

City Council Chamber, City Hall, Wednesday, September 5, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday September 5, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Mr. Xavier Herrera, Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Members Addie Wiseman and Adrian Garcia out of the city on city business.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:22 a.m. Council Member Khan recognized Mayor White for a presentation. Council Members Johnson, Holm, Alvarado, Lovell and Berry absent.

Mayor White stated that the Houston Texans had adopted recycling as a cause and to have recycling throughout the Texans organization, that it was one thing to be one of the figures that was representing their City on the field as professional athletes and another to be active neighbors and citizens on something they were all involved in and Mayor White recognized Mr. Jamie Roots, President, Houston Texans. Council Members Holm, Alvarado, Lovell and Berry absent.

Mr. Roots stated that they wanted to invite Mayor White this weekend to serve as their honorary captain, that the theme would be the Liberty White Kickoff, and what better person to stand up and represent Houston, as he did day after day, at Reliant Stadium, that this weekend was the one time during the year that the players would wear white jerseys and pants together and would ask all fans to likewise wear white; that they would join with the Mayor in helping to make Houston a model environmental city by kicking off their recycling initiative at Reliant Stadium, that they were launching their Texans Care Recycling Program in conjunction with Waste Management and at the direction of the American Leadership Forum and introduced the President Harriet Wasserstrum, Ming Tran, Class Leader and Shara Fryer, Class Leader, who came to them and said it was a very important initiative for the City of Houston, that they had about a million bottles that went through Reliant Stadium on an annual basis and those things ought to be recycled, but more importantly it was the impact they could have on others by standing up for an important cause, that they were going to launch it on Sunday. Council Members Holm, Alvarado and Lovell absent.

Ms. Fryer stated that they had about 600 who had gone through the intensive year long seminars that made up American Leadership Forum, that her class, Class 24, had 26 members and as their class project they thought why not try to encourage recycling as part of the Mayor's initiative, they contacted the Mayor's office and the EPA and the Texans who immediately came back and decided it was something that they wanted to get behind and wanted to be the voice and leadership across the community, so for them it was a dream come true because the class project was a success because of the Texans and was a way of showing how diverse segments of the Houston community as well as a grassroots effort could reach out to the public, private sector as well as government in terms of the wonderful corporate citizens in the City of Houston and see them take the ball and run with it. Council Members Holm, Alvarado and Lovell absent.

Mr. Roots stated that they had outside their recycling containers that would be throughout Reliant Stadium and they had been asked to consider providing them for City Hall and they were happy to do that, that Mayor White could not be honorary captain without an official team jersey and Mr. Roots presented Mayor White with a Texan jersey. Council Members Holm and Lovell absent.

Mayor White stated that he was glad Controller Parker was able to be present because she really highlighted for all of them something they were still working on, their need for recycling to save taxpayers money for all the space they take up at dumps. Council Members Holm and Lovell absent.

Council Member Noriega stated that she wanted to tip her hat to the Texans and to all of her ALF colleagues. Council Members Holm and Lovell absent.

At 9:28 Mayor White called on Council Member Green who led all in the prayer and pledge of allegiance.

Mayor White requested the City Secretary to call the roll. Council Members Wiseman and Garcia out of the city on city business. .

The City Secretary stated that before they adopt the minutes of the preceding meeting she wanted to announce that on Item No. 8 of last week, which was the water meters, the record would be corrected to show that Council Member Clutterbuck tagged the item. Council Member Holm absent.

Council Members Khan and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Holm absent. MOTION ADOPTED.

Council Member Green moved to suspend the rules to consider the Monthly Financial and Operations Report as well as the Mayor's Report out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Member Holm absent. MOTION 2007-0911 ADOPTED.

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 – was presented.

Mayor White recognized Ms. Annise Parker, City Controller and Ms. Judy Gray Johnson for the Monthly Finance and Operations Report. Council Member Holm absent.

Ms. Parker stated that this was the Monthly Financial Report for the period ending July 31, 2007, it was the first month of FY08, that as usually was the case at the start of the fiscal year not much had changed and in fact for the Controller's office they were still using the revenue numbers that they presented when the budget was passed, they were watching some economic trends and as everybody was aware the problems in the mortgage market they could eventually have some local impact, that perhaps in property tax delinquencies or sales tax collections and they would try to stay on top of that, that their revenue projections did show a shortfall between revenues and expenditures of \$16.5 million, that to keep in mind that the budget they adopted showed a Fund Balance draw down of \$12.5 million, there was some discussion about it yesterday and it was not an issue of concern in the Controller's office, they still had very healthy fund balances, they simply present it in such a way to show that the Fund Balance was being drawn down, that they disagreed with the administration's presentation of just hiding it in the bottom number, they would point out in the future if those trends seemed to be going in the wrong direction, that there were also some questions yesterday about why their numbers did not agree and she would remind Council Members that each of the revenue numbers they saw in the Monthly Report reflected a number of different revenues that were rolled up, those were summary numbers way they approached it they each did the numbers independently and then roll them up and then get together the week prior to the meeting and compare

notes, that she would say that in previous administrations there perhaps had been less comparing notes than in this one, they had, she thought, a good professional relationship where they believed the administration laid their cards on the table and they just sometimes respectfully disagree with how they were presented, but they thought the process was working well, and at this point while they were showing some difference, only about \$3.5 million at this point, they thought that was really a minimal problem, and that concluded her report. Council Members Holm and Lovell absent.

Ms. Johnson stated that as she mentioned yesterday on their property tax schedule they expected to have the Appraisal Review Board for the Appraisal District take action this Friday to finalize the roll and it would take about 10 days for the certification process so they did not expect to have final numbers until possibly September 17, 2007, they would have figures earlier than that but they would not be certified, that most of the cities in Texas were seeing higher than expected values as they get their certifications and close out, but they were going to wait and see what happens and they had not made any changes to their estimates in the mean time, that they did finalize all of the Sales Tax numbers, that they came in last year, June 30, 2007, 9.2% above 2006, they certainly did not expect those levels of Sales Tax Revenue to continue and they expected 3.3% increase for Fiscal 2008 compared to Fiscal 2007, they thought that was reasonably conservative and hoped it was a low number but that was what it would take to hit budget, that there were very few changes in their expenses and those were mentioned in the report and there was no reason early in the fiscal year to have any significant differences at all, and that concluded her report. Council Member Holm absent.

Council Member Edwards stated that she had been keeping up with FEMA moving the payment of Katrina movements to HUD and then how that was going to be managed over the years and there seemed to be a suggestion that it was going to increase the number of homeless in the City of Houston, or had the possibility of increasing the number of homeless in the City of Houston, and she would like to suggest that somebody in the administration really look at that and see what that impact could have possibly on their social agencies and on their budget that they give for those services. Council Member Holm absent.

Mayor White stated that they would do so and would ask Michael Moore to follow up with some of those social service agencies, including United Way and Ernie Etuk and the Harris County Housing Authority. Council Member Holm absent.

Council Member Green moved to accept the Monthly Financial and Operations Report, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. MOTION 2007-0912 ADOPTED.

MAYOR'S REPORT

Mayor White stated that he had two items, that each of them received a letter that he sent to the Chairs and Chief Executives of the three public pension systems requesting that they ask those investing their funds to divest from certain firms meeting certain defined criteria who were deliberately or recklessly supporting a regime which had been conducting genocide against it's own people, that there had not been for sometime such an overwhelming international consensus condemning the actions of a particular country, that he would not summarize for them all the points that they would see that were attached in the excellent summary of the international literature that was provided along with a copy of the letter to the individual pension boards, that no mass murder was excusable or acceptable wherever it may occur; that he believed Mr. Mason had talked to the various pension boards and trustees about the issue and he could understand and respected tremendously any concerns that may be expressed that they were opening up floodgates, they were not, they were not opening up floodgates to resolutions but of course every Council Member was free to say anything they wanted in a microphone and so were any other citizens, they were not micromanaging the foreign policy of the United States or commenting on it, their resolution was consistent with the

foreign policy of the United States and most of the nations and the United Nations. Council Members Lovell, Green and Berry absent.

Mayor White stated that he supported City workers, businesses and the military doing post operation action reports, that it was something that Chief Boriskie, when he was just a District Chief, did with all the people who worked with him, to always see how they could improve and do better, that he supported that, it was a sign of strength and security in an organization, that he asked each person around the Council table to join with him in saying that firefighting in the Fire Department, they could always look for improvement, there was no such thing as a perfect human being, but they could not second guess and he would tell the men and women in the Fire Department that the citizens in the community would not second guess people who were acting in good faith in trying to fight fires and save life's within their community, that somebody set a building on fire, an neither the Fire Department nor the City of Houston started that fire, it was a very dangerous thing and a tragic loss of life, they were going to learn there was a long standing, decades old loophole, in an ordinance and they would address that, that they had done the inspection, that as in the case of every major operation he encouraged their departments to candidly assess what they could do better without fear that he or the citizens or City Council would second guess their judgment in every case, otherwise they would not have people making decisions, the families of the lost citizens were in his prayers and in the prayers of the people in the Fire service, that there were a couple of violations of procedures, two of the most salient had to do with people, an ambulance crew jumped the gun before the alarm because they wanted to help and the fire captain who got separated in trying to rescue somebody on the fifth floor, in violation of procedures he jeopardized his own life, and he could tell them because he was on a cell phone and it was a close call, that he was not saying that he endorsed risky conduct that could endanger the lives of others to save a life, but he wanted to say that the people acted in good faith when they did so, that there was fair public comment but he could tell people in the Fire Department, on behalf of the citizens of the community, that they respect what they do to save their citizens, that they did not blame them on deaths started by people who start burning buildings, and that they support the improvement of their organization through constant look at self criticism and they did not take that self criticism as a sign of weakness, they took it as a sign of security and of strength. Council Members Lovell, Green and Berry absent.

Council Member Edwards stated that she wanted to speak on the Mayor's first point and concurred on his second point, his analysis and conclusions on that, but on the issue of Darfur she wanted to thank the administration for taking the issue by the horn and dealing with it in a pragmatic way that she thought would produce results and consequences that would hopefully end a disgusting exposition of human enslavement, raping of women and children, bondage of children, having millions of people displaced, thousands of people killed, that it had been going on for a number of years, that she wanted to thank Mayor White for his leadership in the matter. Council Members Lovell, Green and Berry absent.

Council Member Clutterbuck stated that she too wanted to thank Mayor White for the initiative and thought it was long overdue; that they also had some other issues that faced them, that there was another form of investment and would also like to urge Mayor White to consider instructing the pension board to divest in foreign owned companies with business operations in Iran that dealt in energy defense and nuclear sectors, that it was widely known that the Iranian government was not willing to abandon their quest for nuclear weapons and that it had been described as the ATM for terrorists in their world, that she would urge Mayor White to add the list of Iranian companies to the list of what they as the public would like to see their dollars going into, that she thought the public had the right to know that their money was not invested in businesses whose actions threatened peace. Council Members Lovell, Green and Berry absent.

Council Member Khan stated that he wanted to commend Mayor White's leadership for the resolution. Council Members Clutterbuck and Holm absent.

At 9:58 a.m. Mayor White stated that they would move to the public session. Council Members Holm, Green and Berry absent.

Mayor White requested the City Secretary to call the public speakers. Council Members Lawrence, Holm, Green and Berry absent.

Mr. Ellis Munoz, 14226 Glasgow Place, Houston, Texas 77077 (936-441-5291) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Holm, Green and Berry absent.

Ms. Adriene Anderson appeared and stated that she would like to speak on behalf of Mr. Munoz; and Council Member Edwards moved the rules be suspended for the purpose of hearing Ms. Adriene Anderson out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Lawrence, Holm, Green and Berry absent. MOTION 2007-0913 ADOPTED.

Ms. Adriene Anderson, 14226 Glasgow Place, Houston, Texas 77077 (832-289-3000) appeared in opposition to Agenda Item 35, and stated that she was present to speak on Vectra; that currently someone paid \$6.00 to receive an accident report from HPD, but the city wanted to give this job of providing accident reports to a non governmental private agency which would be considered unequal access, providing the information to one for profit business and not another and if the unequal access was circumvented by bid then downloading all accident reports in bulk form to a private entity was in direct contradiction to the Transportation Code, Subsection 550, Paragraph b. Council Members Lawrence, Johnson, Holm, Green and Berry absent.

Ms. Danica Botello, 2101 Crawford #313, Houston, Texas 77002 (832-515-8463) appeared in opposition to Agenda Item 35, and stated that she was present to speak on Vectra; she was objecting to them being the provider of HPD accident reports on line, as a licensed liability adjuster a crash report was essential and often times an imperative tool and after she heard of this she went to their website and it was the first site she ever visited where her own personal computer security system warned her of entering before access; that they had a \$25.00 service charge to obtain 50 or more reports per month; \$50.00 service fee to access more than 50 a month and that was on top of the \$1.50 fee they would add to the \$6.00 HPD currently charged for each report to be obtained and the Texas Transportation Code 550.065, Subsection c 4 d stated that a fee for a copy of the report or accident information was \$6.00 or preparation of copy fee which ever was less; that 70,000 accidents occurred in Houston monthly and the people would have a difficult time getting hold of a company with a 1-800 number and one E-mail address. Council Members Lawrence, Johnson, Holm, Green and Berry absent.

Upon questions by Council Member Noriega, Ms. Botello stated that as a small business owner a \$25.00 or \$50.00 fee on top of \$1.50 would be a substantial cost; and urged that the item not be approved. Council Members Lawrence, Johnson, Holm, Green and Berry absent.

Ms. Jennifer Jacobs, 11262 Pompano Lane, Houston, Texas 77072 (281-236-a1643) appeared and stated that she was manager of Jennifer Jacobs and Associates, a human resource development consulting firm and a City of Houston MWDBE for eight years; that community service was a rewarding experience and she went to the city's website to check the boards and since January 2005 she tried to render her services as a volunteer to participate on a City of Houston Affirmative Action Advisory Committee for MWBE's and she was confident her experience and commitment to the process associated with government contracts and MWDBE's could be useful to serving on the board with a fresh objective view and gave a list of

her references to support her statement, but what she wanted was an understanding of the process to be considered for the board. Council Members Lawrence, Holm and Alvarado absent.

Council Member Edwards stated that she did not know if there was an opening; and upon questions, Ms. Jacobs stated that she believed the biggest challenge was contracts below \$50,000, there was huge disparity and she would be interested in looking at the recommendations; that she would even be interested in serving on the Mayor's Taskforce to look at how the recommendations may be carried out; that each time she called she was told there was an opening, but then nothing; and Council Member Edwards stated that she would like to speak with her further about it. Council Members Lawrence and Alvarado absent.

Mayor White stated that Ms. Cabral had spoken with her several times and names for boards came from various resources including Ms. Laws and Council Member Garcia who was chairman of the committee and various Council Members suggested people and they also reached out to various professional associations; that they were well aware of her interest and every two weeks Mr. Anthony Hall, he, and Ms. Andrea Jones, Rogene Calvert and Ms. Christina Cabral and from time to time others did confer and try and keep current because they had three boards they wanted to make sure the roles and responsibilities of each were well defined; and asked Ms. Cabral and Ms. Laws to make recommendations; and she was in the mix. Council Members Lawrence, Alvarado and Noriega absent.

Council Member Berry stated his perspective to placing people on boards was that frequently since Ms. Cabral took over they had conversations where the office asked for resumes and often they find names and then they were put on the board, but sometimes boards did not get filled because they could not find citizens willing to serve and from his perspective he did find that office very fair and did not pre-select members; that he did not know why she had not been asked to serve but did appreciate her willingness. Council Members Lawrence, Alvarado and Noriega absent.

Ms. Tanzeel Merchant, 418 Misty Creek, Missouri City, Texas 77459 (832-875-7555) appeared and stated that a major driving force behind this city's growth was inclusion of minority owned business enterprises in city contracts and today she was present as two years ago she registered her business, Merchant Financial Services, a credit card processing company, as a MWBE with the city and Motion 86-2204 stated that each proposer must agree if awarded a contract the proposer would make good faith efforts to award subcontracts of purchase agreements of at least 11% of the total value of the contract to an MWBE firm certified by the city's Affirmative Action Division and after nine months of meetings, etc., she found herself at a loss; that in April 2006 she received an E-mail from the Office of Finance and Administration stating a contract for the city's credit card processing was awarded to Chase Bank and having never received a request for bid proposal she was deprived from bidding and subsequent to the award to Chase they never contacted her although she was the only MWBE registered with the city and so it was unclear how any good faith efforts were made and today she was bringing the matter to Council's attention as she had registered with pride and faith and was asking for guidance so she may see her goal of doing business with the city a reality. Council Members Lawrence, Lovell and Green absent.

Council Member Khan stated that Ms. Merchant's parents were his friends and she had never approached him for any help while going through the process, but did call after rejected and he urged she come before Council; and upon questions, Ms. Merchant stated that she was the only registered MWBE registered in her field; that she registered two years ago and the contract was awarded April 2006; and Council Member Khan stated to Mayor White that he was interested in finding out if there was an MWBE component on that contract and who was

fulfilling it; that not every contract had an MWBE component; and wished her the best. Council Members Lawrence, Lovell and Green absent.

Council Member Edwards stated that her comments were for the Administration, she worked hard her adult life trying to get affirmative action programs going and maintained and was suggesting a taskforce be put together to work with Ms. Laws to see what needed to be done; that they had people here almost weekly and it was to the point they could not keep saying they would fix it and then no plan she knew of; that she was willing to put time into this to keep it going, something needed to be done and she would ask Council Member Alvarado....; and she would like his permission to look at this and address with Ms. Laws or Chairman of the MWBE Committee as they could not just keep talking about this. Council Members Lawrence, Lovell and Green absent.

Mayor White stated that she had an excellent suggestion; that it was clear when you had Council Members saying things, if Council Members could not understand the program adopted then how about citizens, it was a collective responsibility to make sure everyone was talking about the same thing; that Mr. Gallegos was here giving Ms. Laws some help, but the final thing was to make sure people knew facts of the program; that Mr. Gallegos was present; and upon questions, Ms. Merchant stated that this was a city contract; and Mayor White stated that he thought they contracted with a state agency; and Ms. Merchant stated that the Office of Finance and Administration contacted her and said previously they had credit card processing from division to division, but just signed a contract for the city of Houston where it was made for one contract; and Mayor White stated to Mr. Gallegos that he also wanted clarification, sometimes to avail themselves of economies scale and procurement they would use some purchasing processes for other entities and he believed that would be the case on the P card contracts they had; and upon further questions, Ms. Merchant stated that she had been in the business seven years but registered as a minority two years and she had valid P clients but not that many and two employees; and Mayor White stated to Mr. Gallegos to consult with Ms. Merchant and if she learned something after coming here his question to Mr. Gallegos was why did someone have to come to Council before they were able to learn something, the process needed to be improved for better communication. Council Members Lawrence and Lovell absent.

Council Member Alvarado stated that Council Member Edwards had a great suggestion, but again for the second or third week in a row there was an ongoing issue with items related to Affirmative Action; that a special meeting was coming up on the 10th and she would like answers to some of those problems which had occurred in the last two weeks and they needed accountability, who was responsible, who signed off on certain items and that was why she suggested at the last committee meeting that they move all MWBE responsibilities into that department and take them out of individual departments and some of the Administration frowned on it, but if it was not working as it was why not entertain a change. Council Members Lawrence and Lovell absent.

Ms. Susan Stein, 3222 Hazy Park, Houston, Texas 77082 (713-907-1101) had reserved time to speak but was not present when her name was called. Council Members Lawrence and Lovell absent.

Ms. Sandra Massie-Hines, 4425 Alvin, Houston, Texas 77051 (713-731-9806) appeared and stated that she was present today to challenge a policy the Mayor had concerning 911 operators not being able to call a citizen who was fleeing for his life back on a cell phone; that the law was to protect the innocent and on police units it said call 911 for emergency; that she would like the policy reviewed to save lives; that on August 24th her son was fleeing, he was being chased by an Elite wrecker truck with two shooting out of the right side and one shooting out of the drivers side and a car following; that they chased from 2234 Willowridge to Post Oak

to the Beltway; that he called her for help and she was in the dark trying to get 911 and the operator stated she could not call him back and all needed protection. Council Members Khan and Berry absent.

Council Member Clutterbuck thanked Ms. Hines for coming and highlighting the issue; and stated that she would like Mayor White to state the policy on someone dialing 911 from a cell phone; and Mayor White stated that such calls would be answered, there were issues involving call tracing, to find locations of an incident and he had reviewed summaries of the tapes and he could sympathize with her concern for her son; that Mr. Cutler was present and could go over procedures; and Council Member Clutterbuck stated that she would urge if anyone witnessed a crime they dial 911; that it was terrible what he went through but to call his Mom, 911 was the best remedy; and Mayor White stated that he would review the calls. Council Members Khan, Alvarado and Berry absent.

Upon questions by Council Member Noriega, Ms. Hines stated that her son was fine, not one bullet hit his window; and Council Member Noriega stated that she could not imagine anything as scary as having someone shooting at your son and she was sorry she had to deal with it; that the Mayor would be dealing with it and they would work on it. Council Members Alvarado and Berry absent.

Mayor White stated that was why 911 was so important and he did not blame people for calling their mother, it was hardwired into many, but call 911 first. Council Members Alvarado and Berry absent.

Upon questions by Council Member Edwards, Ms. Hines stated that those shooting were in an Elite wrecker truck, but it had been reported stolen just hours before it happened. Council Members Johnson, Alvarado and Berry absent.

Mr. Paul Lee, 6007 Y Street, Katy, Texas 77493 (281-391-7173) appeared and stated that he was present as Officer Mathew Lloyd Davis lied on the witness stand; that on his last visit Council Member Berry seemed to show interest in his complaint and today he wanted to present an update, except couldn't as nothing was done and he thought this sent a message to police to do what they wanted when it made the city money and if they thought the police were always right they should just look at the crime lab; and a gentleman was in Council recently having had his dad shot and killed in their store, the officer should just stand in front of that store issuing tickets, he made up charges anyway. Council Members Johnson, Edwards, Lovell, Green and Berry absent.

Mayor White stated that Captain Williams with HPD was present and could meet with him at this time. Council Members Johnson, Edwards, Lovell, Green and Berry absent.

Mr. Jose Fernando, 110 McCullough, San Antonio, Texas 78215 (832-264-3548) had reserved time to speak but was not present when his name was called. Council Members Johnson, Edwards, Lovell, Green and Berry absent.

Mr. Nasruddin Rupani, 9888 Bissonnet #150M, Houston, Texas 77036 (713-206-9090) appeared, presented information and stated that he was chairman and on the board of directors of the Ibn Sina Foundation and today was present to thank Council for what was done regarding their health initiative; that the clinic in District F was fully operational and served over 50 underprivileged patients daily and it was through the city's gracious contribution that the Southwest Clinic was even possible and today they were present requesting continued support for their early child hood initiative; that Ibn Sina had added a new wing under the board with a mandate to develop an education program which would cater to holistic development to

underserved families; and invited all to the Foundation Stone Ceremony of the Ibn Sina Montessori School on September 6th where Council Member Khan would be guest of honor and invited all to the Celebration of the Century at the University of Houston on October 6th beginning at 10:00 a.m. and for more information www.100yarsmontessori.com. Council Members Edwards, Green and Berry absent.

Council Member Lovell thanked Mr. Rupani for coming and stated that she had toured their clinic and it was a model for partnerships the city wanted to have and continuing with their school was important to the plan and she planned to be there for the celebration and hoped other Council Members would also. Council Members Johnson, Edwards, Green and Berry absent.

Council Member Khan stated that he too was so proud of the Ibn Sina Foundation and the work they did, it was a great model as to how people so committed to serve humanity could come together and use their time and resources and bring the whole community together to serve and he was looking forward to them repeating that model in other parts of the city and hoped others would do so also; that with this organization there was no overhead spent on board members, etc., all resources went to providing service and their Montessori school was very important; and he looked forward to the celebration and saw excitement in the whole community. Council Members Edwards, Holm, Noriega, Green and Berry absent.

Mayor White stated that on the issue he brought forward so that they were clear on process as he mentioned at the opening of the clinic unfortunately the city did not make medical healthcare policies of the nation, they did get CDBG funds but there were cut backs because community development and health care were a lower priority with the federal government; that they had a real asset because they had so much private fund raising and volunteer activities and Ms. Elena Marks and Mr. Steven Williams would be reviewing and there would be prioritizations and they did support vastly more clinics, but Ms. Marks and Mr. Williams would be making recommendations and the new plan for Council would be up approximately next March or April because funds were committed this year. Council Members Edwards, Holm, Noriega, Green and Berry absent.

Council Member Khan stated that on a point of personal privilege they were honored today to have visitors from Houston's sister city Chiba, Japan, and requested those present stand to be recognized. Council Members Edwards, Holm, Noriega, Green and Berry absent.

Council Member Green stated that Council Member Khan was a great advocate for the Ibn Sina Foundation and at the Foundation Stone Ceremony, September 6th he would be the chief guest. Council Members Edwards, Holm, Noriega, Green and Berry absent.

Mr. Shafiq Shivji, 9888 Bissonnet #150M, Houston, Texas 77036 (832-391-4271) appeared, presented a card and stated that he was a professional from the Montessori community and every child developed their neuro pathways between ages of 0 and 3 and more broadly 0 and 7 and it was critical to take advantage of that window of opportunity, their personality, moral and ethical values were established during that time and they needed to be able to extend opportunities to the part of the community who normally would not be able to afford such a luxury as it was easier to prevent something than to cure it; and the Ibn Sina model was not just for children but for the family and Montessori was not just a school but a way of life. Mayor White, Council Members Clutterbuck, Edwards, Holm, Noriega, Green and Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that if they followed the model of the clinic for the school it would be incredible as it was a state of the art community; and commended all on what they

were doing. Mayor White, Council Members Clutterbuck, Edwards, Holm, Noriega and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Shivji stated that the CEO of Ibn Sina did an extensive report and identified three communities of need, the African American, Hispanic and general immigrant population; that Texas fell as one of the highest in poverty at 29% with one in every four born in those communities born into a poor family and the district he represented had a large population of those communities and 75% of Houston's children between the ages of 0 and 17 were of those communities. Council Members Edwards, Holm, Noriega and Green absent.

Mr. Munir Shivji, 9888 Bissonnet #150M, Houston, Texas 77036 (281-977-7462) appeared and stated that Montessori was a worldwide social movement intended to champion the cause of children; January 6, 2007, it was 100 years since Maria Montessori opened her first school in Rome and it marked the beginning of a global education and social movement which today had more than 22,000 schools in over 110 countries; that they wanted to continue her mission by placing all children in the world in the center of society and assist them in transforming elements leading to peaceful and harmonious humanity; that the Ibn Sina Foundation would be hosting two events at the University of Houston October 6th with the first being the global village and would allow all to experience cultures around the world in a Montessori context and the second was a peace and culture show featuring ethnical performances and tickets being sold for the evening performance were for funding of their school. Council Members Holm, Lovell and Green absent.

Dr. Aijaz Khawaja, 9888 Bissonnet #150M, Houston, Texas 77036 (713-777-7462) appeared and stated that the Ibn Sina Foundation had a clinic all knew of and it was a population of 65,000 in District F with 29% of the children at poverty level so there was a huge demand in District F for early development programs and physical and mental health services, it was important for the children, but it was also important for early development programs so the children could develop for leadership and the foundation developed a plan \$3.5 million project of which Council Member Khan would lay the foundation stone tomorrow. Council Members Holm, Lovell and Green absent.

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Holm, Lovell and Green absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (832-882-7761) had reserved time to speak but was not present when his name was called. Council Members Holm, Lovell and Green absent.

Mr. Dennis Leibham, 1617 Fannin, Houston, Texas 77002 (713-751-0067) appeared and stated that he was asking "Bush" be dropped from Intercontinental Airport's name; that Texas was out of step with the rest of the country; and continued expressing his personal opinions until his time expired. Council Members Johnson, Clutterbuck, Holm, Alvarado, Lovell and Berry absent.

Council Member Berry stated that Mr. Leibham planted a seed and fertilized it; and upon questions, Mr. Leibham stated that he understood the airport was named for the first President Bush but he was no one to be proud of either; and Council Member Berry stated that he was sorry he was not proud, but felt most Houstonians were. Council Members Johnson, Clutterbuck, Holm, Alvarado, Lovell and Berry absent.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-466-4477) appeared, presented information and stated that over many months he was able to discern METRO under spent the 25% of the sales tax they promised to spend on general mobility projects and the money the city billed they only paid about \$160,000,000 out of \$265,000,000; that METRO collected \$2.85 billion since fiscal year 2001 to present which meant approximately \$704,000,000 should have been collected and distributed for the general mobility projects throughout the cities and Houston was to get 73.7% which meant the City of Houston should be able to claim over \$518,000,000 of which only METRO scheduled only \$265.6 million and that meant the City of Houston still could claim \$253,000,000 METRO had sitting in their accounts; and encouraged the city to claim it. Council Members Johnson, Clutterbuck, Holm, Alvarado, Lovell and Berry absent.

Mayor White stated that some years ago he tried to reconcile METRO's books and hired several people and there was not cooperation, it was about four years ago; that financial statements did not lend themselves to ready reconciliation of figures and when he got into this job based on that experience they have had reconciliations and he would have Ms. Bandy, with due respect just as he articulated the need to be fair and clear and transparent in the disclosures, he thought he would see as they went through year by year that the city's reconciliation differed from his and it was all math; that he wanted it done right and asked for a more recent reconciliation and he was also asking Ms. Stein to make sure, he heard a figure in the media and it did not comport with reconciliations he had at all and then there was a further reconciliation of the book between METRO and the city in the last several weeks and he would ask someone sit with him and there would be one outcome, either the city's figures were wrong or his figures were wrong and he would love for there to be extra money, but whoever was wrong needed to say they were wrong; and Mr. Bazan stated that it took four months to get his information and it showed they had not provided what they should; and he was ready to sit together and promised to be objective. Council Members Johnson, Holm, Lovell and Berry absent.

Mr. Robert Reed, 8109 Comal, Houston, Texas 77051 (713-734-0167) appeared and stated that he was present regarding high weeds in his neighborhood of Sunnyside; that a vacant lot next to him caused him to call three years in a row and still he got no relief; that he tried clearing as much as he could, but most of his neighborhood was elderly and he could not get access to Neighborhood Protection and he did not know why, he gave complaints and got no feedback and he did not know if the city still had Neighborhood Protection. Council Members Johnson, Khan, Holm, Alvarado, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mayor White stated that yes they still had Neighborhood Protection and Mr. Norris Davis with Neighborhood Protection was present; that they got reports on tons of grass and debris which was moved; and upon questions, Mr. Reed stated that the address of his complaint was 8105 Comal next to him and there was another in the rear of him and over; and Mayor White stated that the report showed a contractor was to go there; and upon further questions, Mr. Reed stated that the street behind him was Brandon and it would be next to the lot directly behind him; and Mayor White stated that they were meeting with an owner on Brandon in about 50 minutes and to Mr. Fontaine and Mr. Trahan he would like them to imagine the big screen televisions in front of Council and with a few clicks having HCAD right here and they would know the tax delinquency, owner and aerial picture of the lot; that this was the 21st century and it should be done right, if someone complained about a property there should be a way to pull it up on television and see if they paid taxes. Council Members Johnson, Holm, Lovell and Berry absent.

Council Member Edwards stated that she would be for that and her office had just checked their records and there was a 311 call Mr. Reed made August 27th and she knew where he was

talking about it was right around the corner from where she lived and the issue of the lots was the same as others in Houston, a lot would be cut and three weeks later it was back up; and she would give him her card and make sure he had numbers. Council Members Johnson, Holm and Lovell absent.

Council Member Brown stated that he was sorry he had to come down but thought he would get satisfaction and encouraged him getting active with his civic club. Council Members Johnson, Edwards, Khan, Holm and Lovell absent.

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

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Johnson, Khan and Holm absent.

At 11:26 Mayor White stated that they would move to the consent agenda. Council Members Johnson, Khan, Holm and Berry absent.

CONSENT AGENDA NUMBERS 1 through 32

MISCELLANEOUS - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment of **MS. LAURA E. ARNOLD** to Position Three on the **CIVIL SERVICE COMMISSION FOR MUNICIPAL EMPLOYEES OF THE CITY OF HOUSTON** and on the **FIREFIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION**, to fill an unexpired term ending June 14, 2008 – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Johnson, Khan, Holm and Berry absent. MOTION 2007-0914 ADOPTED.
2. RECOMMENDATION from Director Department of Public Works & Engineering to approve refund for Water & Sewer Accounts for Diagnostic Center Hospital and Clinic, 6447 Main - \$62,939.48 Enterprise Fund – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Johnson, Khan, Holm and Berry absent. MOTION 2007-0915 ADOPTED.

Council Member Clutterbuck moved to suspend the rules to consider Item No. 30 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. MOTION 2007-0916 ADOPTED.

30. ORDINANCE issuing a permit to **AMERESCO MCCARTY ENERGY, LLC**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS B - JOHNSON and I – ALVARADO** – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. ORDINANCE 2007-0989 ADOPTED.

PROPERTY – NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering approving and authorizing payments for appraisal services for **LEY ROAD PAVING IMPROVEMENTS PROJECT (North Wayside to Mesa Road)**, WBS N-000689-0001-2-01 - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. MOTION 2007-0917 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 8

8. **PHYSIO-CONTROL, INC** for Purchase of Lifepak Defibrillation Pads and Electrodes for Fire Department - \$688,224.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. MOTION 2007-0918 ADOPTED.

ORDINANCES - NUMBERS 13 through 32

13. ORDINANCE consenting to the addition of 27.5811 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 367**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. ORDINANCE 2007-0990 ADOPTED.
14. ORDINANCE establishing the north and south sides of the 600 block of Aurora Street and the north side of the 700 block of Aurora Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. ORDINANCE 2007-0991 ADOPTED.
15. ORDINANCE establishing the east and west sides of the 1200 block of Columbia Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. ORDINANCE 2007-0992 ADOPTED.
16. ORDINANCE establishing the north and south sides of the 1900 block of West Lamar Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. ORDINANCE 2007-0993 ADOPTED.
20. ORDINANCE approving and authorizing lease agreement between the City of Houston and **MANNING FAMILY PARTNERSHIP, LP.** for certain premises at William P. Hobby Airport **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. ORDINANCE 2007-0994 ADOPTED.

23. ORDINANCE approving and authorizing grant agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the STEP Comprehensive Commercial Motor Vehicle Grant; 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 Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. ORDINANCE 2007-0995 ADOPTED.
24. ORDINANCE approving and authorizing a grant agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the STEP Comprehensive Grant; 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 Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. ORDINANCE 2007-0996 ADOPTED.
25. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **BUREAU OF JUSTICE ASSISTANCE** and acceptance of the grant under the SMART Office Support Program for Adam Walsh Act Implementation Grant 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; containing provisions relating to the subject - \$20,581.89 - General Fund – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. ORDINANCE 2007-0997 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City of Houston and **THE CENTER SERVING PERSONS WITH MENTAL RETARDATION** to provide \$200,000.00 in Community Development Block Grant Funds for Vocational Training and Medical and Dental Services to individuals with a primary diagnosis of mental retardation - 1 Year – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. ORDINANCE 2007-0998 ADOPTED.
31. ORDINANCE granting to **TNT WASTE CONTAINER SERVICE, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. ORDINANCE 2007-0999 PASSED FIRST READING IN FULL.
32. ORDINANCE granting to **MAYFIELD TRUCKING, LLC, a Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** –

was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. ORDINANCE 2007-1000 PASSED FIRST READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$737,204.49 and acceptance of work on contract with **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00B6-4 - 2.70% over the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. MOTION 2007-0919 ADOPTED.

PROPERTY

4. RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and settle the lawsuit for a total consideration of \$88,380.00 in connection with eminent domain proceeding styled City of Houston v. John M. Anderson and Virginia C. Bowman, et al., Cause No. 875,670, for acquisition of Parcel AY5-041; for the **HERITAGE CORRIDOR TRAILS EAST HIKE & BIKE TRAIL PROJECT**; WBS N-000420-0016-2 - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. MOTION 2007-0920 ADOPTED.
5. RECOMMENDATION from City Attorney to settle eminent domain lawsuit styled City of Houston v. Nathaniel F. Starr, et al; Cause No. 866,189; for a total consideration of \$108,000.00 in connection with **SUNNYSIDE COURT STORM SEWER LATERALS PROJECT**; WBS/CIP M-000217-0001-2 - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. MOTION 2007-0921 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering that City Council declare surplus and authorize the sale of Parcels SY6-111, 12949 Westella and SY7-010, 2303 Briarbrook Drive and authorize the City Secretary to advertise the properties for sale **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Members Holm and Berry absent. MOTION 2007-0922 ADOPTED.

PURCHASING AND TABULATION OF BIDS

9. **CENTRAL TURF FARMS, INC** for St. Augustine Sod Blocks for Department of Public Works & Engineering - \$997,864.80 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Lawrence. Council Member Berry absent.

ORDINANCES

10. **ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Junked Vehicle Abatement Procedures and notice of hearings for Dangerous Buildings; containing other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Member Berry absent. **ORDINANCE 2007-1001 ADOPTED.**
11. **ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to food and food establishments; containing other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Members Noriega, Clutterbuck and Holm. Council Member Berry absent.

Council Member Lawrence stated that back on Item No. 10, that she thought that most District Council Members had a tremendous problem with junk vehicles and she hoped that Legal and Ann Travis's office would look at that carefully, they needed to strengthen the State law on it and they were limited to City ordinances because of State Law and this was something that when the Legislature came back into session she hoped they would look at, and Mayor White asked what did Council Member Lawrence think they should do, and she stated that the length of time, and the protest and how that was all handled could be delayed and they continue to have junk vehicles all over the City, that the process now was very hard and this was going to help some but there was still a major problem as far as getting them out of neighborhoods, people just putting junk cars everywhere. Council Member Berry absent.

Mayor White asked Mr. Michel what was the State impediment, and Mr. Michel stated that now that they had the change in the law he was not sure that the State really provided an impediment other than the length of time before they could declare it junk, he thought the remainder was a due process issue that he thought they could probably speed up in terms of speaking with the hearing officers and making sure that they met quickly and that any requests for continuances had merit to it, but he thought there was a lot they could do within the law right now to speed up the process, and Mayor White asked Mr. Michel just to have selected at random several cases and just map the timeline, that the hearing officers needed to be fair and diligent and replace them if there were delays, that plenty of people needed that work. Council Member Berry absent.

Council Member Edwards stated that she wanted to support Council Member Lawrence's statement, that she had seen cars where there were weeds actually growing up through the cars and people were saying they were using them, that whatever they needed to do. Council Member Berry absent.

Council Member Lovell stated that her concern was on the public safety issue, did they require that the doors be removed or if there was a trunk that it not be able to go down and latch because for her it was the issue of children crawling in there and getting stuck in the trunk or the doors lock on them, and Mr. Michel stated that what the process provided for was for the vehicle to be removed entirely and Council Member Lovell was talking about a situation where during the interim it might pose a danger, that he would look into it and report back. Council Member Berry

Mayor White stated that for them not to misunderstand what he says, that he would speak precisely, that life involved risks and so one of the questions that they get into were things like what was the remedy, in fairness and in law, if for some reason there was a wrongful possession, that everybody forecloses on cars, but they were mindful of the fact that the car does not disappear, because if somebody thought they had the wrong car they would let them

know pretty fast, so one of the considerations in due process really was whether there was something that could not be remedied, that was why they had more due process in certain types of cases than others, and was the person who the car was registered to on the license plate get the notice and Mr. Michel stated yes, that he believed it was done by mail, that he would provide a report on the entire process and what was being done and what could be done to expedite it. Council Member Berry absent.

12. **ORDINANCE AMENDING SECTION 20-22 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Mobile Food Units and Commissaries; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; containing a savings clause; providing for severability – was presented, and tagged by Council Members Clutterbuck, Khan, Noriega, Edwards and Lovell. Council Member Berry absent.
17. **ORDINANCE** approving and authorizing option agreement between the City and **EARTHLINK, INC** for matters relating to the Broadband Network License and Service Agreements – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Member Berry absent. **ORDINANCE 2007-1002 ADOPTED.**
18. **ORDINANCE** appropriating \$2,278,000.00 out of Houston Airport System Airports Improvement Fund (8011); authorizing the purchase of 63.948 acres of land and improvements thereon out of the A. R. Bodman Survey, A-141, Houston, Harris County, Texas, for Expansion of Bush Intercontinental Airport, CIP A-0421.13.1; approving a purchase and sale agreement with the owner of the land (Donald E. Fisher, Jr., Trustee) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Member Berry absent. **ORDINANCE 2007-1003 ADOPTED.**
19. **ORDINANCE** appropriating \$949,709.06 out of Airports Improvement Fund and approving and authorizing agreement for Professional Architectural/Engineering Services between the City of Houston and **AAC DESIGNERS BUILDERS, INC d/b/a AUSTIN AECOM** at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; (Project No. 516C; WBS A-000138-0018-3-01) - **DISTRICTS B - JOHNSON; E - WISEMAN and I – ALVARADO** – was presented, and tagged by Council Members Noriega, Lawrence and Johnson. Council Member Berry absent.
21. **ORDINANCE** approving and authorizing lease agreement (Parking) between the City of Houston, Texas, as landlord (the “City”), and **BRENNANS OF HOUSTON, INC**, (“Tenant”) for approximately 5,831 net rentable square feet of parking space located beneath the 527 Spur Overpass near the intersection of Hawthorne Street and Smith Street, Houston, Harris County, Texas 77006, for five (5) years with three five-year renewal options, at a monthly rental of \$600.00 **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Member Berry absent. **ORDINANCE 2007-1004 ADOPTED.**
22. **ORDINANCE** appropriating \$1,246,349.10 out of Public Library Consolidated Construction Fund as an additional appropriation for Jesse H. Jones Central Library Renovation, WBS E-000011-0001-4, Carnegie Regional Branch Library Renovation, WBS E-000142-0001-4, and Marston Administration Building, WBS E-000158- 0001-4; and approving and authorizing first amendment to construction contract between the City of Houston and **3D/INTERNATIONAL, INC** (approved by Ordinance No. 2006-191); providing funding for contingencies relating to construction of facilities financed by the Public Library

Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Member Berry absent. ORDINANCE 2007-1005 ADOPTED.

27. ORDINANCE appropriating \$196,000.00 out of Fire Consolidated Construction Fund and awarding contract to **SPRING EQUIPMENT COMPANY, INC** for Concrete Repair Services for Various Departments, WBS C-000089-0002-4-01, C-000089-003-4-01-01, establish a maximum contract amount - 1 Year with two one-year options - \$2,625,020.44 - General, Enterprise and Other Funds – was presented, and tagged by Council Members Lawrence and Edwards. Council Member Berry absent.
28. ORDINANCE appropriating \$176,452.00 out of Water & Sewer System Consolidated Construction Fund and \$128,477.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Four of the Clearview Village Subdivision, CIP S-000800-0102-4, R-000800-0102-4 & M-000800-0102-4 - **DISTRICT E – WISEMAN** – was presented, and tagged by Council Members Noriega and Johnson. Council Member Berry absent.
29. ORDINANCE appropriating \$270,606.00 out of Water & Sewer System Consolidated Construction Fund and \$300,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Five of the Clearview Village Subdivision, CIP S-000800-0108-4, R-000800-0108-4 & M-000800-0108-4 - **DISTRICT E - WISEMAN** – was presented, and tagged by Council Members Noriega and Johnson. Council Member Berry absent.

MATTERS HELD - NUMBERS 33 through 38

33. RECOMMENDATION from Finance & Administration Department to adopt award to **BADGER METER, INC** - \$8,630,476.00, **HD SUPPLY WATERWORKS** - \$1,130,125.00, **AQUA-METRIC SALES COMPANY** - \$1,370,908.00 and **MACAULAY CONTROLS COMPANY** - \$1,037,529.00 for Water Meters and Water Meter Replacement Parts for Department of Public Works & Engineering - 5 Years - \$12,169,038.00 - Enterprise Funds – **(This was Item 8 on Agenda of August 29, 2007, TAGGED BY COUNCIL MEMBERS GARCIA and JOHNSON)** (Note on August 29, 2007 Council Member Clutterbuck also tagged the item) – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Member Berry absent. MOTION 2007-0923 ADOPTED.
34. ORDINANCE amending Ordinance No. 2006-118 to increase the maximum contract amount and approving and authorizing first amendment to Contract #C62204 between the City of Houston and **PHOENIX BUSINESS CONSULTING** for Professional SAP Programming Services; containing provisions relating to the subject - \$2,250,000.00 - Equipment Acquisition Consolidated and Other Funds – **(This was Item 19 on Agenda of August 29, 2007, TAGGED BY COUNCIL MEMBERS KHAN and HOLM)** – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Member Berry absent. ORDINANCE 2007-1006 ADOPTED.

35. ORDINANCE approving and authorizing contract between the City of Houston and **VECTRAREPORTS.COM, INC** for Scanning, Storing and providing web-based retrieval of traffic accident reports for the Houston Police Department; providing a maximum contract amount 3 Years with two one-year options - \$70,000.00 - General Fund – (**This was Item 21 on Agenda of August 29, 2007, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and HOLM**) – was presented. Council Members Clutterbuck and Holm voting no, balance voting aye. Council Members Wiseman and Garcia out of the city on city business. Council Member Berry absent. ORDINANCE 2007-1007 ADOPTED.
36. ORDINANCE approving and authorizing professional services contract with **HUDSON & MARSHALL OF TEXAS, INC.**, a Texas Corporation, to advertise and conduct an auction of thirty-six (36) surplus tracts of land owned by the City of Houston; approving and authorizing a form of purchase and sale agreement to be entered into for such property, by the City of Houston, seller, and the highest bidder at auction for each such property, purchaser; authorizing the Mayor to execute, and the city secretary to attest, special warranty deeds conveying the properties to the highest bidder - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM and I - ALVARADO** – (**This was Item 23 on Agenda of August 29, 2007, TAGGED BY COUNCIL MEMBER HOLM**) – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Member Berry absent. ORDINANCE 2007-1008 ADOPTED.

Council Member Noriega stated that she had actually wanted to be a “no” vote on Item No. 35, and Mayor White stated that the record would reflect that Council Member Noriega’s intention was to vote “not” on Item No. 35. Council Member Berry absent.

37. ORDINANCE amending Ordinance No. 2004-1130 to increase the maximum contract amount to contract between the City of Houston, **GT DISTRIBUTORS, INC** and **TASER INTERNATIONAL, INC** for Taser Devices, Accessories, Supplies and Repair Services for the Houston Police Department - \$1,871,942.22 - General Fund – (**This was Item 25 on Agenda of August 29, 2007, TAGGED BY COUNCIL MEMBERS JOHNSON, KHAN, HOLM, CLUTTERBUCK and EDWARDS**) – was presented. Council Member Berry absent.

Council Member Edwards asked if there had been any review of the Controller’s audit of tasers for the City and HPD, that she had asked for it to be reviewed during the Public Safety Committee and asked if there was going to be one. Council Member Berry absent.

Mayor White stated that there was a medical review under way that he was aware of and he knew there was a Controller’s audit underway and did not know what the status of the Controller’s audit was. Council Member Berry absent.

Council Member Edwards stated that she would like to make a motion that the item be held until the review was done and it not she would just have to vote no. Council Member Berry absent.

After further discussion, Council Member Lovell moved to postpone Item No. 37 for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Member Berry absent. MOTION 2007-0924 ADOPTED.

38. ORDINANCE appropriating \$200,851.00 out of Water & Sewer System Consolidated Construction Fund and \$171,000.00 out of Drainage Improvement Commercial Paper

Series F Fund; approving and authorizing an interlocal cost sharing contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Six of the Clearview Village Subdivision; CIP S-000800-0107-4, R-000800-0107-4 and M-000800-0107-4 - **DISTRICT E – WISEMAN – (This was Item 30 on Agenda of August 29, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia out of the city on city business. Council Member Berry absent. ORDINANCE 2007-1009 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Lawrence stated that they would be holding a hearing on September 14, 2007 concerning I-10 becoming a scenic freeway. Council Member Berry absent.

Council Member Holm stated that today at 4:00 p.m. would be the official ribbon cutting for Looscan Library, that last night the friends of the neighborhood library sponsored a pre-event and they had over 700 people at the facility. Council Member Berry absent.

Council Member Alvarado stated that wanted to give condolences to some of her constituents, the Montelongo and Simmons families who lost Mr. Walter Simmons, that he passed away of a massive heart attack, and asked for a moment of silence for Mr. Simmons. Council Members Holm and Berry absent.

Council Member Khan stated that tomorrow they would be having a ceremony for the Ibn Sina Montessori School on Wilcrest and the program would start at 10:00 a.m.; that on Saturday there would be a Turkish Cultural and Children's Festival at City Hall Hermann Square, that it would start at 2:00 p.m.; that on Sunday the Taiwanese Senior Festival would take place at 10303 West Office Drive at 2:00 p.m.; that on September 11 as they commemorate the 911 tragedy it would also coincide with the 61st anniversary of the Sister City movement, that this year the 911 commemoration would be held at Abundant Life Cathedral Church, located at 11230 Harwin Drive, starting from 6:00 p.m. Council Members Holm, Noriega and Berry absent.

Council Member Brown stated that he wanted to say a few words about development following infrastructure, that it was a very interesting story on the south side of Reed Road, east of Highway 288, which was part of a larger area, mostly undeveloped, that a local developer received a plat for 100 acre low density office warehouse park with the construction value of about \$20 million, subsequently the City Council in connection with a tax credit project, which was across the street, approved funding of a new large sanitary sewer main, which ran west on Reed Road to Almeda and then to the Almeda Simms Sewage Treatment Plant, that very shortly thereafter, because of the added sewage treatment capacity that same local developer changed his master plan to include a major retail center, which was much needed in the area, commercial office buildings, which would be a first for that part of the Highway 288 corridor, and residential development, which an estimated value of over \$100 million, so because of the addition of the one sewer line the value of the development and it's quality, he would say also, had increased fivefold, just based on the presence of that sewer line, that he thought it was a really important lesson for them in the City, they had a lot of catch up to do in terms of their infrastructure but they also could be very proactive in planning and providing the infrastructure, in this case sanitary sewer, where there was a great opportunity for the free market to develop some really good projects. Council Members Johnson, Khan, Holm, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Council Member Brown stated that the sanitary sewer was inadequate for the tax credit project, so the City provided some funds for the installation of

an offsite improvement that continued down Reed Road West to Almeda to pickup the Almeda Simms Sewage Treatment Plant, that he thought the City's investment was in the neighborhood of \$2 million, that the appreciation was fivefold on about 100 acres, and Mayor White asked if it would have made perfectly good sense for the developer to have paid for that, or was the developer not interested in making money, and Council Member Brown stated that he did not want to get into the question of who was paying, but he had been told by developers in that area that they build sort of scattered low density projects because the City did not have in that area a completed infrastructure network. Council Members Johnson, Khan, Holm, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he was just giving him some ammunition to deal with somebody, because if they had 100 acres and it increased by 500% in value by putting in a sanitary sewer system, just like they tell neighborhoods that they wanted to assist them with public safety but they needed citizens on patrol and needed their eyes and ears so they could help themselves, that one thing that he would do to encourage developers was that they wanted them to invest in the City limits and there were many cases in the City where developers had paid for utilities and had seen appreciation in their property when they had done so, so do not necessarily wait for the City. Council Members Johnson, Khan, Holm, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he was not getting to who had to pay for it but he thought the City could "partner with developers" and the net result of that would be a much better development that provided amenities for the community and enhanced their tax base. Council Members Johnson, Khan, Holm, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown reviewed a program regarding an effort of mixed income neighborhoods in Atlanta. Council Members Johnson, Khan, Holm, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to offer congratulations to the citizens of Houston and the Library Department and to Council Member Holm for her outstanding work in developing the new Looscan Library; that she though the new library was a great opportunity for them to reexamine the library model about how they operate the libraries and how they stay open. Council Members Lawrence, Johnson, Khan, Holm, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank Mayor White for attending the Westbury Pool opening and was pleased to report back that there was a lot of exciting activity going on at the pool; that she had gotten some feedback on the pool, some of their constituents were concerned that the new ladders on the pool were two step ladders, that apparently a lot of the elderly residents could not use the two step ladders, which was apparently a standard in their pools and she would like to urge that they revise that standard and go back to the four step ladder; that they inquired about it to the Parks Department and the response that they got was that the cost of replacing the two tread ladders with three tread ladders would be \$2,514 for two ladders, that was absurd to her and she mentioned it to Mr. Calvin Wells who promptly got her some estimates and found some for about \$200 and Mr. Dadoush was also working on it and was able to find some for much less, that she would urge those good City of Houston employees who were operating at the ground level and negotiating the contracts or dealing with these contractors to question what seemed to be obvious. Council Members Lawrence, Johnson, Khan, Holm, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he did not know whether they were doing with installation costs, and Council Member Clutterbuck stated that she did not know the price difference, and Mayor White stated that he would like to say to Mr. Turner that what he would like to do in cases like this, and in this case specifically, was to drill down and find out who came up with the cost estimate and why and was it really what it cost to buy the ladder and install it, not for the purpose of pointing fingers but for the purpose of saying what was wrong and then improve it. Council Members Johnson, Khan, Holm, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to wish Tim Douglas a Happy Birthday. Council Members Lawrence, Johnson, Khan, Holm, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had a concern about the latest reports she had been hearing about the changes in the climate and how they were expecting six more major storms in this Hurricane Season alone, and wanted to know where they as a City stood, that she knew there had been briefings and wanted to know what were they looking at in the City of Houston as far as how they were being prepared, what was the overall impact on Houston, that she would like for someone to sit with her and help her understand what was the overall impact on Houston, not just from a monetary position. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank Mayor White for his leadership on Darfur, that the United States declared Darfur a genocide situation in March 2007 and that was a call that the United States seldom made. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to clarify a rumor, that she had no relatives running for City Council, and she wanted to make sure that people understood because she kept getting calls about relatives running for City Council; that she wanted to encourage people to register to vote and to vote for the most qualified candidate. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:15 p.m. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary