Member Green out of the City on personal business. Council Member Berry absent. MOTION 2007-0748 ADOPTED.

47. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$827,303.87 and acceptance of work on contract with **APACHE SERVICES, INC** for SHAPE Community Center, WBS Y-00P013-0002-4 - 4.46% over the original contract amount **DISTRICT I - ALVARADO** – **(This was Item 6 on Agenda of**

**June 27, 2007, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. Council Member Berry absent.

Council Member Edwards stated that in speaking with SHAPE Center and working with Council Member Alvarado's office she thought it was in the best interest to delay the item and moved to postpone Item No. 47 for 30 days, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. MOTION 2007-0749 ADOPTED.

48. ORDINANCE approving and authorizing contract between the City and the **HOUSTON ARTS ALLIANCE (formerly known as the CULTURAL ARTS COUNCIL OF HOUSTON/HARRIS COUNTY)** for the support of the Arts Community - \$10,036,000.00 - Enterprise Fund – **(This was Item 13 on Agenda of June 27, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and KHAN)** – was presented. Council Member Berry absent.

Council Member Garcia stated that he would like to work close with the Arts Alliance to make sure they were working towards increasing as much opportunities for emerging artists as there could be and to fully realize the capacity they had in Houston, Texas. Council Member Berry absent.

Mayor White stated that they were very aware of the administration's interest in that very topic. Council Member Berry absent.

A vote was called on Item No. 48. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0805 ADOPTED.

49. ORDINANCE approving and authorizing contract between the City and the **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for the Promotion of tourism and the solicitation of convention business - \$12,810,000.00 - Enterprise Fund – **(This was Item 14 on Agenda of June 27, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. Council Member Berry absent.

Council Member Lovell requested Mayor White to give her an update on where they were in looking for the Director of the Visitors Bureau, where they were in that process and how long would it be before they had somebody on board. Council Member Berry absent.

Mayor White stated that the search committee, as he understood, had been engaged in and was in the final weeks or days of having conducted a nationwide search with his mandate to find the best, that he thought they were down to a matter of days or weeks before it was concluded, that they considered many people from different backgrounds, including those local candidates who put themselves forward in a process where many were invited to. Council Member Berry absent.

A vote was called on Item No. 49. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0806 ADOPTED.

50. ORDINANCE creating the **ACTION BOX REINVESTMENT ZONE** for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas - **DISTRICT A - LAWRENCE** – **(This was Item 15 on Agenda of June 27, 2007, TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK)** – was presented.

Council Members Holm and Clutterbuck voting no, balance voting aye. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0807 ADOPTED.

50a. ORDINANCE approving and authorizing Tax Abatement Agreement between the City of Houston, Texas and **MALLOY REAL ESTATE LIMITED PARTNERSHIP, LTD.** and **ACTION BOX COMPANY, INC.**, for certain property located within the Action Box Reinvestment Zone **DISTRICT A - LAWRENCE** – **(This was Item 15A on Agenda of June 27, 2007, TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK)** – was presented. Council Members Holm and Clutterbuck voting no, balance voting aye. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0808 ADOPTED.

51. ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON ZONE)**; approving the Fiscal Year 2008 Operating Budget for the Zone - **DISTRICT E – WISEMAN** – **(This was Item 19 on Agenda of June 27, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Berry absent.

Council Member Wiseman offered the following written motion to amend Item No. 51:

- “1. In the fourth “Whereas” clause of the proposed Ordinance, amend numbered paragraph 1 by amending “\$450,000” to read “\$3,200,000.”
2. Substitute the attached Exhibit “A” for the Exhibit “A” in the Ordinance, which includes the amendment contained in Item 1 above.”

Council Member Wiseman stated that the motion was to make the program plan consistent with the CIP amendment that was approved at their last session. Council Member Berry absent.

Mayor White stated that the administration supported the motion to amend Item No. 51; that they still needed to get through a hurdle of having an agreement with a developer that did have some surplus funds in their account and for Mr. Michel, Mr. Icken and Mr. Fiederlein to please put it more on the front burner than the back burner in their dealings with that developer to make sure they legitimately get what they bargained for before the annexation; that what he was highlighting to Mr. Icken, and people were taking notes, and Mr. Michel’s support, without the principles, PALS, involved in coming to an agreement on this, that the legal departments alone just could not do it unless there was an agreement on what they were trying to accomplish and the sooner that got done, the more likely it was that they would be able to make the investments on it. Council Member Berry absent.

A vote was called on the motion to amend Item No. 51. All voting aye. Nays no. Council Member Green out of the city on personal business. Council Member Berry absent. MOTION 20007-0750 ADOPTED.

A vote was called on Item No. 51 as amended. All voting aye. Nays no. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0809 ADOPTED AS AMENDED.

52. ORDINANCE appropriating \$593,355.00 out of Street & Bridge Consolidated Fund and awarding contract to **ISI CONTRACTING, INC** for Construction and Installation of Speed Humps for the Public Works & Engineering Department; WBS N-000660-0008-4 - 2 Years with a one-year option – **(This was Item 34 on Agenda of June 27, 2007, TAGGED BY**

**COUNCIL MEMBERS WISEMAN and JOHNSON**) – was presented. All voting aye. Nays no. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0810 ADOPTED

53. ORDINANCE awarding contract to **HAHN EQUIPMENT COMPANY, INC** for Submersible Pump Repair Services for Public Works and Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$2,150,000.00 - Enterprise Fund – **(This was Item 35 on Agenda of June 27, 2007, TAGGED BY COUNCIL MEMBERS JOHNSON and GREEN)** – was presented. Council Member Berry absent.

Council Member Lawrence stated that as they looked at the Speed Hump Program, and she certainly supported neighborhood wishes to have speed humps, but still they had the ironic situation where they go out and redo a street and do not, at that time, put in the bid for speed humps and then they come back six or seven months after a neighborhood was unhappy because they did not have the speed humps, they were still not including that in the original contract, that they all knew there were speed humps because the street had been evaluated and the street needed to be redone, but they made it two different items, a lot of frustration on District Council Members to get on the list and make sure it was moving it forward, call continually until finally the speed humps were put back, that she still had not gotten an answer and had brought it up before of why they do not make it in the contract, that it was obviously much cheaper when the equipment and contractor were out there and just to include it in the bid to redo a street, that if somebody could tell her that was not logical, she would appreciate it so she could understand the process. Council Member Berry absent.

Mayor White stated that it was not the first time Council Member Lawrence had brought it up, that the Director of Public Works and Mr. Krueger were present in the audience, that he would pose the same question as Council Member Lawrence, was there a reason not to do it and if so what was it so they would understand what it was, that they understood that things that were done in the past, where it was not specified was one thing, or whether they would do it through a new contractor by a change order, that it ought to be just a contract clause. Council Member Berry absent.

Council Member Johnson stated that he had an opportunity to speak with Mr. Jeff Taylor, Mr. Gary Norman and Mr. Dan Krueger yesterday regarding Item No. 53 and his concern was around the MWBE participation, the participation that they placed on the item was 3% and he after consideration and further detailed information he could see how they came to the 3% number but was still concerned because if they could put a 3% on this contract without knowing why they did a 3% then certainly they could meet the minimum requirement of a higher number, the 24%, so he was a little concerned especially in looking at the corporation, the Hahn Equipment Company, that in the past had difficulty in meeting some of their requirements when it came to MWBE participation, that he thought they needed to start taking a closer look at was when they were judging those particular companies that they put the requirement of MWBE participation in the scoring matrix, as opposed to scoring them and saying for them to go out and do their best job of coming up with their MWBE participation, which was a big concern of his because many of the companies were not able to meet the MWBE requirements, that he hoped that at some time the Affirmative Action Department and the administration could come to an agreement that they start looking at their ability to meet the requirements set forth that he appreciated the diligence that Mr. Taylor, Mr. Norman and Mr. Krueger gave him the information regarding the next three items. Council Member Berry absent.

A vote was called on Item No. 53. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0811 ADOPTED.

54. ORDINANCE awarding contract to **COASTAL PUMP SERVICES, INC** for submersible pump repair services for the Public Works and Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,100,000.00 - Enterprise Fund – **(This was Item 36 on Agenda of June 27, 2007, TAGGED BY COUNCIL MEMBERS JOHNSON and GREEN)** – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0812 ADOPTED.
55. ORDINANCE awarding contract to **PUMPS of HOUSTON, INC** for submersible pump repair services for the Public Works and Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$3,600,000.00 - Enterprise Fund – **(This was Item 37 on Agenda of June 27, 2007, TAGGED BY COUNCIL MEMBERS JOHNSON and GREEN)** – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0813 ADOPTED.
56. ORDINANCE appropriating \$500,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Interlocal Agreement between the City of Houston and **TEXAS TRANSPORTATION INSTITUTE (TTI) (TEXAS A&M UNIVERSITY SYSTEM)** for Professional Training and Development, WBS N-000662-0028-3 – **(This was Item 44 on Agenda of June 27, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0814 ADOPTED.
57. ORDINANCE appropriating \$342,265.00 out of Drainage Improvements Commercial Paper Series F, Fund No. 4030 and approving and authorizing Professional Services Contract between the City of Houston and **DODSON & ASSOCIATES, INC** for Regional/sub-regional Stormwater Detention Analysis, WBS M-000296-0001-3; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F, Fund No. 4030 – **(This was Item 47 on Agenda of June 27, 2007, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0815 ADOPTED.
58. ORDINANCE appropriating \$6,140,959.95 out of Street & Bridge Consolidated Construction Fund, \$2,683,075.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for York Street Reconstruction from Polk Street to Navigation, WBS N-000698-0001-4; S-000500-0058-4 and R-000500-0058-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS H - GARCIA and I – ALVARADO** – **(This was Item 58 on Agenda of June 27, 2007, TAGGED BY COUNCIL MEMBERS GARCIA, CLUTTERBUCK, LOVELL and LAWRENCE)** – was presented. Council Member Berry absent.

Council Member Garcia stated that the project, as it stood, that one, there would be some possibility that it would conflict with Light Rail's construction along Harrisburg, that two, the project, right now, there was no other real economic, development or reason for them to provide a particular investment for this road, there was nothing there and moved to postpone Item No. 58 to look at whether the project was needed and whether they could maximize other projects in other areas of the City. Council Member Berry absent.

Mayor White stated that it was not a game but criteria that he would give, they wanted to keep up the improvements over time of major thoroughfares, and would say to Mr. Krueger that they had objectives, like the MBA had salary caps, and sometimes those salary caps caused three way trades, that sometimes Council Members would agree or disagree, that they really appreciated feedback of accomplishing both of those objectives, the citywide investment and making sure major thoroughfares were upgraded from time to time and in similar proportions and not diverting to much from their planned annual investment in those things and while at the same time trying to put those areas in the highest priority. Council Member Berry absent.

Council Member Alvarado stated that she agreed with Council Member Garcia, that they were both very familiar with that major thoroughfare and she did not know how it was prioritized but if they drove down that street it was in very good condition and they both agreed that they had other streets in their district that were in dire need, and she would hope the department would coordinate and prioritize the needs with the District Council Members, that to her it was a waste of money if they went through with Item No. 58 because the need was not there. Council Member Berry absent.

After further discussion a vote was called on the motion to postpone Item No. 58. All voting aye. Nays none. Council Member Green out of the city on personal business. Council Member Berry absent. MOTION 2007-0751 ADOPTED.

59. ORDINANCE approving and authorizing first amendment to contracts between the City and **DR. PEPPER BOTTLING COMPANY OF TEXAS (#C56086)** and **FRESH BREW GROUP, USA (#C56087)** for Soft Drink and/or Vending Marketing Partnerships – Revenue – **(This was Item 74 on Agenda of June 27, 2007, TAGGED BY COUNCIL MEMBER NORIEGA)** – was presented. Council Members Lovell, Holm, Brown and Clutterbuck voting no, balance voting aye. Council Member Green out of the city on personal business. Council Member Berry absent. ORDINANCE 2007-0816 ADOPTED.

#### **Items received during the meeting.**

32. ORDINANCE approving and authorizing contract between the City and **GROTE CONSULTING CORPORATION** for employee relations training pertaining to discipline without punishment; providing a maximum contract amount - \$73,500.00 - Enterprise Fund to be reimbursed by user departments – was presented, and tagged by Council Members Wiseman, Lawrence, Holm and Khan. Council Member Berry absent.
43. ORDINANCE awarding contract to **EAGLE CONSTRUCTION & ENVIRONMENTAL SERVICES, L.P.** for Handling and Disposal of Hazardous Materials for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,127,490.45 - General, Enterprise, Fleet Management and Storm Water Funds – was presented, and tagged by Council Member Holm. Council Member Berry absent.

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

Council Member Brown stated that as to the new urbanism, that they heard about today from Mr. Duany, that first it recognized an efficient structure of cities and suburbs by defining it in terms of neighborhoods, districts and corridors, that was an important way to see the City; that urban centers of higher density and mixed use needed to be connected by rapid transit, that they needed safe walk able neighborhood and it all needed to be reinforced, not by conventional zoning but by some form of smart form based codes that were outcome driven, and Council Member Brown recited some of the goals of the new urbanists, and stated why should their vision in Houston and the judicious spending of their taxpayers money be anything less than what he had described, but the question was how do they make it happen, that in his view and experience at City Council, with the leadership of Mayor White, it was a series of small steps and full bold moves driven by a firm vision to insure that the process evolved, that it was wrong, in his view, to over promise, that they did need to raise their expectations and have a dream or else they would be stuck in the status quo; that they needed to make the distinction between standard of living and quality of life. Council Members Lawrence, Khan, Holm, Lovell, Noriega and Berry absent.

Council Member Clutterbuck stated that today they would be seeing the re-opening of Westbury Pool, that it was the only pool in District C and had undergone an over \$1 million renovation; that she wanted to invite all of her colleagues to join them on July 11, 2007, from 6:00 p.m. to 9:00 p.m. for a grand opening party for the neighborhood, that the pool was located at the corner of Mullins and Willowbend, next to Parker Elementary. Council Members Lawrence, Johnson, Khan, Holm, Lovell, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to wish everyone a Happy Fourth of July. Council Members Lawrence, Johnson, Khan, Holm, Lovell, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that it was getting very close to the time when the class she came in with would be leaving City Hall and she would like to have some kind of document that itemized what they were supposed to turn over to their successor and in what manner. Council Members Lawrence, Johnson, Holm, Noriega and Berry absent.

Council Member Edwards stated that since they had been in office one of the first things they had a problem with was the reconstruction of Vulcan and Alberta Streets, they went through the CIP process, the community did a petition and waited their turn in the CIP line and the streets were done completely wrong and were now in worst shape than they were before the streets were done, that since they had been in office they had been trying to get those street redone, that she did not know why they were rolled into another project, which was still delaying those two streets being done, that if somebody could make sure that those two streets were done correctly and decouple from the project that they were currently in because it was delaying them even more. Council Members Johnson, Wiseman, Alvarado, Brown, Noriega and Berry absent.

Council Member Edwards stated that they all notice a lot of the people who come to speak at public session and some times it was very difficult for her to just sit and be quiet when she sees people who obviously need help, especially if they were elder citizens and her concern was when they walk out of the public session, what happens, that she would like to suggest that they talk with some of their agencies to have maybe counselors who were available during City Council that if they saw somebody who looked like they needed assistance, if they could be of service. Council Members Johnson, Wiseman, Alvarado, Brown, Noriega and Berry absent.

Council Member Edwards stated that she had a realizing inspiring and encouraging meeting with Mr. Mesa, Mr. Tinnermon, on tax abatements and possibly using whatever

financial instruments that they could use to encourage businesses to come to the communities that they were trying to revitalize and reinvigorate, that there were a lot of things that they could do but as she was explaining to them, they were going to have to jump start some of these things and it could not wait for a TIRZ to be developed and so forth, that she thought when they were trying to help communities get revitalized there were those amenities that needed to be there, that in the community she lived in she still had to go almost 10 miles, either north or south, to go to a grocery store. Council Members Johnson, Wiseman, Alvarado, Brown, Noriega and Berry absent.

Council Member Edwards stated that Ms. Susan Christian was an energy machine, that the work that she had put into July fourth and making sure that the community knew where the changes were, that she had gone beyond her limits and had done an outstanding job and the City should be grateful that they had such a dedicated employee to making the City worked, so she wanted to congratulate Ms. Christian and her staff. Council Members Johnson, Wiseman, Alvarado, Brown and Berry absent.

Council Member Edwards stated that with the recruitment classes that were coming up with HPD, it was her understanding that a lot of recruits had been disqualified based on polygraphs and that there were some issues regarding polygraphs, that she would like to talk to somebody about it because the new classes were really dependent upon their having the recruits that get in the class and follow through, that she was just informed what seemed to be to her an inordinate amount of recruits that had been disqualified on their polygraph and with the questions being asked she would like to speak to someone about it, so she could be assured that it had been cleared up and they could move forward and the recruiting classes, that they had worked so hard to put together, really would become a reality in the City for them. Council Members Johnson, Wiseman, Alvarado, Brown and Berry absent.

Mayor White stated that on Vulcan Street, he heard what she said and there had been numerous occasions in which, on occasion, and he was not saying York Street was one of them, but where he had stood up on projects where he was told, that people who he did even know as well as he knew Council Member Edwards, had fought long and hard to put things in and to keep the faith with the citizens and provide some continuity on those things; that he would also say, in defense of the administration, their Public Works personnel, on the one hand they wanted to be careful not to casually debar firms who did design or contracting work with the City at a time when they wanted to encourage people to work with the City; that on the other hand they were faced with drawings which were bad drawings or a project doubles in cost and they had to go find how they could do some more value engineering, that the Public Works professionals understood the importance of the project to the Mayor and to Council Members, that if Mr. Norman could get Council Member Edwards a name of the professional engineers who were involved when they were first asked to do it. Council Members Johnson, Wiseman and Berry absent.

Mayor White stated that on economic development, that Mr. Hall could remind him, and Mr. Mesa, Ms. Gafrick, Mr. Icken and Mr. Christy were some, that they ought to have either if they could not afford it by contract or even best two or three people within the City that were of the quality that they could interact, with the major retailers who did site location, as peers, they do demographic formulas and if they reverse engineer the demographic formulas that were used for decisions whether to put large retail or small retail, that he knew from his life experience that there were people who were pros at that, that actually people hired people like this to go in and buy sites and then they go show the work to the retailers and that was how they made money, that they needed some human resources, either by contract or inside, in the City that could say here were 100 or 200 or 50 potential retailers and they knew they could reverse engineer their demographic and sighting analysis and then they prepare that and present it to

the firms, that some of the banks had used them and some of the real estate developers had used them, that he was not saying they were everywhere but it was a fairly specialized skill, that they may have to hire somebody or even better he would like to have somebody inside they could train at working with a contractor on the outside and they needed to put that in something that they ask to be done in the Planning Department Budget, and there were some people Mr. Icken and Mr. Christy and Ms. Gafrick would be several of the individuals who might be involved in saying where do they find that capability and there were some major retailers who would be willing to assist that, that Mr. Ed Wolfe had some knowledge of that world as well, his brain could be picked, but they needed a specialized group or team that did nothing but; the Eastside Management District did it with their drill down analysis that they did a few years ago where they could show retailers that here was the purchasing power that was greater than as represented by the census, the census was not accurately updated from year to year, where they could go and do the survey and present that to the retailers, they needed to hire people like that. Council Members Johnson, Edwards, Wiseman and Berry absent.

Council Member Lawrence stated that she wanted to wish everyone a Happy Fourth of July and to remind them that they did have an ordinance about firecrackers in the City limits and hoped everybody obeyed the ordinance so the firefighters could enjoy hot dogs and would not be out doing fires. Council Members Johnson, Clutterbuck, Edwards, Wiseman and Berry absent.

Council Member Garcia stated that he wanted to wish everyone a great Fourth of July, that the Lindale Park Community would be holding a Fourth of July Parade at 11:00 a.m.; that on Monday they would be having their Public Safety and Homeland Security Committee meeting. Council Members Johnson, Clutterbuck, Wiseman and Berry absent.

Council Member Garcia stated that a couple of weeks ago Mr. Victor Gonzales was present in the audience with his son and they were announcing how they were getting ready to go compete with the Houstonians Youth Soccer Club in Oklahoma City, Oklahoma, that for a week the Houstonians had been doing battle on the soccer field and were competing the Southern Regional Championships and had Mr. Gonzales on the telephone who gave them an update on the Houstonians; that they had advanced to the quarter finals and won one to nothing, and were advancing to the semi final game tonight, and Council Member Garcia stated that was just a snapshot of what great young people were doing for the City in other parts of the Country. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Berry absent.

Council Member Garcia stated that patriots for freedom and justice and for individual rights were gathering tomorrow, that it was phenomenal to thing there were great statesmen; that they should be grateful to the great Americans, the great patriots that gave them a very simple framework called the U. S. Constitution and great Houstonians who had been able to continue an infrastructure that had sustained a great City like Houston and other cities across America, so to all the patriots who had defended the Constitution, they saluted and respected them and should always honor them. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Berry absent.

Council Member Holm stated that she wanted to wish everyone a Happy Fourth of July. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Berry absent.

Council Member Holm stated that as to speed humps, in their office they had worked repeatedly and worked often with Captain Dupont in the Fire Department, as well as Assistant Chief Patterson, who oversaw that program, that it was the process that held them up sometimes, and she could not figure out why it got to be so complicated, the resolution that they

could come to, with the replacement of speed humps on their streets, was the fact that the evaluation of every street had to happen again, after a reconstruction program, and it was a subjective evaluation, many times by the captain in charge of the district on that day, of the Fire Department, that it seemed to her that if they were proactively going to address it she would ask that the Fire Department go out and evaluate the residential streets in District G and give her a list of those that did not qualify and those that did, then as the citizens approach it, if they wanted to go through the process they would know up front whether or not it was a qualifying street and whether or not to even engage in the process. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Berry absent.

Council Member Holm stated that the Public Works Department was where constituents really felt the City, those were the people who touched their lives almost always and many times it was at a point and time when they were frustrated and they had not gotten the attention that they needed; that they had a situation in west Houston where a tree fell in the bayou and with all of the rain it had created a horrible flooding issue, and Mr. Jeffrey Collins and Mr. Mike Romera, crew chiefs, Mr. Jimmy Collins, Mr. Joe Anzaldúa, Mr. David Bledsoe, Ms. Deanna Mann, Mr. Joseph Ricarti and Mr. Domingo Villareal addressed the issue, went into the ravine, resolved the issue and took care of it and gave the citizens of west Houston not only the confidence that the City responds, but the security that they care and do things in order to maintain and keep them safe and sound. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Berry absent.

Council Member Lovell stated that she wanted to congratulate Craig Biggio, Houston Astros, for 3,000 hits. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Berry absent.

Council Member Lovell stated that she wanted to send out condolences to the Richardson Family, who lost their son David, who had survived a horrendous assault and was brave and courageous to go public and go in front of Congress about what happened to move forward a Hate Crimes Bill through Congress, that she hoped the Senate would be inspired enough to go ahead and pass that bill; that the Neartown Little League family lost their founder and driving force, Mr. Will Webber on Friday, that the Neartown Little League was to host the first All Star Tournament at their new field, which he had raised the money for and he was not there to see it, that he had left a legacy of hundreds of children that learned to love and enjoy the game of baseball, but also through his dedication to education. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Berry absent.

Council Member Alvarado stated that this past Sunday they were reminded that hate kills in what happened with David Richardson, that last April he was the victim of one of the most heinous acts of act that they had ever seen in today's time, and he past away on Sunday while on a cruise ship, that they had been in contact with the family and had opened a bank account, that there would be expenses that the family would incur in bringing his body back to Houston and other expenses and it was at Bank of America, the Galvan Family Trust; that as Council Member Lovell had mentioned there were two pieces of Hate Crime Legislation, one in the House and one in the Senate, that she had been very disappointed to learn that President Bush had said he would veto either piece of legislation if it passed and she would say this was not the time for politics, it was a time for compassion, and requested a moment of silence for the Richardson Family, that they could call their office at 713-247-2011 if they would like to contribute. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Berry absent.

Council Member Khan stated that he wanted to wish everybody a Happy Fourth of July. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Berry absent.

Council Member Khan stated that they should hope and pray there was never another day when a young man had to commit suicide because of a hate crime committed against him, that the best thing they could do as Americans was to reach out to other people and make sure they all feel together in the struggle that still continues. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Berry absent.

There being no further business before Council, the City Council adjourned at 1:09 p.m. Council Member Green out of the city on personal business. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Berry absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

---

Anna Russell, City Secretary