

City Council Chamber, City Hall, Tuesday, July 10, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 10, 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, Ronald C. Green and Michael Berry; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director present.

At 2:02 p.m. Mayor White stated that presentations would begin with Council Member Lawrence; and Council Member Lawrence stated that today was a treat as they were recognizing Blue Bell Ice Cream and invited executives to the podium. Council Member Lawrence stated that Blue Bell Creameries began in Brenham, Texas in 1907 as a butter creamery and in 1911 they began creating ice cream at the rate of 2 gallons a day in a hand cranked wooden freezer and today Blue Bell was the number 3 selling ice cream even though it was only available in parts of 17 states, about 20% of the U. S. market; and presented them a Proclamation saluting their 100th Anniversary, extended best wishes for a successful and rewarding observance, and proclaimed July 10, 2007, as "Blue Bell Creamery Day", in Houston, Texas; and Blue Bell ice cream was presented to those at the table. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown, Green and Berry absent. (NO QUORUM PRESENT)

At 2:08 p. m. Council Member Lovell led all in the prayer and pledge. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Berry absent.

At 2:09 p.m. Mayor White called the meeting to order and the City Secretary called the roll. Council Members Wiseman, Garcia, Alvarado and Berry absent.

Council Members Khan and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Wiseman, Garcia, Alvarado and Berry absent. MOTION ADOPTED.

At 2:07 p.m. the City Secretary began calling the public speakers. Council Members Wiseman, Holm and Berry absent.

Ms. Bonnie Ross, 811 Lovett #25, Houston, Texas 77006 (713-526-1936) appeared in favor of the impeachment of President Bush and Vice-President Richard Cheney; and stated that she was present to speak in favor of a resolution to impeach; that impeachment was a function of the U. S. Congress but Council represented people who were fighting the illegal war and city services were impacted by the \$12 billion per month cost for the war; and it was their duty to hold government responsible; and urged they join in signing such resolution. Council Members Wiseman, Holm and Berry absent.

Mr. Ken Freeland, 8727 Kimwood Drive, Houston, Texas 77080 (832-512-4751) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Holm and Berry absent.

Mr. Arthur Moore, 6510 Shotwell, Houston, Texas 77028 (713-491-8078) appeared and stated that on May 19th 2 officers chased a suspect over his back fence and tore down over 25 sections and threatened to shoot his dog and if not for his neighbor probably would have killed it; that now he received a letter saying the city was not liable, but if he tore up their property he probably would not get out alive; and he wanted his property fixed. Council Members Wiseman and Berry absent.

Upon questions by Council Member Edwards, Mr. Moore stated that his fence was torn down and they drug the lady over the fence and he wanted his fence fixed; that he filed a claim and he was told the city was not liable; and Council Member Edwards stated that she did not understand; and upon questions by Mayor White, Mr. Moore stated that the lady jumped over the fence and landed on his dog and his dog got her; that she was half naked when the ambulance got her, but the dog did not get the police; and Mayor White stated that this was a unique claim and the information would be given to Legal, but various people asked the city for emergency response and when they did it sometimes whether it was police, fire or EMS they went to places and then there were claims and many times he could understand the citizens points, but under the law of the state it gave the city flexibility in deciding how much of the police budget they would pay for the results of officers actions and then how much of that should be borne by citizens; and Council Member Edwards stated that the claim was already denied; and Mayor White stated that he appealed to Council stating they should pay and he explained the general principal of emergency response and he did not want to create an impression they would be changing normal policy. Council Members Wiseman, Khan, Lovell and Berry absent.

Upon questions by Council Member Johnson, Mr. Moore stated that it would cost \$600.00 to fix the fence the officers pulled down; and Council Member Johnson stated that his dog was doing what it was supposed to do and in reading the report there were 19 officers who showed up and he did not know if that was good use of city services and felt he should be compensated because of the excessive use of force and he hoped he would appeal the decision and hoped they could get justice on it and his office would work with him. Council Members Lawrence, Wiseman, Khan, Garcia, Brown, Lovell and Berry absent.

Mr. Leon Logan, 5102 Ridgewest, Houston, Texas 77053 (832-606-8885) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman, Khan, Garcia, Brown, Lovell and Berry absent.

Ms. Sanna Roling, P. O. Box 1454, Spring, Texas 77383 (713-966-1764) appeared, presented information and stated that she was founder and president of Dream Catcher Stables and present to introduce the Mayor and Council to her special program which served the greater Houston area and was run by volunteers; that they were a public charity which provided a place in perpetuity where adults and youth with disabilities could be capable, successful and equal growing to their potential through interaction with horses in a positive environment; that they operated on a sliding scale and most participants paid no more than \$10.00 a year for their services, funding came through individuals, corporations, foundations, etc., that in competition they brought home many awards; and last year they added community service for youth offenders and now a high school recovery program. Council Members Lawrence, Wiseman, Khan, Garcia, Lovell and Berry absent.

Council Member Johnson stated that this was a fabulous program and the volunteers did a great job; that now they were on a 15 acre tract of land; and Ms. Roling stated that it was 98 acres which was tax land and they were using about 12 of them; and Council Member Johnson stated that they may end up losing the land and they were working diligently to try and find more, it was a tremendous benefit and phenomenal the way the children reacted; that there was land by the airport but there may be restraints on what they could do; that Ms. Roling had a builder ready to build a first class stable and was willing to partner; and he would continue to work with her hoping they could find what they needed and be an example to other cities; and Ms. Roling stated that of the 29 students that were adjudicated to the best of her knowledge at this time not one student who went through their program had gone back to the justice system for additional problems. Council Members Wiseman, Holm, Garcia, Lovell and Berry absent.

Council Member Edwards stated that she was not familiar with their program but was familiar with using horses in combination with children and it was amazing and she wished her luck; and any help she or her office could give her and Council Member Johnson they were more than willing to do. Council Members Wiseman, Holm, Garcia, Lovell and Berry absent.

Upon questions by Mayor White, Ms. Roling stated that most riders came from Humble, Kingwood, Spring, Aldine, Klein and Tomball and they needed to stay north of the Beltway and would like to stay east of Aldine Westfield and west of 59 if possible; and Mayor White stated that the city had a small amount of space; and Ms. Roling stated that if they could stay and be the front area of the cargo container then it would be beautiful for those traveling Greens Road to see something besides a metal building and if possible would like to stay where they were, their lease was with the Aldine School District, but part of it was city property; and Mayor White stated that many would be touched by her cause but he was just a steward of property for citizens and he could not give away anything, but if he found out the appraised value and it was surplus and they could sell it he would sell it to her. Council Members Holm, Green and Berry absent.

Mr. Lincoln Vidine, 5403 Dunsmere, Houston, Texas 77091 (713-682-1408) had reserved time to speak but was not present when his name was called. Council Members Holm, Green and Berry absent.

Minister Laverane Fransau, 5716 Alba #21, Houston, Texas 77018 (713-812-7877) had reserved time to speak but was not present when her name was called. Council Members Holm, Green and Berry absent.

Mr. John McKnight, 10927 Ivy Ridge, Houston, Texas 77043 (832-236-7053) appeared, presented a binder and stated that today he had two issues, one being a culvert not being taken care of properly but yesterday the city did a great job in cleaning it up; his second issue was he lived in an area bordered by Britmore and TxDOT planned on making it a four lane road, in talking with designers it would be a five lane with cement in the middle and his concern was what it would do to the neighborhood; that he hoped the middle would be a green area and now he was bringing it to the city's attention. Council Members Johnson, Holm, Lovell, Green and Berry absent.

Council Member Lawrence stated that she would like to talk with him about some of his proposals and would set a meeting with Public Works and him and they could go over options; and she would give him a call. Council Members Johnson, Khan, Holm, Lovell and Berry absent.

Mr. Steve Bethke, 5935 Rutherglenn, Houston, Texas 77096 (713-268-1610) appeared and stated that he lived in Maplewood, in Southwest Houston, and was present regarding a dangerous dog incident about 3 weeks ago; that his son was out walking their dogs when a neighbor who had 3 dogs with 2 being Pit Bulls and a mixed breed attacked his dog and it resulted in their dog having its leg amputated; that his son went to the Beechnut Substation to report the incident and it was not taken so they reported it to Precinct 5 and they took the incident; that they reported it to Animal Control and it took 8 to 10 days to come and investigate the incident and he thought dangerous dogs in a residential neighborhood...; the ordinance as he interpreted it needed to have more teeth and in such situations investigation needed to be quicker; that he created the binder and took a copy to BARC and talked to Mr. Medley and inside the binder was pictures, etc., and Council Member Clutterbuck had a copy and Mayor White had a copy, but he came so the ordinance could have more teeth put into it so others would not have to suffer such an unfortunate incident. Council Members Johnson, Holm, Garcia, Lovell and Green absent.

Council Member Clutterbuck thanked Mr. Bethke for coming and putting the binder together; that she had circulated pictures last month of his beautiful Poodle before and after the attack and Mr. Bethke's diligence in pursuing this highlighted what she believed to be a serious lack of procedure in the Bureau of Animal Regulation and Care and lack of their willingness to enforce an ordinance the Council body passed over a year ago; that she also received a chronology of events from BARC and was disturbed that initially one of the investigators who went to the dogs house only investigated whether or not the dogs were licensed; that one excuse they kept getting from BARC was they did not have enough hearing officers, no protocol, no procedure yet for the challenge and they had 8 people waiting ahead of Mr. Bethke and could not get to it and that was an outrage; that their plan was once they refined the process and found someone to conduct the hearing they would conduct 1 to 2 hearings a month and this would take months before Mr. Bethke would receive any redress and before any neighbors would be notified of the dangerous dogs which so severely damaged his dog and of which his son was walking that the dog's leg was removed and that was more of the frustration and outrage citizens had regarding the lack of activity and enforcement of the ordinances passed at the Council table. Council Members Johnson, Holm, Lovell, Green and Berry absent.

Mayor White stated that when Council Member Clutterbuck gets frustrated he took notice because of his tremendous respect for her and if they passed an ordinance and people were not implementing that ordinance...; to Ms. Acosta the best he could say was ordinances were to be enforced and sometimes if they had information and if the bottleneck was the hearing, if someone needed help in setting up the hearing, then lets do it, it did not take that much, they had a bunch of people to do administrative hearings and there was no excuse; that what he found was it was not that people did not care, but if an employee did not know what to do next instead of asking they did nothing, so he was trying to help that process along; and they had administrative hearing officers hearing other things, they should be able to hear this so use one of them; and he was not suggesting he use legal council as a substitute for the city but there were civil liabilities; and upon questions, Mr. Bethke stated that as the statute was written and interpreted by BARC it was a dog on dog attack and therefore from a legal perspective he was not sure what grounds could be used in a civil court; and Mayor White stated that he was not giving legal advise but there were many dangerous dog cases where they were liable to their neighbor; and Mr. Bethke stated that he would just love to see the city enforce its ordinances; and Mayor White stated that they would do that and there was no excuse for not doing their job, but he would say there were a lot of people who had gotten redress in civil courts. Council Members Edwards, Holm, Lovell and Berry absent.

Mr. John Curtis, 4401 S. Pinemont Drive #204, Houston, Texas 77041 (713-766-8324 x103) appeared, presented information and stated that he was a small business man and it was not often that they in the private sector or public sector had the opportunity to solve and attract the problem or to enhance revenue and avoid embarrassing circumstances at the same time, but he believed off street parking did represent such an opportunity; that city-owned off street parking was a very sizeable enterprise and his handout highlighted part of the domain of what represented the city's off street parking; that every parking space the city owned generated roughly between \$1,300 to \$2,400 in annual revenue and total with the airports the City of Houston parking revenue was well in excess of \$100,000,000. and with off street parking alone it was \$10,000,000. to \$15,000,000. not including METRO; that the chart showed they were tempted to show City of Houston parking as merely theater district or convention and entertainment but it included considerably more and in looking at organizations and the systems responsible for administering and accounting for City of Houston parking they would see a number of different entities, different parking management companies from the central parking at the airports to the republic parking operations downtown to convention and hotel and the jointed systems were responsible for the city parking assets; and with their experience on the

private parking sector unmanaged and unaccounted for those assets could predictably be underperforming and he believed there were significant revenues at stake and available for enhancement; and his presentation had recommendations for the oversight. Council Members Holm and Berry absent.

Council Member Lawrence stated that a concern of hers was trying to run the city as a business and seeing some possible problems; and upon questions, Mr. Curtis stated that they had been in the parking business about 5 years and they applied business system technology to parking and there were a number of technology innovations in the parking business which allowed an entirely different management infrastructure to take place; that they were awarded the contract for the George R. Brown underground garage and that facility would be implemented entirely across the internet from existing parking servers at the theater district; that every parking lane in Houston he was familiar with could be addressed over the internet so every transaction in that lane was available for collection and reporting; that San Francisco just conducted first an audit and then an assessment of their parking lot arrangement and made fundamental management decisions to change how they were organized to capitalize on the parking asset; that this system had grown up in the City of Houston much like any computer system and it was opportunity based, procurement driven and largely a function of general contractors procurement of parking systems through a general construction contract, but that was typically not how IT systems were implemented and his map showed a number of different parking manufacturer systems none of which were interconnected and all of which had different software and procedures and reporting mechanisms; that a normal length of time for a gate should be a few week job and the IT support for that was the visible element and he was not sure that piece was in place. Council Members Khan, Holm and Berry absent.

Upon questions by Council Member Garcia, Mr. Curtis stated that he believed they would be able to maximize the use of the proposed facility of underground parking under the park to be built downtown, their exposure had been to the parking equipment and credit card acceptance and that concept for the facility was very well thought out and the implementation had been part of the Minor Dietrich contract and they would be ordering and installing the parking portion and he understood there were design considerations as far as the ADA requirements for handicapped he did not have any personal knowledge of; that many private operators had done what he suggested for the city, taken an enterprise approach to the implementation of parking management systems and it gave abundant management control and the ability to audit revenues and account for parking space inventory. Council Members Wiseman, Khan, Holm and Berry absent.

Upon questions by Council Member Brown, Mr. Curtis stated he did not favor an operator as for as an internal or external parking management company, either were capable, the University of Texas Health Science Center operated their own and others contracted out to management companies, he would first audit parking management, not from a financial standpoint but more the management quality of the process, practice and procedures including finances associated with each parking operation; and his map was not an all encompassing master list of parking facilities, but a representative few he had personal experience with and he would revisit cost plus contracts as almost every parking management company today had a cost plus contract and they had no incentive to maximize the city's revenue or minimize the expenses and then he would recommend adopting an integrated business systems approach as opposed to a construction approach with the implementation of parking management systems which today looked more like IT systems than HBAC systems built into the building; and Council Member Brown stated that Mr. Curtis had made very good comments and he hoped the Administration would consider them. Council Members Wiseman, Holm and Berry absent.

Council Member Lovell stated that Mr. Curtis spoke of San Francisco; and upon questions, Mr. Curtis stated that he could not say where Houston was compared to other cities but there were four companies which specialized in the audit of parking facilities one based in Houston, The Parking Network and an associate of his was Houston based and he would refer them to a management company and the one in their own back yard did the San Francisco job. Council Members Wiseman, Holm and Berry absent.

Council Member Edwards stated a lot of information was being shared here and it was probably not the appropriate place to get a plan and she wondered if Mr. Curtis could share his thoughts in a committee setting where Ms. Rambo and others who handled parking could be present; and Mayor White stated it was an excellent idea and he thanked Council Member Lawrence for highlighting an idea and bringing it to their attention and there were specifics and he would like to use common vocabulary as they went down the line; that in the parking business you had the construction and location of facilities, maintenance of facilities and then operation of facilities and operation included marketing and determining inventory and principal operating expenses and billing and collecting expenses and utility and security; and of that package on parking he was bringing some expertise based on his parking management system; and he highlighted things cash management, credentialing; and upon questions Mr. Curtis stated he was correct and the third thing mentioned was collected cash and uncollected revenues; and Mayor White stated that for any city employee monitoring this their goal was to have the best productivity out of the system whatever it was, but they were not eliminating all human input; and Mr. Curtis stated that was correct the role of those people changed from cash collectors to ambassadors and helpers; and upon further questions, Mr. Curtis stated that a credential was an electronic authorization such as badges they wore for access to a parking garage and even if there was no cash transacted parking had value so a credential had value and had to be treated as cash, inventoried and controlled and balanced against available parking. Council Members Lawrence, Wiseman, Holm and Berry absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Edwards, Wiseman, Holm and Berry absent.

Mr. Bart Boice, 2400 Westheimer #226C, Houston, Texas 77098 (832-867-9960) appeared, presented a resolution and stated that he was in favor of the impeachment of President Bush and Vice-President Richard Cheney and that was the resolution presented; and read part of the resolution before his time expired. Council Members Edwards, Wiseman and Holm absent.

Council Member Berry stated that he had comments for Mr. Boice and those present with him; and upon questions, Mr. Boice stated they had not gone to the Harris County Commissioners Court with the resolution or to the U. S. Congress; and Council Member Berry stated that he was curious as he was elected city-wide and never ran on the basis of whether he would impeach the president but instead represented citizens on such things as Sunnyside South Park area, improvements, cab services, water mains, etc., and he considered it rude to bring people with a resolution to impeach the president and if he had it in his power he would not make people, who council could make a difference, wait to the end of the line while they made political statements, because the fact was they did not care about Council approving this, they came because of cameras and would move to hear all those speaking on impeachment resolutions to the end of the Agenda as it was not an issue over which Council had any authority, seconded by Council Member Lawrence. Mayor White, Council Members Wiseman and Holm absent. Council Member Alvarado presiding.

Upon questions by Council Member Brown, Council Member Alvarado stated that a motion was made and seconded and they were in discussion phase and it was to suspend the rules which took 10 votes. Mayor White, Council Members Wiseman and Holm absent. Council Member Alvarado presiding.

Council Member Edwards stated that they did not know what comments of the others would be and she thought it inappropriate and would oppose the motion. Mayor White, Council Members Wiseman and Holm absent. Council Member Alvarado presiding.

Council Member Alvarado stated that to keep a flow and peace she would ask that the City Secretary read the Council Rules; and the City Secretary read the Rules of Council within Chapter 2 of the Code of Ordinances which stated in part that no person should express approval or disapproval in a way to disturb the meeting. Mayor White, Council Members Wiseman and Holm absent. Council Member Alvarado presiding.

Council Member Lovell stated that courtesy was always to move people to the front of the list rather than down the list and felt they may be more comfortable in keeping with that; and Council Member Berry stated that he would withdraw the motion. Mayor White, Council Members Wiseman and Holm absent. Council Member Alvarado presiding.

Mr. John Beatty, 9255 Rockhurst, Houston, Texas 77080 (713-460-4425) appeared and stated that he was with Houston Truth and in favor of the impeachment of President Bush and Vice-President Richard Cheney and the actions of the Administration had cost the City of Houston dearly with youth and local economy and placed all in danger; and urged support of the resolution presented. Mayor White, Council Members Lawrence, Johnson, Wiseman and Holm absent. Council Member Alvarado presiding.

Council Member Berry moved that the rules be suspended for the purpose of hearing 17 speakers out of order. Mayor White, Council Members Lawrence, Johnson, Wiseman and Holm absent. Council Member Alvarado presiding. MOTIONED FAILED FOR LACK OF A SECOND.

Ms. Alix Dunn, 398 E. Terrace, Houston, Texas 77007 (713-861-8786) appeared in favor of the impeachment of President Bush and Vice-President Richard Cheney and stated that she was urging the Council to impeach the Bush Administration and investigate the standard procedures his administration practiced in all of its endeavors; that he had violated their trust and the power of the U. S. did lie in its people and not in Bush. Mayor White, Council Members Lawrence, Wiseman, Holm and Berry absent. Council Member Alvarado presiding.

Upon questions by Council Member Edwards, Ms. Dunn stated that she had only begun her path to expressing herself; that she had gone on line and presented it to Ms. Pelosi and with some of the impeach sites and signed their petitions and came to Council as she felt it began at the grassroots and she lived here; and Council Member Edwards stated that she had every right to do so and respected that right, but wondered if she had gone to include county commissioners and state. Mayor White, Council Members Lawrence, Wiseman, Holm, Noriega and Berry absent. Council Member Alvarado presiding.

Council Member Alvarado stated that they met every other Tuesday, 10001 Preston, and they would get the time for them. Mayor White, Council Members Lawrence, Wiseman, Holm, Noriega and Berry absent. Council Member Alvarado presiding.

Mr. Charles Mauch, 4848 Pin Oak Park #516, Houston, Texas 77081 (713-432-1277) appeared in favor of the impeachment of President Bush and Vice-President Richard Cheney and stated that it was set out in the resolution that Mr. Bush and Mr. Chaney intentionally misled

Congress and the public to justify an illegal and immoral war and brought shame and dishonor to this country; that cities all over the country had presented resolutions of impeachment and he was not aware any counties had and those present were following the precedent set by many other cities; and urged Council give serious consideration to the resolution presented. Mayor White, Council Members Lawrence, Wiseman, Holm, Noriega and Berry absent. Council Member Alvarado presiding.

Council Member Edwards stated that her question regarding Commissioners Court and the State Legislature was not to say them and not us, but it was another body they should encourage to do the same. Mayor White, Council Members Lawrence, Wiseman, Holm, Noriega and Berry absent. Council Member Alvarado presiding.

Council Member Brown stated that he felt all were concerned about the situation in Iraq and American foreign policy and it was reflected in many ways; that Council was not a body accustomed to grappling with global issues, but this was a free country and they were being good Americans coming today and he supported that. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell and Berry absent. Council Member Alvarado presiding.

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-705-5594) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell and Berry absent. Council Member Alvarado presiding.

Ms. Cindy Sheehan, 3622 Montrose, Houston, Texas 77006 (713-829-1218) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell and Berry absent. Council Member Alvarado presiding.

Mr. John Morris, 5703 Caldicote, Humble, Texas 77346 (281-446-9663) appeared and stated that he was in support of the resolution for the impeachment of President Bush and Vice-President Richard Cheney; that he was formerly an active member of the Republican Party for over 30 years, but he had a concern for the integrity of the democratic system of government; and he was asking Council, who was chosen to represent him, to join with millions of others in requesting Congress begin a process leading to the removal of office of the two officials. Mayor White, Council Members Lawrence, Wiseman, Holm, Garcia, Lovell and Berry absent. Council Member Alvarado presiding.

Council Member Edwards thanked Mr. Morris and all who came today; and stated that it was a right and a responsibility to speak out; that historically this Council was not willing to do such resolutions and she thought they needed to take a stand. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Lovell and Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Ms. Christine Morshedi, 19542 Juergen, Tomball, Texas 77492 (281-890-7089) appeared in support of the resolution for the impeachment of President Bush and Vice President Richard Cheney and stated that she was present as it was right to speak out when your government behaved in an outrageous and dangerous and illegal and immoral way and if you did not it was happening in your very name; that Council was the governing body of Houston and represented her and all needed to say this needed to be investigated. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell and Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated the next Commissioner's Court meeting would be July 24, 2007, 10001 Preston, 9th floor at 10:00 a.m. Mayor White, Council Members Lawrence,

Johnson, Wiseman, Holm, Garcia, Lovell and Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Art Browning, 12446 Texas Army Trail, Cypress, Texas 77492 (281-654-7784) appeared in support of the resolution for the impeachment of President Bush and Vice President Richard Cheney and stated that Americans were waking up and they were last present in April defending freedom of speech; that many parties were working together because they sensed the erosion of freedom; and urged Council step up and join them. Mayor White, Council Members Lawrence, Wiseman, Holm, Garcia and Berry absent. Council Member Alvarado presiding.

Upon questions by Council Member Edwards, Mr. Browning stated that the biggest city which had joined was Detroit and there was also San Francisco, Wisconsin and others. Mayor White, Council Members Lawrence, Wiseman, Holm, Garcia and Berry absent. Council Member Alvarado presiding.

Council Member Brown stated that the Mayor of Salt Lake City had taken on a national campaign asking for a similar resolution to be signed; and he also felt the war was detrimental to this country. Council Members Lawrence, Wiseman, Holm, Garcia and Berry absent.

Council Member Lovell stated that this was a difficult issue, but they did not need to thank Council for hearing them it was their right to be here. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado and Berry absent.

Mr. Bernie Rogers, 720 Cortland, Houston, Texas 77007 (713-868-0066) appeared in support of the resolution for the impeachment of President Bush and Vice President Richard Cheney and stated that he spent years in the service and resigned in 1968 because he could no longer support what this country was doing; and since 1970 this country had been at war 30% of the time. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado and Berry absent.

Mayor White and Council Member Edwards thanked Mr. Rogers for his service and for coming. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado and Berry absent.

Dr. Joseph Kaye, 9210 Corner Lane, Houston, Texas 77036 (713-777-5903) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado and Berry absent.

Mr. Andrew Okokhere, 7475 Harwin #327B, Houston, Texas 77036 (832-213-7362) appeared, presented information and stated that the Greatland of Nigeria Bi Centennial was celebrating 200 years of the end of slavery by the British Empire and also celebrating the diversity of Houston and the United States; and they were inviting the Mayor and Council Members to their celebration, Saturday, August 25, 2007. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado and Berry absent.

Council Member Khan stated that he did plan to be present, it would be a wonderful celebration; and upon questions, Mr. Okokhere stated that Saturday it would be from 8:00 a.m. to 9:00 p.m. and Sunday it would be 11:00 a.m. to 10:00 p.m.; that they did not think slavery was completely eradicated; and Council Member Khan stated many places around the world had human beings still treated as slaves and he thought there was still a long way to go before all were totally free. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado and Berry absent.

Council Member Johnson stated that they must never forget the hardships in getting to this point; and moved the rules be suspended for the purpose of hearing Ms. Sandra Massie-Hines out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Wiseman, Holm, Garcia and Berry absent. MOTION 2007-0752 ADOPTED.

Ms. Sandra Massie-Hines, 4425 Alvin, Houston, Texas 77051 (713-731-9806) appeared and stated that she was speaking on behalf of Mr. Okokhere and as a member of the Nigerian community and founder of the Great Land of Nigeria Project they focused on the restoration and revitalization of their community statewide and abroad; and extended a personal invitation to the Mayor and Council Members to their 200 BiCentennial Celebration for the abolition of slavery Saturday and Sunday, August 25th and August 26th and asked that they be an honorary speaker. Council Members Lawrence, Wiseman, Holm, Garcia and Berry absent.

Council Member Edwards thanked Mr. Okokhere and Ms. Hines for coming and their service and stated that the issue of enslavement of African people in Nigeria she was not as familiar with and this was no disrespect, but African people were enslaved and not slaves and thought that distinction needed to be made, it was a thriving country and not a wasteland waiting to be rescued. Council Members Lawrence, Wiseman, Holm, Garcia and Berry absent.

Mr. Johnnie Ferrell, 5004 Ligonberry, Houston, Texas 77033 had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman, Holm, Garcia and Berry absent.

Mr. Cleve Broussard, 1113 Theresa, Houston, Texas 77051 (713-738-4617) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman, Alvarado, Holm, Garcia and Berry absent.

Ms. Catherine Shorter, 5955 Ridgeway, Houston, Texas 77033 (713-734-3863) appeared and stated that she was present representing the South Park Area and Sunnyside Civic Club and inviting Mayor White to their meeting to discuss the issues of their area. Council Members Lawrence, Wiseman, Alvarado, Holm, Garcia and Berry absent.

Ms. Geneva Williams, 6021 Grace Lane, Houston, Texas 77021 (713-747-3729) appeared and stated that the Sunnyside/South Park Group were requesting a town hall meeting with Mayor White to discuss the issues of their area. Council Members Lawrence, Wiseman, Alvarado and Holm absent.

Ms. Olevia Randle, 6023 Beldart, Houston, Texas 77033 (713-733-2348) appeared and stated that she was requesting a meeting in the Sunnyside/South Park Area with Mayor White to discuss the issues of their area. Council Members Lawrence, Wiseman, Alvarado and Holm absent.

Ms. Evelyn Hallman, 4814 Maggie, Houston, Texas 77033 (713-738-2048) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Wiseman, Alvarado, Holm and Berry absent.

Ms. Dorothy Dawson, 5859 Hironde, Houston, Texas 77033 (713-733-8734) appeared and stated that she was present to reemphasize they would like Mayor White to come to a town hall meeting in their area as he held the key to their answers and requested he let them know when he would be available. Council Members Lawrence, Wiseman, Alvarado, Holm and Berry absent.

Ms. Cynthia Pharms, 4700 Wenda #236, Houston, Texas 77033 (713-734-5606) appeared and stated that she thanked the Mayor and Council Members as she was invited today for the signing of the Texas Dog Responsibility Bill and it was signed; that she came 3 years ago when a friend was killed by a Pit Bull and she appreciated their letters of support; and also invited Mayor White to their meeting in Sunnyside. Council Members Lawrence, Wiseman, Alvarado, Holm and Berry absent.

Mr. Samuel Kelly, 8514 Prairie View Drive, Houston, Texas 77088 (281-447-0139) appeared and stated that he was present to speak about his taxes, it went up from \$6,000 to \$12,000 in 6 months and he was not working enough to afford the payments on the plan he was given and he would like the Mayor and Council Members to reconsider the Linbarger plan and give him longer to pay them off as it had been his parents land since the 1930's; that he would like assistance or advice. Council Members Lawrence, Wiseman, Alvarado, Holm and Berry absent.

Upon questions by Mayor White, Mr. Kelly stated that he was told he owed \$12,000 but when they came 6 months ago he was almost through paying them off, but they put a foreclosure and sent him to Linbarger and he did not know what to do because he was working through a temporary service and not all the time and the rates went up and now if he did not pay \$6,000 they would take his property on the first of next month, but he had until the 7th to pay and he lived there; that he had been living there about 3 years and got the taxes down from \$10,000 to \$6,000, but then in 6 months they went all the way back up with law fees, etc. they charged him; and Mayor White stated that he would ask the City Attorney to work with the collection firm; that their interest was to get taxes paid and not to take land where people had the intention and wherewithal, but it was either a valuable piece of property or taxes were not paid for a long time to owe that much; and he would ask Ms. Acosta to find out and work with the law firm, their interest was to get paid; and upon further questions Mr. Kelly stated that about 3 or 4 months ago he was told he had to come up with \$2,900 and he could not and he had continued paying taxes through the Harris County Tax and next time he received a letter it said \$4,000 until \$2,900 and they continued to go up; and Mayor White stated that they would take a look, but the State Legislature said it was not within the City's legal power to forgive property taxes but there was power for payment plans and Ms. Acosta would look into it and as she pursued this he would also say they were very careful if someone was occupying the property and paying the taxes, they were not keen on foreclosure; that an unoccupied property where no one paid was another story and he wanted Ms. Acosta to get Mr. Kelly information and try to handle this. Council Members Lawrence, Wiseman, Holm and Berry absent.

Ms. Lisa Bartell, 7436 Avenue F, Houston, Texas 77011 (832-202-8151) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Edwards, Wiseman, Holm and Berry absent.

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Edwards, Wiseman, Holm and Berry absent.

Mr. Charlie Jones, 4307 South Acres, Houston, Texas 77047 (713-734-0772) appeared and stated that he was from Sunnyside and had received a letter from the Mayor's Office regarding correspondence he sent to his office and it was dated June 11th; that he spoke with Mr. Anthony Hall and Council Member Edwards's office but his Council Member's office continues to say nothing can be done; that he had an automobile accident and the officer wrote him a ticket, he went to court and got arraigned on it and the ticket was dismissed and it was strange a few weeks ago he came in to speak and spoke with Capt. Williams who said he was entitled to file a citizen complaint and get a mediation hearing, but for some reason Captain

Curran in the Chief's office continued to say he was not entitled to one and used the IAD complaint of which he had a copy with him to say he would not give him one; that Citizen's Assistance Office said Captain Curran would be taken off the case but that had not happened; that in the report the officer had overlooked the statement the gentleman had made about a guy coming across three lanes. Council Members Lawrence, Edwards, Wiseman, Holm, Alvarado and Berry absent.

Mayor White stated that Mr. Jones had brought this to various city employees attention quite a few times; and Mr. Jones stated the person holding up the matter was Captain Currant and he was only asking for someone to see why he could not have the hearing; that he even spoke with Chief Hurtt, but it always came back to Captain Curran and he spoke to two chiefs in other areas and they had no problem with it; and Mayor White stated that he would say there were issues of what people could do and say and they could not go back and change accident reports and it was what it was; that people could contest it, complaints could be filed, but no amount of calling would cause someone to alter the accident report; and Mr. Jones stated that he was trying to follow procedures and he had an article of tips to change the police report; that he would even leave a copy of the E-mail of the conversation between he and Captain Curran as he was following procedures to be able to have the mediation hearing, but Captain Curran said he would not give it to him because of the statement he made in the IAD report and he just wanted someone else to review that so they could see where they stood, if he made a statement to keep him from having the hearing he just wanted an individual not biased to make that decision within the Houston Police Report; and Mayor White stated that he understood his request and thanked him for coming. Council Members Lawrence, Edwards, Wiseman, Holm, Alvarado and Berry absent.

Ms. Cynthia Mouton, 5967 Longmeadow, Houston, Texas 77033 (713-644-5658) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Wiseman, Holm, Alvarado and Berry absent.

The City Secretary stated that a couple of speakers were not present when their names were called but were now present and they would speak at this time. Council Members Lawrence, Wiseman, Holm, Alvarado and Berry absent.

Mr. Ken Freeland, 8727 Kimwood Drive, Houston, Texas 77080 (832-512-4751) who was previously not present was again called and appeared in favor of the impeachment of President Bush and Vice-President Richard Cheney; and stated that previously they came to Council urging them to pass a resolution asking Congress to not allow the war against Iraq as it would deprive cities of needed funds and cost many lives and they were right and Houston was one major city who did not pass such and now they had another opportunity to join in with other cities and urged they do so. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado and Berry absent. Council Member Edwards presiding.

Minister Laverane Fransau, 5716 Alba #21, Houston, Texas 77018 (713-812-7877) who was previously not present was again called and appeared and stated that she wanted to thank Council Member Edwards for her assistance, she had a problem with a lady and a house and she would get to stay there until all was settled, but it was historical and since she had gone by instructions of the Mayor and it was now called General Organization Development Services and she was in proxy of purchasing apartments and helping rehab and revitalize Fifth Ward, but her son wanted to speak; and her son stated that he was also present regarding the rehab of Fifth Ward and he hoped they would be able to help. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado and Berry absent. Council Member Edwards presiding.

Council Member Johnson stated that a lot was going on in the Fifth Ward and they needed their input, people who understood the cultural and historical value of the Fifth Ward. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Berry absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

Mr. Wes Tipton, 4314 Fagan, Houston, Texas 77007 (281-932-8951) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Berry absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, 77052-4373 (832-453-6376) appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Berry absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

Ms. Sue Kinney, 17435 Imperial Valley, Houston, Texas 77060 (281-405-8394) appeared and stated that she wanted to talk to Mayor White and Council; that she still wanted to know who signed for her money; and continued expressing her personal opinions until her time expired. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Berry absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

At 4:41 p.m. City Council recessed until 9:00 a.m., Wednesday, July 11, 2007. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Berry absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, July 11, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, July 11, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega and Ronald C. Green; Mr. Anthony Hall, Chief Administrative Office, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Addie Wiseman absent on city business. Council Member Michael Berry absent.

At 8:33 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:33 a.m. Mayor White called the meeting to order. Council Member Garcia absent.

Council Member Green moved to suspend the rules to consider the Monthly Financial Report before the Mayor's Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. MOTION 2007-0754 ADOPTED.

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

THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Mayor White recognized the City Controller for the Monthly Financial Report.

Ms. Annise Parker, City Controller, stated that this was the Monthly Financial Report for the period ending May 31, 2007, that there was not much to report, they were winding down the FY07 Fiscal Year, that in the General Fund they were currently projecting an end of year Unreserved Fund Balance that was \$34 million higher than the original budgeted amount, so the numbers continued to look good, that changes in projected revenues included \$1 million increase in projected Telephone Franchise Fees to reflect current receipts through May, \$1.6 million due to Cable Franchise Fees received through the first quarter in FY07, that Indirect Interfund Revenues had decreased by \$1.4 million to be in line with lower than budgeted recoverable expenditures in the CIP Salary Recovery Fund, that there were several ups and downs on the expenditure side, but no impact on the bottom line; that in the Enterprise Funds the Combined Utility System continued to feel the pinch from the ongoing rainfall and as a result they had decreased projected revenues by approximately \$3 million and at the same time they were anticipating higher than budgeted expenditure for year to date electricity costs; that in the Aviation Enterprise they had a more positive picture, revenues for Parking and Concessions were exceeding expectations, therefore they were increasing projected revenues by \$2 million, they also project decreased expenses due to below budget staffing levels, that there was an offsetting increase in Interfund Transfers, the net effect was \$1.4 million increase overall; that in the C&E Enterprise a higher than anticipated Hotel and Motel taxes were the reason for a \$3 million increase, that contractual expenses for advertising and promotions were also up by \$1.3 million; that concluded her report, that she would remind Council that they had distributed a draft audit plan on Monday and would very much appreciate if there were additions or changes that they would like to see to the audit plan, that they did check that all Council Members were receiving every audit that they release, they may want to check with staff to make sure if they wanted to be notified when those came in, and that concluded her report. Council Member Lovell absent.

Mayor White recognized the Director of Finance and Administration, Ms. Judy Johnson. Council Member Lovell absent.

Ms. Johnson stated that they had actually finished the year end and adopted the budget for the next year, so they really had talked about most of the information within the last few weeks, that the news that they had was generally good, their revenues were still above the expectations they had a few months ago, their expenditures were about what they were a few months ago, so now they expected to end the fiscal year at a higher fund balance than they had budgeted to end with and that was higher than they had budgeted for the beginning balance for 2008; that the Water and Sewer System, as they knew, would end the year below budgeted revenues but they would all be somewhat below in expenses as an offset, so they were in solid shape going into the next fiscal year there, and that concluded her report. Council Member Lovell absent.

Council Member Holm asked if there was such a thing as a program budget, that when they get the big book of papers it was just a bunch of numbers, it really did not tell her what they were spending their money on, what were their programs and what was their emphasis, what would she ask for in order to get that kind of information.

Ms. Johnson stated that they did tend to, in the budget and even more so in the Monthly Financial Report, give the numbers at a pretty high level, rather than at the lower level of detail, they were talking about the total Parks Department instead of how much was for Parks maintenance, or recreation centers or each program and it would probably be too much detail that would then make it very difficult, that if they provided so much every month Council Member Holm would not be seeing what she was looking for, but she would offer a couple of ideas, if there were particular areas or groups, such as the Parks Department, that she would like to see an analysis one month that showed more detail, as to what they spent and to what the

projections were and what the program objectives and results were, that she would suggest they do one or two at a time each month and add that to the Monthly Financial Report and focus on one area or one department with the various areas within that department, and have Council Members tell them which areas they would like to see the analysis focus on, and Council Member Holm stated that she would pursue it with Ms. Johnson differently, that she just wanted to be fully equipped so she could say she knew what she voted for, how she voted and why she voted for it, and Mayor White stated that they would work with the Council Member as to the level of detail and the specifics, and if she thought there were none responsive answers to please forward them to him, both the request and response, and he would try to resolve it.

Council Member Clutterbuck stated that at the Budget and Fiscal Affairs meeting on Monday they discussed the concern that a lot of them had about the urgency of releasing the Certified Annual Financial Report in a timely manner and in compliance with State law, and at the time she thought there was concern that the accounting firm that they were negotiating with to contract that there was an interest on getting them on board sooner rather than later and asked Ms. Johnson if she could give them an update since Monday on those negotiations.

Ms. Johnson stated that they did have a contract with Deloitte and Touche that had been in place for several years, so it was not that they did not have a full contract, but the requirement each year was to have a specific engagement letter spelling out the details of what they were going to do and what they were going to charge the City each year; that the auditing standards basically say that they had to be fully complete with one year's audit in order to agree in an engagement letter on precisely what the arrangements would be for the next year's audit, so the Financial Report had been released and they had three other areas that were connected to that that were up on what those releases would be and she did expect all of those this week or early next week at the very latest, they had a meeting with Deloitte and Touche on Friday to go over all of the issues and they hoped to come to an arrangement on the engagement letter either this week or by the end of next week, that as part of finishing their review she did not want to give the impression that the auditors were not paying any attention to and were not focusing at all on Fiscal 2007 yet, because they were, in fact they had a request for information related to payroll data that was given to them today, so it was not that they had not done any review, they were all ready looking at issues, and although they had not gotten under way in the full conduct of the audit, they were indeed already focusing some of their attention and getting data gathered and given to them for Fiscal 2007, so they were doing everything they could to make sure that there was not any delay as a result of not having an engagement letter.

Council Member Clutterbuck stated that she would encourage the administration and all of the departments, whatever departments happened to be the source of some of the delays in the past, to impress upon them the sense of urgency that they had and the importance of completing those Certified Annual Financial Reports in a timely manner and in compliance with State law.

Council Member Lawrence stated that the other day in the Fiscal Affairs committee meeting she asked for a breakdown of the temporary employees, that she got the number of 48 that were all year, even though they were renewed every three months, that she thought they could go back and look at temporary employees years before and say basically they keep a certain number every year, that there was obviously a certain job description that they were looking for that was passed around where they went from Public Works to Building Services to different departments because of need of projects and various things they were working on, so they had a certain job description they were looking for with these people and her concern was that the money they were paying the temp agency, were they paying those person's insurance, with the money they were paying them they could probably hire a certain amount of people, if 48 was the magic number, all year and yet pay their insurance and they would be somebody that

they could shuffle to various projects, so she was very concerned about that large of number and they could always do better.

Mayor White stated that it was something that Council Member Lawrence had brought up that he had thought about discussing with Ms. Johnson concerning Mr. Moran and particularly if they started with IT and defined HR processes, that sometimes it was because they were so far from the market, but they were going to pay one way or pay another.

Council Member Green moved to accept the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. MOTION 2007-0755 ADOPTED.

MAYOR'S REPORT - City of Houston federal agenda

Mayor White stated that the purpose of the Mayor's report was to ask for their ideas and help; that he and Ann Travis were going to talk about some topics, that it was an invitation by Members of the Council to play a leadership role; that they each saw Members of Congress and the U.S. Senate and one thing that they talked about was to see if they could have a delegation of the Council Members go to Washington on targeted topics and he thought it would be very effective if they did that on some of these topics, and there were people around the table with real and significant expertise; that they had handed out a sheet that had some of the major issues that they worked on with both the Legislators and the departments and administrative agencies of the Federal Government; that he and Ann would be happy to answer questions, but he would highlight a few; that Police, Fire and Public Works and other radios of the City, that was a big deal, and he was going to give them some facts on that which Chairman Garcia and others were familiar with, but he wanted to summarize; that for years as the City and the Country had grown public safety agencies had been using parts of the radio spectrum that had become more and more crowded and so Congress and others, in an action that had been discussed over a couple of decades, gave The Federal Communications Commission the mandate to free some of the spectrum so that it could be used exclusively by those public safety agencies, those were certain bands within the 700 and 800 spectrum; that the FCC had only recently freed up the spectrum to the various places that needed public safety equipment, radios and more spectrum, that allocation procedure had been long and they had been very actively engaged and it started out with something like Jasper getting a third of what the City of Houston did, but it had come out a little different as a result of their active engagement; that now they had some of the spectrum they needed, they had a couple of consultant reports over the last three years, looking at what their potential needs were, they approved the bond issue, that included in part some money for radio, about \$29 million, they included in the bond issue; that they needed to know how much money they could count on from the Federal Government in order to scope the RFP that they would be needing to do to build the spectrum, that last year Congress allocated \$1 billion from the sale of radio spectrum to help with the issue of radio inoperability, parts of the 700 and 800 spectrum were inherently interoperable, that people thought about interoperability largely because of the vision they had of firefighters running into one tower when the other tower was down in New York, that their higher degree of interoperability they had was called dispatch, 9-1-1, that since he had been Mayor interoperability between agencies and between their various types of emergency responders had been a much less pressing issue than just getting an emergency responder there and stuff like that, and the possible dead places or just running out of spectrum and being put on busy if they radioed in, having radios with old parts that were no longer made; that they were talking about coming up with a recommendation concerning allocation of the \$1 billion by the end of July, and Ms. Travis stated that a decision would be made in the summer, within the next few weeks, and Mayor White stated that he had talked to other Mayor's through this and Houston had been the leading City in saying those urban areas with the highest risk ought to be

designated directly some money, by name, based upon the threat assessment as part of that pot, that it was not going to be \$100 million, but if it was simply allocated on a State wide basis, based on a per capita population of the State, that in the past Texas had 8% of the population, the State wide grants to Texas had amounted to 6% of the money disbursed, and the amount that Houston and Harris County would get would be 1% or 2% of that, despite the fact that there was about 20% of the population in Houston; that they needed it to be disbursed directly to the urban areas, Tier One, New York, D.C., Chicago, San Francisco, Los Angeles, Houston, the areas that had been identified as the highest risk.

Mayor White further stated that they were working on just the other issues, the Katrina/Rita close out, they were working hard on that, that he would be going to meet with FEMA, that there was less money that they owed Houston now than FEMA owed from a much smaller amount incurred for Allison at the time that he walked into the job so they had been diligent and were within a few million dollars of getting it all closed out; that as to freight rail issues, they were talking about having a committee meeting as a whole on freight rail, the new Chairman of the Surface Transportation Board, which regulated railroads, would come to Houston in August, and Ms. Travis stated that they were in discussion with him and he definitely wanted to come in August and that was a good time because Congress would be in recess and they would be home so she thought they would have a good participation by their delegation as well; and Mayor White stated Congressman Green wanted to hold a field hearing on freight rail in Houston, that there were a number of different issues; that as a result of the meetings with the Federal Railroad Administration that they had two weeks ago in D.C., they were providing an employee at the Spring Dispatch Center, that it would be like the federal air traffic controller, they ought to have people here preventing trains from blocking streets, that at least they had one part time, that was sort of what their agenda was, that there was some information from Metro, that the final point was that it was Federal/State and asked Ms. Travis to address a little on the CDBG funding for Katrina/Rita and where they were on that.

Ms. Travis stated that they may recall that last August Secretary Jackson came to Houston and made an announcement that Congress had approved a supplemental appropriation for Community Development Block Grant Money going directly to the Gulf states that were affected, and they were awarded \$60 million, \$20 million going to Harris County and \$40 million going to the City of Houston and their proposal was to do rental rehab and to also do public safety money that would go for the \$60 million, that the Mayor went up in May and the State unanimously approved their plan and it was submitted to HUD and they were now reviewing it; that they were really trying to get HUD to do a quick review of what they had done because the State had already approved it and she thought the main question was that HUD wanted the money to flow through the State and the State to administer the money and she thought the State was in agreement with Houston that they were already a CDBG designated City and could handle the money directly and they should get the money directly and she thought that was really the only issue they were working on and hopefully they could resolve it quickly and in the next month get the money, so they were working on it right now with the State and HUD.

Upon questions by Council Member Khan, Mayor White stated that individual citizens of Houston should let Members of Congress know how important it was to support local law enforcement with federal funds.

Upon questions by Council Member Holm, Ms. Travis stated that as to the Metro Draft Environmental Impact Statement, it was a step that they had to take and was a mandatory step in the process, but it was not dealing with one specific route, that she would find out the exact status of what it meant and if there was a draft copy circulated. Council Members Brown and Lovell absent.

Upon questions by Council Member Alvarado, Mayor White stated that a radio system, radios that they could hold in their hand and put in the car, that the next thing was the backhaul capability, which meant that the radio signal went to some place and hit something and then was taken to a control center somewhere, and that could be fiber, or microwave to antennas or could be specially designed antennas or antennas that existed now, then there was a control panel for the whole deal, so the radios, the backhaul and the control panel and the control panel had hardware and software; then if they were a seller they wanted to bundle it up and have a patented part and charge an arm and a leg, and there were not many vendors, that was what it was all about and they were open and would talk in every way to any jurisdiction within the County of how they could share backhaul capacity, how they could share control system, how they could do economies of scale; that they wanted to make sure that the people who were running into buildings when there was a fire, City and County, were satisfied that the right people were doing the right job and it should not be based on politics. Council Members Lovell and Green absent.

Upon questions by Council Member Garcia, Mayor White stated that of this money, based on past formulas the State may get \$50 million, and they wanted the State to get as much as possible, but they also wanted a City allocation for the highest threat cities, that what they advocated would result in something like \$80 million to \$90 million for Texas, with \$30 million to \$40 million to the City where there was the highest threat, Houston, that if it was allocated as it had been in the past, Houston would get about \$1 million out of \$50 million, and what that meant in safety was that there would come a point where they would try to get from the 9-1-1 center a fire truck or an EMS or police unit and the radio would have a busy signal, it would not go through, or that there would be a dead spot where they could not get through, like they had with cell phones, and that they were under the gun, in part posed by the federal government because all of the new land based radios, after 2012 by federal mandate, had to be different than the ones they were using today, and Council Member Garcia stated that he would ask and implore Houstonians and residents of Harris County to call their Congressional delegation and make sure that they understood the true value of what they were communicating at Council today. Council Members Clutterbuck and Noriega absent.

Council Member Edwards asked if there was a group that represented all of the policing and public safety entities within a given quadron, and Ms. Travis stated that she thought Chief Storemski and Ms. Cheryl Murray worked very closely with HGAC and thought it was a seven county region and the City of Houston and with all the different allocations that they got from Homeland Security there were three or four categories that came to the region and then they worked through how it was disbursed; that the Chief could probably give her a very detailed briefing on it; and Council Member Edwards stated that she wanted to have a briefing about what was going on at the HGAC. Council Members Garcia and Noriega absent.

After further discussion, Ms. Travis stated that she would make sure that all the Council Members knew what was going on in the various committees at HGAC; and Council Member Holm requested a Mayor's Report that revealed and shared with others their role and what they were doing and Mayor White stated that was an excellent idea, that they would do that, and if there was a place where they stored their files on the web and having to do with the minutes of the HGAC meetings and various things, they should let people know they were there because in this day and age there was no excuse for poor communication; that they would have a Mayor's Report very soon, that it would be mostly a lot of his colleagues at Council and staff members talking.

CONSENT AGENDA NUMBERS 1 through 34

PROPERTY - NUMBER 5

5. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcels AY6-080, owned by D.E.F., Inc and AY6-083, owned by Francesca, Pier, Carlo, Caffey & Jones, Sunbelt Associates, a Maryland Limited Partnership, d/b/a Sunbelt Skillet Associates, for the **LOCKWOOD DRIVE PAVING PROJECT from Tidwell to Bennington**, N-000612-0001-2-01 **DISTRICT B – JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. MOTION 2007-0756 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 25

11. RESOLUTION authorizing the Houston Parks and Recreation Department (HPARD) to submit an application for a \$400,000 Outdoor Recreation Grant to the Texas Parks and Wildlife Department (TPWD) for the Telephone Road Project and certifying that the matching share is readily available; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. RESOLUTION 2007-0011 ADOPTED.
12. ORDINANCE consenting to the addition of 11.1035 acres of land to **CYPRESS HILL MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. ORDINANCE 2007-0817 ADOPTED.
13. ORDINANCE consenting to the addition of 38.6488 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 57**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. ORDINANCE 2007-0818 ADOPTED.
15. ORDINANCE amending Ordinance Number 2003-0848 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **INTERFAITH CARE PARTNERS, INC** for Elderly Services - 1 Year - \$600,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. ORDINANCE 2007-0819 ADOPTED.
16. ORDINANCE amending Ordinance Number 2003-1052 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **ROBERT C. GOHLKE, DDS, INC** for Elderly Dental Services - 1 Year - \$379,425.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. ORDINANCE 2007-0820 ADOPTED.
21. ORDINANCE approving and authorizing contract between the City and the **MUNICIPAL CODE CORPORATION** for Codification Services pertaining to the publication of the

current City Code; providing a maximum contract amount - 3 Years - \$75,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. ORDINANCE 2007-0821 ADOPTED.

22. ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **HOUSTON AUTO AUCTION, INC** (#C50625) for auctioneering services on surplus vehicles for Finance and Administration Department - Revenue – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. ORDINANCE 2007-0822 ADOPTED.
23. ORDINANCE approving and authorizing second amendment to an Interlocal Contract between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** to increase the funding from TXDOT to the City for Law Enforcement, General Surveillance and Traffic Control in TXDOT Construction Zones - \$800,000.00 - Revenue – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. ORDINANCE 2007-0823 ADOPTED.
24. ORDINANCE appropriating \$200,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ARCADIS U.S., INC** for Negotiated Work Orders for Design of Rehabilitation and Replacement of Bridge Structure/Roadways, WBS N-00445N-0023-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. ORDINANCE 2007-0824 ADOPTED.
25. ORDINANCE appropriating \$452,683.35 out of Police Consolidated Construction Fund, awarding construction contract to **F. W. WALTON, INC** for Roof Replacement at Gershan and Fleet Administration Buildings, WBS G-000066-0010-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by Police Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. ORDINANCE 2007-0825 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION from Director Department of Public Works & Engineering for approval of an amendment to the FY2007 Operating Budget for the **HOUSTON AREA WATER CORPORATION (HAWC)** - \$550,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Garcia. Council Member Edwards absent.
2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of FY2008 Operating Budget for the **HOUSTON AREA WATER CORPORATION (HAWC)** \$23,351,450.00 - Enterprise Fund – was presented, moved by Council Member

Khan, seconded by Council Member Alvarado, and tagged by Council Member Garcia.
Council Member Edwards absent.

ACCEPT WORK

3. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$501,005.52 payable to the **Surety, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA** and acceptance of work on contract awarded to **TRIMBLE AND STEPHENS CONSTRUCTION SERVICES, INC d/b/a STEPHENS CONSTRUCTION SERVICES** for SEHAH Youth Activity Center, GFS Y-P-013-01-7 - 4.38% over the original contract amount **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. MOTION 2007-0757 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,234,567.92 and acceptance of work on contract with **SPAWGLASS CIVIL CONSTRUCTION, INC** for Construction of Safe Sidewalk Program 01 Project, WBS N-00646H-001-4 - 18.45% under the original contract amount - **DISTRICT H - GARCIA** – was presented, and tagged by Council Member Garcia. Council Member Edwards absent.

PURCHASING AND TABULATION OF BIDS

6. RECOMMENDATION from Director Building Services Department for Professional Consulting Services provided by **WILLIAM T. AVILA** for preparation of a Base Redevelopment/Reuse Plan submission to the Department of Defense for the property located at 6903 and 7077 Perimeter Park Drive, Houston, Texas - \$55,555.00 - Grant Fund - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. MOTION 2007-0758 ADOPTED.
7. **CHANNING BETE COMPANY, INC** for Printed and Audio-Visual Supplies for Health & Human Services Department - \$225,709.94 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. MOTION 2007-0759 ADOPTED.
8. **SANOFI PASTEUR, INC** for Vaccines from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Health & Human Services Department - \$82,450.25 - Health Special Revenue Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. MOTION 2007-0760 ADOPTED.
9. **WALKER AND ASSOCIATES, INC** for Voice and Data Communications Conference Bridge and Mounting Shelves for the Houston Emergency Center - \$39,305.00 - Houston Emergency Center Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. MOTION 2007-0761 ADOPTED.

10. ORDINANCE appropriating \$10,388,670.00 out of Equipment Acquisition Consolidated Fund for 290 Patrol Vehicles and Ancillary Equipment (to include Vehicle Consoles, Mobile Data Terminals, Police Radios, Antennas and sirens) for Police Department – was presented, and tagged by Council Members Johnson, Clutterbuck, Holm and Lovell. Council Member Edwards absent.

Council Member Clutterbuck stated that she was concerned about the source of the funding and specifically she was told that some of the money, close to \$500,000, out of Fiscal Year 2007 Red Light Camera Revenues and \$3.5 million out of Fiscal Year 2008 anticipated Red Light Revenues, that the reason she was tagging the item was that during the budget discussions she asked repeatedly from the Police Department for an update on the amount of revenues that they received from the Red Light Cameras and never received that information, that she was hopeful that they could get her the information about their anticipated revenues from the red light cameras, what funds those revenues were going to go into, and what revenues they had received to date on that. Council Member Edwards absent.

Council Member Brown stated that that a good portion of the item was for radios and he did not know the technology but wanted to make sure they were not buying something that was going to be obsolete in two or three years, and Mayor White stated that one of the issues was how they would phase in new radios. Council Member Edwards absent.

Council Member Holm stated that while she had some of the same concerns as Council Member Clutterbuck did with the funding of it, her other question was if they were looking into leasing and what the status was, that she would like to have the analysis and report on why it was more effective to continue purchasing rather than leasing. Council Member Edwards absent.

Council Member Johnson stated that originally the particular contractor was denied the waiver for MWBE participation, but now he saw there was no MWBE participation on it, so he wanted to find out if they denied the waiver originally why were they coming back and giving them a zero percent goal on the MWBE, he would like some information on that so he could get some clarity. Council Member Edwards absent.

- 10a. **AMEND MOTION #2007-218, 2/28/07, TO PURCHASE** 304 additional Patrol Vehicles for Police Department, for a total increase of \$7,807,632.00, awarded to **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD** - Equipment Acquisition Consolidated and Police Special Services Funds – was presented, and tagged by Council Members Clutterbuck, Johnson, Lovell and Holm. Council Member Edwards absent.
- 10b. **AMEND MOTION #2007-57, 1/17/07, TO PURCHASE** additional Vehicle Console Systems for Police Department, for a total increase of \$88,953.44, awarded to **BISON PROFAB, INC** Equipment Acquisition Consolidated and Police Special Services Funds – was presented, and tagged by Council Members Clutterbuck, Johnson, Lovell and Holm. Council Member Edwards absent.

RESOLUTIONS AND ORDINANCES

14. ORDINANCE consenting to the addition of 303.8154 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 287**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. ORDINANCE 2007-0826 ADOPTED.

17. ORDINANCE approving and authorizing first amendment to contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for an PM 2.5 Air Monitoring System 1 Year - \$68,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. ORDINANCE 2007-0827 ADOPTED.
18. ORDINANCE approving and authorizing second amendment to contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for an Air Monitoring System related to Biowatch activities - 1 Year - \$774,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Edwards absent. ORDINANCE 2007-0828 ADOPTED.
19. ORDINANCE approving and authorizing the use of \$659,482.85 in Community Development Block Grant (“CDBG”) Funds to reimburse the City’s CDBG Treasury Account due to an expenditure correction made by the City’s Public Works & Engineering Department – was presented, and tagged by Council Member Holm. Council Member Edwards absent.

Council Member Holm stated that she would like to know exactly what expenditure correction meant. Council Member Edwards absent.

20. ORDINANCE amending Ordinance 2006-1043 to increase the maximum contract amount of contracts between the City of Houston and **A-1 PERSONNEL OF HOUSTON, INC, ALSO TEMPS, INC, APPLE ONE TEXAS, INC, BERGAILA & ASSOCIATES, INC, ELITE COMPUTER CONSULTANTS, LP., ELITE PERSONNEL CONSULTANTS, INC d/b/a EVINS TEMPORARIES, EXECUTEAM STAFFING, L.P., and SILVER & ASSOCIATES, INC** for Temporary Employee Services and Information Technology Staffing Services - \$17,500,000.00 Central Service Revolving Fund – was presented.

After discussion by Council Members, Council Member Holm stated that she would like to get the amount, out of the \$17.5 million, how much was fees and actual staffing; that she would like to talk to someone about having an administrative pool.

After further discussion Council Members Brown, Holm, Johnson and Lawrence stated that they would tag Item No. 20.

MATTERS HELD - NUMBERS 26 through 34

26. REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by **TERESA ARGUETA** on the denial of an Application for a Manufactured Home Hardship Extension at 7911 Brays - **DISTRICT I – ALVARADO – (This was Item 45 on Agenda of June 6, 2007, POSTPONED BY MOTION #2007-542)** – was presented. Council Member Brown absent.

Council Member Alvarado moved to postpone Item No. 26 for two weeks, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Brown absent. MOTION 2007-0762 ADOPTED.

Council Member Alvarado stated that it should be a three week delay because of the Council break, and moved to postpone for three weeks, seconded by Council Member Khan. Council Member Brown absent.

Mayor White stated that if there was no objection the motion was amended to be three weeks because of the break week, and if there was no objection they would vote on the amended motion. Council Member Brown absent.

A vote was called on the motion to postpone Item No. 26 for three weeks. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Brown absent. MOTION 2007-0763 ADOPTED AS AMENDED.

27. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to redesignating the Building Services Department as the General Services Department – **(This was Item 14 on Agenda of July 3, 2007, TAGGED BY COUNCIL MEMBERS LAWRENCE, WISEMAN and KHAN)** – was presented, and tagged by Council Member Green. Council Member Brown absent.
28. 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 – **(This was Item 32 on Agenda of July 3, 2007 TAGGED BY COUNCIL MEMBERS WISEMAN, LAWRENCE, HOLM and KHAN)** – was presented, and tagged by Council Member Green. Council Member Brown absent.
29. 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 – **(This was Item 33 on Agenda of July 3, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. ORDINANCE 2007-0829 ADOPTED.
30. 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 – **(This was Item 35 on Agenda of July 3, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Holm moved to refer Item No. 30 back to the administration to clarify the conditions of the contract, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. MOTION 2007-0764 ADOPTED.

31. 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** – **(This was Item 37 on Agenda of July 3, 2007, TAGGED**

BY COUNCIL MEMBERS JOHNSON and BROWN – was presented, and tagged by Council Member Green.

Council Member Johnson stated that he had talked to the developer about the item for a very long time to try to see how they might be able to make the development right, that they had talked before with Wayside Village, which was in the immediate vicinity, and that particular development was one that wanted to bring 1,600 low income homes and he argued that the community could not sustain that but at that time the policy stated that they followed all the rules and regulations that were set forth and because he recognized that he yielded and the developer said that he would be willing to do several things in order to make his development better and certainly address some of the community concerns that were there and now they had come full circle because there was a developer that was on prior to that and their development had pretty much flat lined, out of 83 homes that were supposed to be built in section one of which they gave them \$1.5 million for land acquisition, in the 16 or 14 months in which they had been building they had been only successful in selling 28 homes, they had sold 35 lots but only 28 homes, that gave him the indication that the development was dead, that the market had completely rejected the product that they were putting out, that they were coming back to the table and asking the City to allow them for section two, which was an additional 80 homes, to allow the City to give them money to begin building on section two, that he was not against the development, but they were talking about fiscally sound, that they gave them money so they could get success and get good results and right now what they were getting was nothing, that they were getting absolutely nothing from their current investment, that he was asking the City to take a look at asking the development to do something different, that he had asked the developer if he could give them a plan as to how he planned on selling the additional 50 or so homes that he had left in section one, they had not said anything, they only said if they City did not give them the money they would bankrupt their project.

After discussion by Council Members, Council Member Green released his tag on Item No. 31 and Council Member Johnson moved to postpone Item No. 31 for three weeks, seconded by Council Member Khan.

A roll call vote was called on Council Member Johnson's motion to postpone for three weeks.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Johnson voting aye	Council Member Brown voting aye
Council Member Clutterbuck voting no	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Noriega voting no
Council Member Wiseman absent on city business.	Council Member Green voting aye
Council Member Khan voting no	Council Member Berry absent.
Council Member Holm voting aye	MOTION 2007-0765 FAILED

Council Member Green moved to suspend the rules to extend the meeting beyond the scheduled noon recess, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. Council Member Noriega absent. **MOTION 2007-0766 ADOPTED.**

After further discussion by Council Members, Mayor White stated that he heard a statement that the City was giving money to the developer and he was asking Council Member Johnson how when the utilities were put in under one of these agreements, who paid for that,

and then when did the City money come in and who owned those utilities; that the developer would pay for water and sewer utilities, only if they did that did the City reimburse, they then owned those utilities, and the question was if something was more likely to be developed sooner rather than later with those utilities under ground owned by the public in that place, that in the case of the portion of Settegast where nobody put in those utilities, that had been vacant for a long time because it did not have water and sewer utilities, so he was just pursuing it because he had gotten the impression that a developer was being paid by the City for all the water sewer utilities in advance of their incurring the risk and putting their funds in without looking at what the benefit that the City received, which was that the developer incurred the cost and got reimbursed for part of the water and sewer utilities and then those utilities being available to that builder or any other builder who may come to the site next.

After further discussion a roll call vote was called on Item No. 31.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Johnson voting no	Council Member Brown voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Noriega voting aye
Council Member Wiseman absent on city business.	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry absent.
Council Member Holm voting aye	ORDINANCE 2007-0830 ADOPTED

32. 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 – (This was Item 38 on Agenda of July 3, 2007, TAGGED BY COUNCIL MEMBERS JOHNSON and BROWN)** - was presented, and tagged by Council Member Green.
33. 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 – (This was Item 40 on Agenda of July 3, 2007, TAGGED BY COUNCIL MEMBER BROWN)** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. ORDINANCE 2007-0831 ADOPTED.
34. 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 – **(This was Item 43 on Agenda of July 3, 2007, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Berry absent. ORDINANCE 2007-0832 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Brown stated that he thought they all received a memo about the condition of the public streets around the Menil Museum, that the public infrastructure around the museum was deteriorating and he had asked for some information about the prospect of upgrading the street paving in the area, that it was shabby and the Board of Directors of the Menil had asked him to see if they could not do something to improve these streets. Council Members Khan, Holm, Lovell, Noriega and Green absent.

Council Member Brown stated that last night he went to the open house of the proposed amendments to the Major Thoroughfare Plan, that he would like to bring up that of the twelve requests for changing the alignment of the Major Thoroughfare Plan or deleting sections thereof, four of them had come essentially from the Parks Department because they had major thoroughfares running through the middle of parks; that the most significant one had to do with the Herman Brown Park, where not only did they have a major thoroughfare running through the park, north and south, but they had Highway 90A cutting Herman Brown Park in half, which was going to cause a reconstruction of a bikeway in the park and a relocation of the proposed botanic garden, that it was a good example that they had to get their Parks Master Plan and their transportation planning and other forms of infrastructure coordination in sync. Council Members Lawrence, Khan, Holm, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that they needed to talk more about recycling, that they had gotten some interesting information from the City of Seattle, that they had a recycling program where they put paper, plastic and cardboard in a can and they had a separate one for glass, that twice a month they had garbage pickup and they had another bin where they put organic garbage, that they encourage composting and had another bin for taking all of the vegetable scraps and doing their own composting; that he wanted to say to the people of Houston that the Mayor had done a good job taking them much farther in being a green city and they were on the cusp of getting going on recycling in a very serious way. Council Members Lawrence, Khan, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that on July 17, 2007 at 8:00 p.m. the Planning and Development Director of the City of Dallas was going to be in Houston and present the Dallas Comprehensive Plan and their approach to neighborhood planning and their conversion of their existing codes to form based codes, that Ms. Teresa McDonald would have a back and forth discussion about how these planning efforts would be applicable to the City of Houston. Council Members Lawrence, Khan, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that tonight they were having the grand reopening of the Westbury Pool and knew that many of her colleagues would be there between 6:00 p.m. and 9:00 p.m. at the Westbury Pool, which was located at the corner of Willowbend and Mullins, next to Parker Elementary. Council Members Lawrence, Khan, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that they received a nice letter from the Southgate Civic Club thanking their office and in particular Mr. Tim Douglas and the Planning Department for assisting with traffic flow in the neighborhood, that the neighborhood was immediately adjacent to the Texas Medical Center. Council Members Lawrence, Khan, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that there was a waterline replacement project going on in neighborhoods in her district, one was in upper Kirby between Richmond and West Alabama, that there were 10 art galleries on Colquitt and Lake Streets that were having a big event, Art Houston, on Saturday, July 15, 2007, and they were extremely concerned about the ongoing waterline replacement and the disruption to the streets and to mobility and parking in the area, that she wanted to thank the contractor on the project and the Public Works Department who were flexible in rescheduling the particular stretch of the project and for altering the schedule and work so that traffic was not affected and attendance at the cultural event could continue. Council Members Lawrence, Khan, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to wish Council Member Noriega a Happy Birthday, that she would be celebrating a birthday on Saturday. Council Members Lawrence, Khan, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that as to Item No. 31 he appreciated the understanding that was given, that he thought it would give development more conscious, that he hoped people understood that he was not against development and hoped people recognized that, that his district had been underdeveloped for so long that certainly they welcomed development, but not just any development, they wanted good sustainable development that was going to make their school district a better school district, that was going to encourage the commercial businesses to come in, that was not going to put a strain on their City services, fire, police and ambulance, that yes he voted against the project, not because he did not want it, that he wanted it, but fiscally sound, he only wanted to get an idea as to what the developer was going to do next; that in talking with those guys they did mention the fact that in good faith they would communicate with him and would come up with the plan they talked about and in good faith they would do that and he certainly hoped that they would. Council Members Lawrence, Khan, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to congratulate Lanier Middle School for winning their fifth consecutive National Debate Championship, that she was happy that they were located in her neighborhood, that all her children had gone through there and she still had one son there, that she wanted to congratulate their coach and teacher, Mr. Jim Hanley, who sadly was retiring from Lanier. Mayor White and Council Members Lawrence, Johnson, Khan, Garcia, Alvarado, Brown, Noriega and Green absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to thank Council Member Johnson for raising some issues and concerns, that sometimes she thought there were agreements that were put in place four, five or six years ago that needed to be revisited, things that needed to be improved upon and she looked forward to those discussions on the development partnership contracts. Mayor White and Council Members Lawrence, Johnson, Khan, Garcia, Alvarado, Brown, Noriega and Green absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to congratulate Council Member Clutterbuck for fighting to keep the pool open in her district, Westbury, they had very few pools left in the City, that they were very important. Mayor White and Council Members Lawrence, Johnson, Khan, Garcia, Alvarado, Brown, Noriega and Green absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

Council Member Holm stated that she too wanted to congratulate Council Member Clutterbuck on the opening of the pool, that when Red Elementary celebrated it's anniversary

she noted that her husband Chuck was a graduate of Red and she was in fact a graduate of Parker Elementary, so they would be happy to celebrate with Council Member Clutterbuck. Council Members Lawrence, Johnson, Khan, Garcia, Alvarado, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Holm stated that earlier she asked some questions about evaluating their relationship of expenditures with the return of services and one of those that particularly concerning her office at this point were the sponsorship agreements and the way they had approached them, that there were many sponsorships in District G and the question was why would the City not rebate more money, it cost them more than \$6 and she said to them that they were really lucky to get any money, that was an option they had and that they chose to make, that the issue was not that they had stopped paying some sponsorships, the issue was one, that they gave less than two weeks notice, that not giving at least a year's notice so the operating budgets of the home owner's associations could figure out where they wanted to go was really an error in their communication and judgment and making sure that they had not impacted severely, that the other thing that concerned her greatly was that they had offered no options, they could not receive City services, they had to have private services, that they had no option; that she was talking about the sponsorship agreements that they cancelled, that for some at this point they might opt and decide that if they did not get the reimbursement that was a service that they could no longer afford. Council Members Lawrence, Johnson, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that one of the alternatives, and he was not prejudging or endorsing, but was there some basis on a full cost recovery fee basis where the City may want to compete for that business so that people may have more choices, that may be an issue to be considered, and Council Member Holm stated that the final issue was one they had not even addressed yet, that now there were neighborhoods that had received City pickup for years and years, and whether it was in their ordinance or not they had received it and they were getting ready to send out notice to them that they were no longer entitled to City services, that her concern was that she thought they had to balance, that this may be fiscally responsible for the City, but she was concerned that they had to balance their administrative and social services with what she considered basic core services, that she thought that every taxpaying citizen in Houston ought to be able to access whatever the basic service was; that most of them who had sponsorship agreements would continue to have sponsorship agreements, but they ought to have that option, unless when the developments happened she thought they ought to put it in the covenants that it would be a service that would not be provided by the City. Council Members Lawrence, Johnson, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that when she was campaigning for the seat one of the issues that was always brought to her in a lot of the areas, particularly Sunnyside, was the lack of services that had historically been given, so she was excited that one of the visions and dreams of Sunnyside was coming true, that they would be bringing the lights to the community of Sunnyside, where people could feel a little bit safer, that and the infrastructure of Sunnyside had always been one of the primary priorities for their community. Council Members Lawrence, Johnson, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to talk about the committee structure for the City of Houston, that she was continuously frustrated, that she knew very clearly that she could not do everything as a District Council Member so something's she left to the process, that she believed strongly in the democratic centralism process, that she got very frustrated with the conversations that they had, especially about issues of Homeland Security and

transportation, that when they had City Council Members who served on committees who dealt with it on a broader scale and they get very little information as a general body as to what that participation was of benefit to the City of Houston; that she had asked for briefings from those Council Members who were on those committees, the HGAC and the TML, to find out, since they paid for their membership, to give them a briefing on what was being said; that she would like for someone to tell her, either face to face, by paper, email or telephone, what were they talking about regarding transportation; that if they could not do it before she gets out of office, that as they move forward in the new administration that there be a process by which people who were assigned to these committee to come back and give a general briefing, either quarterly or annually, something consistent. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she did not think it was fair that a policy like DPC (Developer Participation Contract), that was put in place to help the City develop infrastructure services be responsible for development, that she thought it was an inane position to say that Public Works was now responsible for choices of models for homes and all that kind of stuff, that if they wanted to do that then they needed to develop offices that would do that kind of structure where they would develop a whole developmental plan. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that as to the issue of the streets in the area of the Menil Museum there was a process by which that had to happen, that she checked with her office and they did not have any requests from civic clubs in the area regarding street repair, but she would look into it, but right now she was not inclined to shift any CIP line items for the district because those that were there she was fighting to keep them in place because most of them had been there for over 10 years; that no one from the Menil office had called them but she would call the Menil. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that the City of Austin had a very interesting program, that it was a Housing Authority Economic Development Program in depressed neighborhood, whereby the Housing Authority partners with the City and goes in and buys potentially commercial buildings and helps incubate local business in these neighborhoods as part of a housing and commercial revitalization strategy, that apparently it was working pretty well, and thought that if the Austin Housing Authority had funding to do that then maybe the Houston Housing Authority did also. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they had looked at several models, including Austin and Los Angeles and some others that were referred to them by the FORD Foundation in that area, that the interesting thing was that Houston had been so checker board developed, that she thought they were going to have to develop their own process by which they do what they needed to do. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he agreed with Council Member Edwards that they needed a game plan, and an org chart was not management, that good people with good judgment and processes and criteria and policies were the key components. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Holm stated that she requested a Mayor's report, that as a member of HGAC or TPC, that she thought that Council Member Edwards wanted to know what the City's position was and she looked forward to the Mayor's Report. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to know why they had Council Member Holm on the board, what were they talking about and what positions were they putting forward there, and what was the status. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White asked how do they make sure information was circulated in ways that was not so overwhelming and yet topical, and Council Member Edwards stated that she knew some people were on the Transportation Committee and maybe quarterly they could do a report at the City Council; and Mayor White stated that generally in this type of situation if they started with what was the one or two items which had generated the most interest or was the toughest for them and the other City personnel, not the top ten, just the top one. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:24 p.m. Council Member Wiseman absent on City business. Council Member Berry absent. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary