

City Council Chamber, City Hall, Wednesday, May 28, 2008

A Combined Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, May 28, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney, Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Claudia Vasquez, Director, Citizens Assistance, Mr. Xavier Herrera, Citizens Assistance; Ms. Marty Stein, Agenda Director, and Ms. Marta Crinejo, Assistant Agenda Director present.

At 9:28 a.m. Mayor White called the meeting to order and called on Council Member Sullivan for the prayer and pledge of allegiance. Council Members Adams, Khan, Garcia, Green and Jones absent.

At 9:29 p.m. the City Secretary called the roll. Council Members Adams, Khan, Garcia, Green and Jones absent.

Council Members Lovell and Clutterbuck moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Adams, Khan, Garcia, Green and Jones absent. MOTION ADOPTED.

Mayor White stated that they would move to the consent agenda. Council Members Adams, Khan, Garcia, Green and Jones absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 61**

#### **MISCELLANEOUS** - NUMBERS 1 through 5

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON) BOARD OF DIRECTORS**:

- Position One - **MR. MIKE BYERS, II**, appointment, for a term to expire 12/31/2009
- Position Two - **MR. COLLIN A . ROSE**, appointment, for a term to expire 12/31/2008
- Position Three - **MR. JOSEPH L. STUNJA**, reappointment, for a term to expire 12/31/2009 and to serve as Chair for a term ending 12/31/2008
- Position Four - **MR. DOUGLAS E. "ED" DORMER**, appointment, for a term to expire 12/31/2008
- Position Five - **MR. STANLEY J. SARMAN**, appointment, for a term to expire 12/31/2009

- was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Khan, Garcia, Green and Jones absent. MOTION 2008-0331 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **LAKE HOUSTON REDEVELOPMENT AUTHORITY, (REINVESTMENT ZONE NUMBER TEN) BOARD OF DIRECTORS:**
  - Position One - **MR. MIKE BYERS, II**, appointment, for a term to expire 12/31/2009
  - Position Two - **MR. COLLIN A . ROSE**, appointment, for a term to expire 12/31/2008
  - Position Three - **MR. JOSEPH L. STUNJA**, reappointment, for a term to expire 12/31/2009 and to serve as Chair for a term ending 12/31/2008
  - Position Four - **MR. DOUGLAS E. "ED" DORMER**, appointment, for a term to expire 12/31/2008
  - Position Five - **MR. STANLEY J. SARMAN**, appointment, for a term to expire 12/31/2009

- was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Khan, Garcia, Green and Jones absent. MOTION 2008-0332 ADOPTED.
3. REQUEST from Mayor for confirmation of the appointment of **MR. DWAYNE L. MASON** to Position Two 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, 2009 - was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Khan, Garcia, Green and Jones absent. MOTION 2008-0333 ADOPTED.
5. RECOMMENDATION from Chief of Police for disbursement of court awarded proceeds in the amount of \$253,016.94 to **U. S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)** as a result of forfeited assets and contraband from joint law enforcement operations - was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Khan, Garcia, Green and Jones absent. MOTION 2008-0334 ADOPTED.

**ACCEPT WORK** - NUMBERS 7 through 11

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,255,976.93 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Lyons Avenue Reconstruction from Zindler Street to Port Street, GFS N-000719-0002-4 - 6.57% under the original contract amount - **DISTRICT H - GARCIA** - was presented, moved by Council Member Holm, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0335 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,840,370.31 and acceptance of work on contract with **BOYER, INC** for Beltway Wastewater Treatment Plant Improvements, WBS R-000265-0033-4 - 4.60% under the original contract amount - **DISTRICT F - KHAN** - was presented, moved by Council Member Holm, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0336 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,601,573.61 and acceptance of work on contract

with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00A3-4 - 3.97% over the original contract amount - was presented, moved by Council Member Holm, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0337 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,791,856.99 and acceptance of work on contract with **BRH-GARVER CONSTRUCTION, L.P.** for Dairy Ashford No. 3 Lift Station Diversion, WBS R-000267-0086-4 5.58% under the original contract amount - **DISTRICT F - KHAN** - was presented, moved by Council Member Holm, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0338 ADOPTED.

**PROPERTY** - NUMBERS 12 through 15

12. RECOMMENDATION from Director Department of Public Works & Engineering disclaiming, releasing and relinquishing all the City's right, title, interest, and claim in and to Neurath Place Alley from St. Charles Street to its terminus, located within the Survey of the Neurath Estate on Buffalo at Second Ward, Parcel SY7-068 - **DISTRICT H - GARCIA** - was presented, moved by Council Member Holm, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0339 ADOPTED.
13. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. Tony Alexander, et al., Cause No. 881,204; for acquisition of Parcels CY4-006 and CY4-007; for the **FRESH WATER SUPPLY DISTRICT NO. 23 BUFFER ZONE PROJECT**; WBS/CIP R-000265-0027-2 - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Holm, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0340 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracy Youngblood, Brown & Gay Engineers, Inc., on behalf of KDC Houston Industrial One, LLC (Tobin Grove, President), for abandonment and sale of two 20-foot-wide drainage easements and an 80-foot-wide utility and street right-of-way easement, in exchange for the conveyance to the City of a 100-foot-wide utility easement, all located within the Luke Hamenway Survey, A-800 and A-802 and the August Whitlock Survey, A-798, Parcels SY8-005A through C and VY8-051 - **STAFF APPRAISERS DISTRICT E - SULLIVAN** - was presented, moved by Council Member Holm, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0341 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel CY7-006, located at 750 Rankin Road, owned by Northborough Wiese, J.V. for the **RANKIN LIFT STATION PUMP AND LIFT STATION RENEWAL AND REPLACEMENT PROJECT**, WBS R-000267-0086-2 - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Holm, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0342 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 16 through 23

16. **ARMOR SCREEN CORPORATION** to Furnish and Install Hurricane Protection Screens for the Convention & Entertainment Facilities Department - \$128,018.00 - Enterprise Fund - was presented, moved by Council Member Holm, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0343 ADOPTED.
17. **GEN-PROBE SALES & SERVICE** - \$189,421.00, **BIO-RAD LABORATORIES, INC** - \$272,364.44 and **BD DIAGNOSTICS SYSTEMS** - \$245,903.30 for Medical, Diagnostic and Virological Test Kits for the Health & Human Services Department - General Fund - was presented, moved by Council Member Holm, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0344 ADOPTED.
19. **NORTH AMERICAN COMMUNICATIONS RESOURCES, INC** - \$591,288.00 and **AVAYA, INC** - \$87,012.00 for Interactive Voice Response System Hardware, Software and Professional Services through the City's Master Agreement with the Texas Department of Information Resources for Department of Public Works & Engineering - Building Inspection and Enterprise Funds - was presented, moved by Council Member Holm, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0345 ADOPTED.
20. **AGILENT TECHNOLOGIES, INC** - \$129,255.25 and **SHIMADZU SCIENTIFIC INSTRUMENTS, INC** - \$76,298.60 to Furnish and Install Laboratory Equipment for Department of Public Works & Engineering - Enterprise Fund - was presented, moved by Council Member Holm, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0346 ADOPTED.
21. **AIRGAS-SOUTHWEST, INC** for Chemical, Carbon Dioxide for Department of Public Works & Engineering - \$99,967.00 - Enterprise Fund - was presented, moved by Council Member Holm, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0347 ADOPTED.
22. **SWEETEN TRUCK CENTER, L.C.** for Automotive, White/GMC/Volvo Replacement Parts and Service for Various Departments - \$427,368.00 - General and Fleet Management Funds - was presented, moved by Council Member Holm, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0348 ADOPTED.
23. **KEY MAPS, INC** for Directories, Street Guides for Various Departments - \$474,500.16 - General, Storm Water and Enterprise Funds - was presented, moved by Council Member Holm, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0349 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 25 through 61

25. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:  
Joseph Merkel House 416 N. Hutcheson Street **DISTRICT H - GARCIA**  
Turnbow-Smith House 104 Avondale Street **DISTRICT D - ADAMS**  
  
- was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. RESOLUTION 2008-0012 ADOPTED.

26. RESOLUTION designating certain properties within the City of Houston as historic landmarks:

Wirt Adams Paddock House	3229 Groveland Lane	<b><u>DISTRICT G - HOLM</u></b>
Hovey-Cole House	2222 Inwood Drive	<b><u>DISTRICT G - HOLM</u></b>
Kendall-Harris House	2175 Troon Road	<b><u>DISTRICT G - HOLM</u></b>

- was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. RESOLUTION 2008-0013 ADOPTED.

27. RESOLUTION supporting the certification of a Municipal Setting Designation outside the boundary of the City of Houston at 14502 Fondren Road, Missouri City, Texas; and making various findings and provisions relating to the subject - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. RESOLUTION 2008-0014 ADOPTED.

31. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Shearn Street from the west property line of the Bueling Herring Reserve to its dead-end, containing an aggregate of 0.746 acres (32,495 square feet) of land, more or less, located in Shearn Street Addition, John Austin Survey, A-1, Houston, Harris County, Texas; vacating and abandoning said parcels to Target Corporation ("Target") and Sawyer Heights Village, Ltd. ("Sawyer Heights"), abutting owners, in consideration of their payment to the City of \$502,239.00 and other consideration - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0443 ADOPTED.

32. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of excess fee-owned right-of-way at the intersection of Lyons Avenue and Hardy Street (Parcel SY7-145), being out of Lots 8, 9, 10, 11 and 12, Block 46, S. F. Noble's Addition, John Austin Survey, A-1, Houston, Harris County, Texas, containing 0.1394 acre (6,074 square feet) of land, more or less; vacating and abandoning said tract of land as well as authorizing a special warranty deed conveying same to Knapp Polly Pig, Inc. (f/k/a Pollypig by Knapp, Inc.), abutting owner, in consideration of owner's payment of \$13,666.00 and other consideration to the City - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0444 ADOPTED.

34. ORDINANCE consenting to the addition of 168.950 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY NO. 25**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0445 ADOPTED.

35. ORDINANCE consenting to the addition of 1.00 acres of land to **HARRIS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 96**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0446 ADOPTED.

36. ORDINANCE consenting to the addition of 20.00 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0447 ADOPTED.

37. ORDINANCE establishing the north side of the 2600 block of Prospect Street and the south side of the 2600 block of Prospect Street between Ennis Street and the 10 foot alley

of Calumet Drive Lofts 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 - ADAMS** - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0448 ADOPTED.

38. ORDINANCE establishing the north side of the 2600 block of Prospect Street and the south side of the 2600 block of Prospect Street between Ennis Street and the 10 foot alley of Calumet Drive Lofts within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0449 ADOPTED.
39. ORDINANCE establishing the east and west side of the 1000 block of Tabor 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 Khan, Garcia and Green absent. ORDINANCE 2008-0450 ADOPTED.
40. ORDINANCE establishing the south side of the 1900 block of West McKinney 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 - ADAMS** - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0451 ADOPTED.
41. ORDINANCE establishing the south side of the 1900 block of West McKinney Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0452 ADOPTED.
42. ORDINANCE approving and authorizing contract between the City and **HARMONY HOUSE, INC** for a facility to house TB patients under medical supervision; providing a maximum contract amount - 1 Year with two one-year renewal terms - \$828,423.00 - General and Grant Funds - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0453 ADOPTED.
53. ORDINANCE appropriating \$848,858.50 out of Equipment Acquisition Consolidated Fund and \$50,000.00 out of Fleet/Equipment Internal Services Fund for the purchase of Capital Equipment for Fire Department - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0454 ADOPTED.
55. ORDINANCE appropriating \$550,000.00 out of Parks Consolidated Construction Fund and the amount of \$150,000.00 out of Parks Special Fund and approving and authorizing contract between the City of Houston and **CLARK CONDON ASSOCIATES, INC** for Professional Landscape Architectural Task Order Contract for the Parks and Recreation Department, WBS F-00504B-0002-3 - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - KHAN; H - GARCIA and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0455 ADOPTED.
56. ORDINANCE amending Ordinance No. 2008-289 to correct an Outline Agreement Number for Architectural Services relating to Clayton Library Renovation, WBS E-000156-0001-4, under construction contract between the City of Houston and **WORKMAN**

**COMMERCIAL CONSTRUCTION SERVICES, LTD.** (approved by Ordinance No. 2007-0555) - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0456 ADOPTED.

57. ORDINANCE awarding construction contract to **MILLIS DEVELOPMENT AND CONSTRUCTION, INC** for Walter Rasmus Park, WBS F-000643-0001-4; 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 construction management and contingencies relating to construction of facilities financed out of the Federal Government-Grant Fund (CDBG Fund) - \$229,189.00 **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0457 ADOPTED.
58. ORDINANCE appropriating \$5,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC** for Construction Management associated with the Lockwood Lift Station Replacement, WBS R-000267-00B3-4 - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0458 ADOPTED.
59. ORDINANCE appropriating \$75,000.00 out of Street & Bridge Consolidated Construction Fund and the amount of \$75,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **TECHNOLOGY SERVING PEOPLE, INC** for General Environmental, Asbestos and Lead related Consulting Services, WBS N-000396-0014-4, R-000019-0047-4 and S-000019-0047-4; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0459 ADOPTED.
60. ORDINANCE appropriating \$1,805,365.45 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **TROY CONSTRUCTION, L.L.C.** for FY08 Citywide Fire Hydrant Replacement and Height Correction, WBS S-000035-001V-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Members Khan, Garcia and Green absent. ORDINANCE 2008-0460 ADOPTED.

Mayor White stated that because of the work of Council Members Garcia, Holm and many others they continued at the record pace of seeing both historical landmarks and protected landmarks being acted on by the City Council and they appreciated that designation by their citizens. Council Members Khan, Garcia and Green absent.

Council Member Adams moved to suspend the rules to add Ms. Cindy Case to the end of the speakers for the agenda for 3 minutes, seconded by . All voting aye. Nays none. Council Members Khan, Garcia and Green absent. MOTION 2008-0349A ADOPTED.

The City Secretary stated that she had been informed that speakers at the bottom of the speakers list, Mr. Shelby Stewart, Mr. Kenneth Perkins and Mr. Raul Collins, were speaking on an agenda item and should have listed under the agenda, and Mayor White stated that Mr.

Stewart, Perkins and Collins, would be called under the agenda because they were addressing an agenda item. Council Members Khan and Green absent.

Council Member Holm moved to suspend the rules to add Representative Jim Murphy to the speakers list and move him to the top of the non agenda along with Mr. James Ellis, Ms. Anna Olexy, Mr. Mills Worsham, Ms. Kristi Thibaut, Ms. Brenda Oliveira and Mr. David Leestma, seconded by Council Member Garcia.

Council Member Clutterbuck stated that she knew a number of the people that Council Member Holm had asked to be moved to the top of the non agenda list and would like to explain why she was going to vote against it, that as she had stated before she was a firm believer that everybody signs up and takes time out of their busy workday to appear before the City Council about issues that were of extreme importance to them and while she fully supported the people who Council Member Holm had moved up and sympathized with and understood their plight and shared their outrage over the action that the City had taken, there were other constituents of theirs who had signed up ahead of time with issues of equal importance and it was her belief that they had these rules in place so that all people were heard in the order which they signed up, so she would be voting no. Council Members Khan, Green and Jones absent.

After further discussion by Council Members, a vote was called on Council Member Holm's motion to move speakers out of order. Council Members Sullivan, Lawrence, Brown, Clutterbuck and Lovell voting no, balance voting aye. Council Member Green absent. MOTION 2008-0350 ADOPTED.

Mr. Mack Fowler, 1411 N. Blvd., Houston, Texas 77006 (713-882-5940) appeared and stated that he was present as a citizen not representing the Quality of Life Coalition or Scenic Houston, but to speak on the modification of the City Sign Code, that he was 63 years old on May 22, 2008 and in his commercial life this was his fourth oil boom and his third oil bust, that was his point about the ordinance, that while he had not had a copy of it to study carefully, it seemed to him that they should anticipate some of the fastuous of real estate and tenants, while the House of Blues and the bowling alley may be perfectly acceptable and even a good idea to promote in this district, if it became the house of flea markets, which was happened in other environments, or to bring up the poster child of real estate changes, the famous Arby's that was just outside the West Loop in the Galleria that was today the Zoned Erotica, that he did not have anything against the Zone Erotica but a lot of citizens did and if that was what sort of advertising was flashed on the monster message boards downtown he thought that the citizens would be very unhappy, so he was asking them to think about some way for the City to have some control, if not over the messages, which he understood was probably impossible, but over the sort of tenant who would go into the building, because just letting the genie out of the bottle was to assume that everything was going to be wonderful, oil was going to stay at \$130 a barrel and everybody in downtown Houston was going to be smiling and that was not his experience, so he was asking them as a citizen to think about some way to tweak it a bit and prevent the house of flea markets from being on the monster message boards. Council Members Adams and Green absent.

Upon discussion and questions by Council Members, Mr. Fowler stated that he was not so much worried about the bowling pin or the big signs, he was trying to think public policy forward; that this was just a consistently difficult problem of commercial people, developers, they were rat like cleaver and they would run as hard as they could to get what they wanted, that the project was unusual in that it required a subsidy apparently for it to be so called successful and they would think that the City could use the power of the purse to have some controls over what really got put in place, that they lived in maybe the most laissez-faire City in the Country so these were very difficult things to make happen and he knew this administration had worked hard to try to redress that balance, that he knew the project in Denver and had done a

substantial amount of real estate development and real estate lending in his own career and had serious concerns about the long term commercial viability of this project, but he would just ask that the City try to find a way to have some input on what the tenants were, now that the horse was out of the barn maybe at least they could have something to say about who rides it; that he looked forward to reading the amendments, and he hoped that they were bowling over there in a hundred years and hoped that the Blues Brothers were working out there in a hundred years, but he also remembered buildings that they asked the question, and the Mayor remembered them to, people would look at them and say they wondered what they were going to store in them, so everything did not always go this way and he would just ask them to think about how they could have some control over what went on those signs, because they were going to be real unhappy if it said something very negative. Council Members Adams, Garcia, Rodriguez, Lovell and Noriega absent.

Mr. Al Ross, 2611 El Camino St., Houston, Texas 77054 (713-306-9154) appeared and stated that he was President of the Greater Houston Sign Association and would like to ask all of his colleagues present with him to please stand up for the next couple of minutes, that they appreciated the opportunity to be present this morning and thought it was a great thing to see the City of Houston that wanted more signage, they were excited about that and were excited about the fact that they were trying to help a development to succeed, they thought that was exciting, that where their opposition came into play was that they believed if it was good for this particular entity then it should be good for others, they did not believe that it was fair and equitable to make an exception to this particular event, they were not disagreeing about what it was that they were trying to accomplish, they believed it was a good thing, it was a good thing in terms of helping a business out, but they thought it needed to be done in the framework of the Sign Code, they had spent an awful lot, the association and Quality of Life Committee, of time and effort in looking at the Sign Code and they knew there were a lot of changes and they did want the changes as well, that most people thought sign companies wanted bigger and better, bigger signs and more square footage but what they were concerned about was the quality of their life in the City of Houston, they knew that the more improvements they could make to the City of Houston, the look of the City of Houston, their landscape, it would be better for their future, that the Sign Code had a lot of issues with it, that some of the things they touched on before about the Erotica Zone, what they were simply dealing with today was a Sign Code that was not very effective, they were sitting here in 2008 dealing with a Sign Code with an issue of things that were written well over 20 years ago and that was why they believed that the Sign Code needed to be revisited, there were a lot of issues that needed to be dealt with it, that they also had heard that there was a discussion about putting a moratorium on LED signs and they thought that was absolutely unjustifiable to do that, again, to appease to a special group in this issue, there were issues with LED signs that needed to be looked at and what they wanted to do was for industry to come together with the City of Houston and reach out and figure out some solutions to make the place a better place for them today and tomorrow, that he wanted to thank them for the opportunity to be present today and wanted to reiterate that they simply believed that it needed to be done in the framework of revising the Sign Code not to do a special deal for a special group, that if it was going to work and was what they wanted to do they should look at it for the entire City. Council Members Johnson, Garcia, Rodriguez and Lovell absent.

After discussion and questions by Council Members, Mr. Ross stated that they were willing to do whatever they needed to do to come to the table and do their part to help to bring a better solution to the signage issues they had and they were faced with that on a daily basis, that as he had stated before the enforcement was a big issue and there were a lot of various issues, that they had even actually come to front and offered their support to remove all the old and abandoned signs, that the industry had committed that they would come out and at no expense with the help of the City to go out and remove and dispose of all the old and abandoned signs that were in Houston, Texas, that in Houston they could be looking at half a million in removal just to solve that issue, but the industry was willing to come forth and make that offer at no

expense to the City or even the land owner; that Members of the Greater Houston Sign Association were present in the Council Chamber, they were all business owners and various people who had businesses in Houston, sign company operators and so forth, that they were engaged in manufacturing and installing signs on a daily basis and that was how they all made their living. Council Members Johnson, Garcia and Lovell absent.

Upon further discussion and questions, Mayor White stated that he and Council Member Holm were meeting at 3:00 p.m., the process that she undertook with a sign task force and her work at the Legislature to give them legislative authority would give them the possibilities within the next year to come up with some real improvements in the clarity and fairness to merchants and to sign vendors and to everybody on premise signs, and unregulated competition on height and size could lead to some clutter and nobody, including the sign association, thought that was a good idea, that on the issue of the Pavilion, that this administration and the preceding two administrations the redevelopment of the central business core of the City, and that relationship to being able to attract and retain tourists which enhanced their economy, had been a very major and public and very transparent focus of capital improvements they made in transit and various public venues, Discovery Green, the Convention Center and had invested, when they added it up, some billions of dollars on, whether people agreed or disagreed, that process had been transparent and it had been successful to a very considerable extent in revitalizing their Central Business District when many cities struggled to do so, that the need for street level and multi level retail in the heart of downtown had been something that had been highlighted by residents around the Central Business District and by those seeking to obtain tourist and conventions and was in fact a deep part of the quality of life, to have street level and other retail, and if they had multi story retail do so in a way where those who had legitimate or tenants trying to sell things could be visible to those who were on the street, that he wanted everybody to know that the negotiations with these developers were long and very detailed and hard nosed, consisting of things like calling all their banks, looking at the financial statements given to the investors of the particular project, that he had heard it described by those involved in the process as the most extensive negotiations and due diligence to attract this, that he guessed what he would say was that he was confident that under a structure that he and Council Member Holm would come up with they would be dealing with issues of community wide significance but there were several things that had been done in the Central Business District, given it's unique character, including the building of the Convention Center, parks, the Convention Center Hotel, sports facilities, mass transit, police special operations and others that they had done in order to make sure that they continued the progress in a tasteful way of reconstructing a Central Business District, that he doubted whether people in oceans of surface parking lots and a Central Business District, which was closed during the evenings for lack of interest, were not features in the quality of life, so that had somewhat distinguished their policies in the Central Business District; that he wanted to thank Mr. Ross and looked forward to his participation in the work they do; and Mr. Ross stated that Mayor White had their commitment to do everything they had to confront and come up with some good solutions and do it fairly quickly so if fall was the opening for the particular developer he could assure them if given the opportunity they could hammer out something within the next 30 to 60 days without any difficulty as far as the mechanics of the Sign Code. Council Members Lawrence, Johnson, Garcia, Brown and Lovell absent.

Ms. Cindy Case, appeared and stated that she was present to speak on the parking applications that had been filed for the street of Bonnie Brae, that she was on a neighboring street parallel, Miramar, and she was representing not only herself but the overwhelming majority of the rest of their small neighborhood, which encompassed about 75 residences, that best way she could explain it was to explain the area that she was talking about, she understood parking permits when residents were burdened by parking, typically from commercial, that put pressure on their street and their ability to park in front of their homes, this was not the situation here, that Bonnie Brae and Miramar were parallel streets which were

bound by Richmond, Highway 59, Mt. Vernon, which there was no outlet, and Gaastark, they were in a unique pocket, there was nowhere to push the traffic back to, it was an urban environment and all the burden of the density of the population, just in the square that she mentioned to them there were 4 apartment buildings, several duplexes and fourplexes, they had a 50 unit apartment building and they had a 12 unit apartment building, several townhomes, that the area had largely remained the same over the years and in regards to commercial there were 2 law firms, an architect firm that operated during the day, a convenience store and a dry cleaner, so they could just imagine what she was saying, it was a very tight and dense area and they had a parking problem, they always had a parking problem, that Bonnie Brae had 5 houses on it, her parallel identical street had 12 houses on it, that Bonnie Brae had filed for parking permits to exclusively be able to park on their street, which was only going to push the problem around to their neighboring streets, which were already a problem, that she empathized with her neighbors wanting to park in front of their residences during the times they had filed to park, but again the over 75 other residences wanted that same thing and there was just no way for them to have it, it was indicative of the environment that they lived in, there was no where for the traffic to go, they could not park across Highway 59, across Richmond, there was no where to go to the right and the outlet was Castlecourt to the left, one side of the street was already blocked for no parking, the other side of the street was full at all times with their residences, that she did last night, in the timeframe of an hour, get 15 signatures from her neighbors in protest against the 5 residents that wanted the permits, so she would ask that they reconsider it, perhaps give them more time to present their case against it because she understood that once the permits were awarded it was not very easily reversed and again it was a very old area in Montrose and had always had the problem and had always been the same and there was nothing that had changed that had caused the problem to worsen, it was just that an individual decided that they wanted to take advantage of the parking permit situation and try to file. Council Member Brown absent.

After discussion by Council Members, Council Member Adams stated that she would talk to the Permitting Department to get more information about it and to see where they stood. Council Members Noriega and Green absent.

Mr. Shelby Stewart, 2130 War Admiral Dr., Stafford, Texas 77477 (713-498-7544) appeared and stated that he was present in regards to the HPD facial hair issue, that he wanted the Council to know that they were present to inform them and stop some of the misinformation that had been put out about the issue, that it was not a safety issue, that he passed the test and he displayed the gas mask, that it was a very important day for the Council, that the Council would be defined by what it votes on on this issue, that essentially what the issue would do was take away the rights of African American males in this police department, that was what it was in a nutshell, that it was nothing to do with safety, that he had with him two other officers who had taken more rigorous gas mask tests than most of the rest of the people in the department and passed those tests also; that years ago Martin Luther King died in Memphis, why was he there, that he was there fighting for the civil rights of the Black sanitation workers, what would he say today in this Council about what they were getting ready to vote on, to take away rights from African American males, that the council would be defined by how they voted on the issue, that they did not believe that any person on the Council had ill will towards them or would do anything to harm them, they wanted to inform them in order that they could make the right decision, that he sent each Council Member and the Mayor a file with everything in there concerning the issue, that anyone that would like to talk to them they would be happy to do it and would answer any questions that they had. Council Member Holm absent.

After discussion and questions by Council Members, Mr. Michel stated that they use outside law firms for a couple of reasons, one was resources, they did not have an overabundance of lawyers, particularly in the Labor Department, it would be helpful to have assistance, that it was also important when they dealt with cases that dealt with constitutional

issues that they have people who had an expertise, they were the best ones to bring the case to closure, whether it was being able to work out a compromise or whether it was prevailing in court, he thought it provided the best opportunity for the quickest resolution, that if it did not pass then they would continue using their lawyers, that he had purchase order authority to use lawyers to some degree, that they would have to assess it that way, but he did believe that for the best use of the City's dollars, in terms of cases where they put outside lawyers, this was a good one to have outside lawyers on, and he thought there was a public benefit to that, it was not just simply looking at this particular case but one at which they could bring the most to bare, where they were looking at lawyers who had this type of expertise who could quickly assess it, they were going to be saving money, he thought, for the City than they would otherwise and would really bring them to where they needed to be. Council Members Sullivan, Garcia, Rodriguez and Lovell absent.

Mayor White stated that sometimes if they had people who had specialized expertise then those people, and he had found out frankly often outside counsel were better for this, that could assess the City if it had not taken the correct view of the law, they wanted that independent judgment of firms, that he would also say if they were to put up somebody who did not have specialized expertise and for that reason, that he was not criticizing a lawyer, but all lawyers have more specialized expertise, if they were to lose then the City could be assessed attorney's fees for the plaintiffs, which would be considerable, but if he could further infringe on their time, and he stated to Mr. Stewart, and asked him not to respond, to talk to the other plaintiffs and to talk to his counsel, but it seemed to him that they were confronting a situation where there were an identified number of people and thought there was somebody also affected who was not a plaintiff, so 5 people out of about 5,000, but they wanted to be fair and observe the constitution and obviously whether it be U.S. Military or a law enforcement organization there were issues of dress code and things like that and the suggestion had been made to him by a colleague that it would be worth their while to spend some period of time where people informed the court that the City and this group would go to mediation and see if the issue could be mediated, that he thought that was something that he was not speaking for the City but just his judgment was, that it may be something that could be the first step, rather that it was going to some kind of mediation that both parties would agree to. Council Members Garcia, Rodriguez and Lovell absent.

Mr. Kenneth Perkins, 9226 Lanewood Dr., Houston, Texas 77016 (832-656-1062) appeared and stated that his talk was on safety; that he also, like Mr. Shelby Stewart, had passed the test, that it was medical due to a condition called pseudofolliculitis barbae, that it was a medical condition that he had for several years, that unlike some of the officers within the Houston Police Department, he had been well trained, that he had manuals and was part of special operations for many years, which he had now been taken out of that particular division for some unknown reason, that he had a manual called Operation of Weapons of Mass Destruction, Response for Law Enforcement Manual Introduction and dealt with terroristic threats, bomb threats and all sorts of attacks of the United States and Houston, also he had another manual in regards to Weapons of Mass Destruction with Law Enforcement that he had trained and also with the deterrents of terroristic acts, that he would say this to let them know that he was well qualified and had passed all the tests, that the General Order that Mr. Shelby Stewart was referring to was under 300-15 in the Grooming Standards, that he had a letter stemming back from 1988 where the Chief of Police, along with some other members within the staff signed on recognizing the medical condition, that he also had photos that he had taken back in the early 1980s and he had quite a few documents to support his medical condition, that he had been treated since the early 1980s in regards to the medical condition, but the problem that he had here today was that there was a policy in place that seemed it was not distributed evenly and the problem was that there were certain officers that were committed to and still able to disregard the policy while he and the other officers involved had followed the policies, they had other officers where the female officers were wearing pony tails and other officers grooming

status was not the part, but he could not understand why they were taken out of uniform while the other officers were not, but every single test he had taken, and he had taken several tests, vigorous tests and passed them, that he was more qualified than over half the Houston Police Officers in the Houston Police Department today, that he had his manuals to support that and in addition to that in 2007 there was a certificate where he completed training on all sorts of weapons of mass destruction, and in 2005 he had a certificate where he completed vigorous training dealing with gas mask concealment, there were other officers who failed the test and did not even have the medical condition, how could they explain it, that had it not been for the oversight, misunderstanding and miscommunication with the command staff and other members they would not be here today. Council Member Khan absent.

After discussion by Council Members, Mayor White stated that Mr. Perkins might discuss with his counsel the idea that they had talked about, potential mediation, that he respected the work of every single person within HPD, who was in good standing with that organization, and say to his colleagues to, that one of the issues that they did have, and where the administration would have some policies and the policies would back up the command staff, that there was also precedent inasmuch as they respected the rights of people to have other jobs, but the policies of the HPD and the working conditions and the hours which people were assigned to where they were assigned would not be dictated by facilitating outside employment, so that was also a policy and it required some discipline, so that was one of the issues that also had some precedent that they needed to be aware of.

Mr. Raul Collins, 1900 Rusk, Houston, Texas 77002 (832-654-4681) appeared and stated that he worked in the Special Operations Division and had been reassigned and was now at the Division of Tactical Unit, that he had a handout for the Council Members to be passed out, that he loved his job and had more passion for his job probably than anything else, next to his wife, in his life, that it was real important to him to make the downtown area safe and to draw the right type of people to their downtown area, that a while back a captain called him while he was in route to the central jail to file a charge on a drug dealer, to do a little PSA downtown and his whole issue was that nobody knew more about the crime in the downtown area than him, because he probably filed charts more than anybody, most of the blotters in a pack he displayed were felony arrests downtown, that with the policy change, and he knew they could not go into certain things because of legal issues but it was affecting him because last year he had one of the most incredible years, he caught two guys raping a 53 year old lady downtown, 808 Main, in front of Murphy's Deli, that he collected, because he was well trained, and submitted it to the property room and all of his evidence came back good and he got both of them in jail right now and he was proud of that, that he seized a vehicle downtown that was loaded with narcotics, he took them off the streets, that he walked what he talked, that he was diagnosed on May 12, 2007 with the affliction, that he knew he had it for some time but the pills had stopped working for him and it did cause scabs and made his skin discolored and left blotches of hair but it never stopped him from doing his job, that he was still dedicated to what he did, that he loved being a Houston Police Officer, that unfortunately he did believe there was a lot of misinformation, that at the Houston Police Department they had two basic masks, both by the Scott Company, that the one he displayed was a Scott Pro Mask 40, the other mask was called a Scott AB 2000, that not only did he pass the test but had actually instructed on how to prepare the mask and take the test, that usually the night before and morning of their gassing people they tell people to not shave because they will be irritated, because it was an irritant, that was the purpose of it, to disperse, not to hurt or maim, that they also throw smoke, which was a carrier and carried the gas better, that he had taught in the Chemical Deployment Team and what really hurt him was the fact that once this thing went down he felt like a lot of officers who used to be, what he thought were friends, turned their backs on him.

After discussion by Council Members, Council Member Lawrence stated that she thought the definition of shaving needed to be defined and thought it would help them out. Council

Members Johnson, Sullivan, Rodriguez and Noriega absent.

Representative Jim Murphy appeared and stated that he was present to represent some shared constituents that they had in west Houston, that he wanted to thank them for their service as public servants and recognize them for the efforts they made, that it was really a Legislative body that they were part of as they talked about policies and processes and how to make things work best for all of their citizens and how to make things best for the long term, that these were significant challenges no matter what the issue; that the folks in Briargrove Park were greatly concerned and had expressed it to him about traffic being diverted into their neighborhood and the work was under way, so he wanted to thank them for getting them on the agenda today, that it was a matter of some urgency, there really needed to be greater communication ongoing, that he was pleased to hear Mayor White recognize Council Member Holm for her work in the legislative process and was proud to have authored those bills to control signs in Houston, that those bills were supported by the sign industry, as well as the folks from the scenic world, in the sense that they found a balance, balancing those needs and thought that was something that was needed, that in this process he thought there had been a communication breakdown, that he had sent them a letter on his concerns and there were some elements about the project that was being implemented but it was much more so about the process, where people thought things had worked through a certain policy and then found out something else had occurred, all together different and completely without their knowledge and absolutely against their wishes and that was really what they were talking about today, that there were a bunch of citizens present who were waiting to speak and he wanted them to have that opportunity to do so, but he certainly wanted to ask for their help resolving the issue to try to balance the needs of all of their citizens. Council Members Johnson, Sullivan, Adams, Garcia, Rodriguez, Lovell and Jones absent.

Mayor White stated that Representative Murphy was a warrior for the City of Houston in the Legislature and they really appreciated that. Council Members Johnson, Sullivan, Adams, Garcia, Rodriguez, Lovell and Jones absent.

Upon discussion and questions by Council Members, Mayor White stated that he doubted that the issue of cut through traffic, with the exception of a particular street in Council Member Lawrence's district, and they deal with it quite frequently, that there was a long history with this street, and with this particular project, which they could review at the appropriate time with Council Members; that as they knew it was a U shaped street which was bisected by Briarforest and it was at many points on that street some 18 foot wide, in contrast to the current standard of 24 feet for the open ditch and 28 feet for the curb and gutter, there were complaints about cut through traffic for a long time and there came a point where the City denied an application by the individuals on the street for a street closure through a petition process on the grounds that it would be illegal to do so unless there was unanimity, that he did become aware and would go through a chronology of where they were, and was told that there was going to be legal action brought and to educate himself on what the law was, because this issue came up from time to time, did read the various cases and thought it was the considered opinion of he and the Legal Department that was not a requirement of law and for whatever reason the citizens who lived on that street had been, and he was not saying, that they called it as they saw it and knew that there was something having to do with candor with their citizens, to say they did not do it because of policy was one thing, but to say they did not do it because it was illegal for them to do it well that was not the law and in fact the City had to be taken to court and there was a judgment against the City that confirmed what he believed to be the case that the citizens were not correctly informed, that he thought it was good faith mistake but it was still not the way they liked to treat the citizens anywhere saying that it was illegal to do something, that he thought it was unwise to do so and there were good policies requiring unanimity, they would not like Oak Farms to buy up all the houses except one and then close the street, that would be unfair, that it may be legal for the City to do that; then they looked at alternatives and had a mediation of that

litigation dispute, the mediation came up with some recommendations that included the other objections to the City posed for street closure, things like the ingress and egress of public safety vehicles, but by and large the reasons why streets were open was that if they had more of a grid they had more connectivity; that when they say they did not like cut through traffic, the reason why they did not just close streets was what was one person's cut through traffic was another person's way to get to work, but in this particular case there were some unique cases and one unique thing in particular, the bisection by a major thoroughfare of a U shaped street combined with an 18 foot street design, and no curbs or gutters, created a situation where speeding traffic was a legitimate concern of the residents which was a bit unusual, they had some other places with narrow streets that deserved some protection to, that against the advice of the mediator, but in accordance with good public policy, and with Council Member Holm's strong input, which he thought was right on target, they then resolved and stated at a public meeting that they would not do what the residents requested, to have street closure, and the petitions of some of the people in the adjoining neighborhood, but instead would institute some traffic calming devices, which he said at the time and would say right now, were something that they needed to do more of in the City of Houston, those traffic calming devices, there were several of them and would not go into all the details of what they were, but in response to the question that was asked this was one of the studies, there was also one done in 1998, that was completed last year that indicated that there was approximately 41 cut through trips during the peak rush hour in the p.m. and in the study also modeled were those trips within go, which would be along what were called collector streets and major thoroughfares, as opposed to an 18 foot wide residential street, that the Public Works Department, on the basis of that study and some analysis, they had the memo, looked at the variety of traffic calming options that were available and Rivercrest submitted, some of them the City rejected and they did the traffic counts, so now some of those traffic calming devices were being implemented, they were not closing the street but those things that would both allow residents to get in and out, they had the public safety professionals make sure that public safety could be there, those were the things that were being implemented, so that was the current status of what this was all about, and finally, he thought it did highlight that they did need a tool kit that neighborhoods could use for traffic calming devices, based upon some objective criteria, and some of the criteria that were considered by the Public Works professionals were the narrow sides of the street and the proximity of collector streets and major thoroughfares that would be near the street that was not being closed, so that was the status. Council Members Lawrence, Johnson, Clutterbuck and Lovell absent.

Mr. David Leestma, 10123 Del Monte, Houston, Texas 77042 (713-267-5028) appeared and stated that was the Executive Pastor at Grace Presbyterian Church in Houston, that they were all deeply concerned about the safety of the 600 students at Grace School and the 3,600 members of their church community upon learning of the permanent traffic altering devices that were already installed today on east and west Rivercrest, that he was also a home owner on Rivercrest and the traffic had already been noticeable the last week, more than recent weeks, that Grace had 400 feet of exposure on Siegler and a school across the street also had even more exposure than they did, bordering Siegler it significantly impacted the safety of their students and parents all year long, so it was their student's safety that they were really concerned about, their athletic fields on both sides of the street were busy all summer long, whether school was in or out of session, they were most concerned about their children's safety and frankly they were really stunned at the construction of those barriers on east and west Rivercrest, without any public meeting or comment, and as far as he knew traffic study or any City Council vote, they were concerned about the increased traffic on Siegler, it put them at greater risk and they ask that those curbs, and they were concrete curb barriers on Rivercrest, that they be removed immediately. Council Members Lawrence and Johnson absent.

Mr. James Ellis, 10027 Holly Springs Dr., Houston, Texas 77042 (713-819-8804) appeared and stated that he was with the Briargrove Park Homeowners Association and served on the Board of Directors, that they had put together a package for them that had a color

coding of the outlying affected areas, that they had an overall traffic bottleneck created by traffic patterns between Westheimer, Briarforest and Beltway 8, as far as the major thoroughfares the boundaries of the streets affected by the recent channelization were Gessner, Briarpark, east and west Rivercrest and Siegler, that he thought in Briarpark also because during the channelization efforts the contractor that handled that put up a detour sign through Briarpark also and went it by the clubhouse and swimming pool areas, they did have on Siegler some rather unique playgrounds, schools, churches and tennis courts and swimming pools that were also affected by the increase of traffic patterns; that he did not consider this a traffic calming device, he considered it more of a channelization, what it had actually created were two one way southbound streets leaving out of Rivercrest, there was no entry into Rivercrest now, the projects as far as he could tell were completed, the signs were all removed, the channel islands that had been created extended the sidewalks through half the street itself and prevented any egress into either west or east Rivercrest, so he would probably call that more of a channelization as opposed to traffic calming, that the entire project, from their point of view, was conceived, approved and completed without any public notice or discussion, he thought they had amply talked about how it had gone through the public process once, they were informed by Public Works that they had the discretion to administratively implement such sort of traffic problems without any public notice; that some of the negative impacts, Rivercrest had about 60 residents that were impacted upon on the two particular streets from Briar Forest to Westheimer, they were two plus acres lots and were all gated, so there were no real concerns or any real impact upon safety there of the residents, that Briarpark and Siegler, were all smaller lots and sidewalks, completely a neighborhood type of environment, there were about 750 plus residents that were impacted between Briarforest and Westheimer; that what the channelization of Rivercrest did was to move the traffic patterns. Council Members Lawrence and Johnson absent.

Upon questions by Council Members, Mayor White stated that there would be things, looking at both street width and the traffic count, and he heard a lot about covert but to the Rivercrest residents, to whom they said no, and moreover they were not going to put these public improvements at the top of any CIP and he believed the improvements themselves were privately funded because they refused to do that; but they would work with the Council Members, as he had worked with two Council Members over the last month on issues of cut through traffic where there was constructive suggestions, that he would tell them, and he did not want to have to go back and review tapes, but he did not, and he was not aware, and he would not blame Public Works professionals for this, they did have hearings about this, that the idea was to try and balance the interest, as they say, of residents that Representative Murphy said, and he did not know it was one of their goals to preserve cut through traffic on an 18 foot street, that they did not perceive as, and maybe he was not listening to people, but people were talking about the precedents of street abandonment and closure and if it was done in one neighborhood why did they not do it in others, etc., that he would defend the Public Works professionals or take responsibility, that he did not understand that the issue was that they should not take some actions to try to prevent cut through traffic through this neighborhood, that was not the tenor that he got, but he was not perfect, he makes mistakes, that nobody was perfect in this job, he admitted that, but in answer to their question, certainly if any Council Members came up with something and they would take a look at issues such as how one situation differed from others and what the precedent would be. Council Members Lawrence and Johnson absent.

After further discussion, Mr. Ellis stated that to the residents of Briargrove Park it did appear that preferential treatment was given to a more affluent neighborhood than their neighborhood, and secondly that all they really asked for, if they wanted to have traffic calming, was just put it back to square one, get rid of the islands that divert the traffic into a one way street southbound and put bumps in and then they would have true traffic calming devices as opposed to a semi private street, which was what was in effect now.

After further discussion, Mayor White stated that just as they had worked with Council Member Lawrence extensively within her district, which would not be considered as the highest income, and they worked with Council Member Adams during the last two months on Brentwood, he could assure all citizens that whoever said that somebody received special consideration because of property value and income, and actually he thought he told a citizen who articulated something like that, that he could not remember if he said it in the open mike or in his way, that he found it offensive when somebody from Rivercrest came up to the microphone and said something like that, but do realize, on the numerous requests he got from Council Members concerning ways to avoid cut through traffic, that they had found no way to vaporize traffic, that for a long time the sort of tendency of the Public Works Department, and they could do it again, would be to just say no, and in large part because of civic meetings and what he had heard from Council Members they had tried to have a bit more flexibility and the decision, and somebody could take a look at his mail, that resulted in some bitter recriminations against the administration not to close the street and to instead look to ways to minimize cut through traffic was not done because it was the popular choice within the neighborhood. Council Members Lawrence and Noriega absent.

After further discussion Council Member Holm moved to extend the City Council meeting beyond the scheduled noon recess, seconded by Council Member Khan. Council Members Lawrence, Rodriguez, Brown, Lovell, Noriega and Jones absent.

Council Member Khan requested if they could follow their procedures and implement the 5 minute rule for all discussion with the public speakers. Council Members Lawrence, Rodriguez, Brown, Lovell, Noriega and Jones absent. Council Members Lawrence, Rodriguez, Brown, Lovell, Noriega and Jones absent.

Mayor White stated that because they were transparent and not covert they did have to consider the rights of other citizens and their rules limit the discussion for each speaker and they would enforce those rules from now on. Council Members Lawrence, Rodriguez, Brown, Lovell, Noriega and Jones absent.

A vote was called on Council Member Holm's motion to extend the meeting. Council Member Johnson voting no, balance voting aye. Council Members Lawrence, Rodriguez, Brown, Lovell, Noriega and Jones absent. MOTION 2008-0351 ADOPTED.

Ms. Anna Olexy, 10042 Del Monte, Houston, Texas 77042 (832-252-0115) appeared and stated that she was a resident of Briargrove Park and stated that their homes were 25 feet from the curb, their children played in the street, they jogged, walked their dogs and pushed strollers, their yards were not fenced, that on Rivercrest those lots were 2 to 5 acres and sat back some 500 yards or more from the curb, they were heavily fenced with concrete fences, metal fences and some even had guard shacks, their children did not play in the street, and they did not walk their dogs or push strollers on the street, that all of the traffic coming through Siegler was going to affect the two elementary schools there, they were right at the corner of Siegler and Westheimer, and in addition the community swimming pool and playgrounds were there, so they had children circulating in that area continuously; that the other problem that they had in the neighborhood was that of flooding, that one evening she spent until 1:00 a.m. at Grace Presbyterian Church because Siegler was flooded, Briarforest was flooded in spots and Briarpark was flooded, that about midnight she went up to Briarforest and managed to get part way down and she could not turn back because the opposite side was flooded, she ended up going through Rivercrest to get through to Westheimer where there was traffic and lights, instead of sitting in the dark by herself, so when they close off these two streets they were also closing down their escape route in cases of flooding, hurricanes or anything like that, and she just thought they needed to consider when they had a distance from Gessner to Beltway 8 and

eliminated all through traffic except Siegler, which flooded, they had created a serious problem, that she understood the issue that Rivercrest had with traffic, they did not want all this traffic on their street, that she thought what they probably needed to do was just put the speed bumps and put several of them in there to where it did slow down traffic or discourage traffic, that she knew the Mayor had mentioned that they put an island in the middle of Siegler, but she wanted them to understand the reason for the island was because when they first turned from Westheimer onto Siegler it was four lanes, and right at the school it all of a sudden became two lanes and this convergence of all the traffic right at the spot created a serious problem for their children, the splitter was put in there so that people instantly realized that it was narrowing down and they needed to slow down, that the island was not very far anyway. Council Members Lawrence, Garcia, Brown and Noriega absent.

Mr. Mills Worsham, 10043 Del Monte, Houston, Texas 77042 (713-805-3393) appeared and stated that he was present to speak on an issue that was very important to them as residents of Briargrove Park, that he wanted to thank Council Member Holm for her work on their behalf on this issue, that he thought the main point that they would like to get across to them today was the process that was involved or the lack there of, that he thought they could learn a lot historically about the things that had gone on with regard to the issue, that whenever there had been a tension to the issue, whenever there had been public involvement in the way of hearings, the issue had been resolved, the issue had frankly been turned down several times when the citizens had been altered to the proper procedures that were taking place, and only unfortunately where there was a back door attempt made without the City's involvement did the situation come about, that he would welcome an opportunity to meet with the Mayor and Members of the Council and try to resolve the issue between the two neighborhoods because as was said earlier he did not think pitting two neighborhoods against one another was ever productive and they had to learn how to effectively navigate traffic between Westheimer and Briarforest, and in a population dense area, such as the area they were dealing with between Gessner and the Beltway. Council Members Lawrence, Garcia and Noriega absent.

Mayor White asked Mr. Worsham if he thought it was a particular public concern, that they had narrow streets in a number of different neighborhoods and typically some of their narrowest were in some of their lowest income neighborhoods, but 18 feet was pretty narrow for Houston and asked Mr. Worsham if it was a legitimate concern to try to discourage cut through traffic through residential streets, and Mr. Worsham stated that he thought it was a legitimate concern to discourage the traffic, but what he would recommend taking a closer look at other traffic calming devices such as the speed bumps rather than just a direct closure of the street, that he did not think any of them, whatever part of the City they lived in, liked cut through traffic, that he thought that discouraging cut through traffic was a legitimate issue, that they understood there was a one way egress in this situation now where they could come in off of Briarforest but they could only effectively exit onto Westheimer, they could not come in off of Westheimer any longer and he thought an indirect closure of the street, in that respect, he did not think personally was as effective as allowing the street to still remain open, but discourage, with the use of the speed bumps and the other things they talked about, the cut through traffic, that one of the media reports that he heard about last week said that they still had to go through there with the EMS vehicles to see if they could still gain access, and to him that was a pretty major concern that probably should have been one of the first things they looked at, and Mayor White stated that there was a test by the Fire Department and EMS on the particular street, but just so they understood that the more effective something was in discouraging cut through traffic then the cars may go somewhere else. Council Members Lawrence, Garcia, Lovell, Noriega and Jones absent.

Ms. Kristi Thibaut, 1803 Briarpark, Houston, Texas 77042 (713-783-3938) appeared and stated that she was present to thank them for listening because she knew they kept hearing about discouraging cut through traffic and that was wonderful and everybody's goal, but by

discouraging cut through traffic on Rivercrest they had actually encouraged cut through traffic into their neighborhood and she was specifically one of those folks that was actually affected by it because she lived on Briarpark Drive and they could look at the map, in the package she provided for each Council Member, and see that Briarpark was not really a cut through street, they had to wind through the neighborhood, but nobody knew that when they turned on that street, there was a traffic light on Westheimer where people turned onto that and then on her side of Briarpark from Briarforest there was actually a turn lane so they got a lot of cut through traffic driving through their neighborhood, that they could call this particular action what they wanted to call it, but it really had diverted the traffic, maybe the intention was not for that, but when they could no longer turn from Westheimer onto Rivercrest they had actually altered the direction of traffic and she thought her neighborhood would be very amenable to speed bumps, had they been asked, that she really did think that for her it was about good government and about the fact that their neighborhood was not consulted about the particular action, that she did not think they would like it if it happened in their neighborhood, where nobody asked about traffic patterns and how it would affect their neighborhood, they had kids that played in the streets, that Rivercrest was a beautiful neighborhood, their neighbors had been good neighbors, and this was not really about them, although that was truly what had happened, that if they noticed what her neighbors had been saying was that each one of those homes sat on 2 to 5 acres, they were individually gated, their stated purpose at the very beginning of this was to close the street, they wanted to buy it and make it a gated community, that this was as close as they could possibly get to closing of the street, that there was an easy fix for this and thought that could make at least their particular neighborhood happy, which would be to take up the closures that they had put down the egress and then put some speed bumps down, because as the watched there was actually a report that did something with the Rivercrest neighborhood last year and the stated purpose that they said was to actually calm the speed, well if that was truly what their objective was then speed bumps would be the answer and their neighborhood would have signed off on that, but nobody informed their neighborhood of what was going on, they were stunned to find out that this action had occurred without their input, that maybe there were rules and procedures that they could do that, but everyone of the emails that she had seen people were very upset by it and they did feel that one neighborhood had taken precedent over another neighborhood and it may not have been the intention but that was how people felt. Council Members Lawrence, Johnson, Sullivan, Garcia and Lovell absent.

Mayor White stated that in this case there was a legal action taken by some citizens against the City and the City did not prevail in the first round of that litigation, they had a mediation and the mediation made a particular recommendation and they decided not to do because the City's grounds for denying street closure were things that probably could be overcome, that in the past they did not say to citizens, no cut through traffic was okay because they would go through somewhere else or they could not because of public safety, that he just wanted her and his colleagues to say when they did these mediations sometimes they may result in special rules being made under the circumstances because it was a little bit out of control when it went to mediation and this did create a somewhat separate dynamic that he set forth in the outset of this particular situation and he could assure her if she looked at the angry mail from Rivercrest to him based on the fact that he rejected the mediators viewpoint they did not abandon the street, that it was not done, and looking at ways to reduce the cut through was not done because that was the pressure by people from Rivercrest; but he would tell his colleagues that with a lawsuit pending and a mediators report and settlement based on that mediation some things happened in a different sequence than they normally would have happened; that if the channelization had reduced cut through traffic on the 18 foot residential street and now it was somewhere else, was there a way that they could further reduce the impact of that and take a look at that, because the study did look at the various other channels so they would do that in good faith, that he did not know if removing the egress was an option, that now because they did go through the mediation they had to look to the Legal Department and had to say how much was diverted, was their goal to simply slow down people enough so

they were a little slower, but not to divert, that he would tell them that in this job one thing he had learned was that there some people who liked speed bumps, but there were sure a lot of people who did not like speed bumps, that they would have to work through that. Council Member Lawrence, Sullivan, Lovell and Noriega absent.

Ms. Brenda Oliveira, 10050 Overbrook Ln., Houston, Texas 77042 (832-215-6891) appeared and stated that she was a resident of Briargrove Park and a mother of two children, that they request that the traffic calming devices be removed from east and west Rivercrest, that she represented the Briargrove Park Mothers Club and their great concern for the safety of their children, that over 300 children lived in Briargrove Park, most of who were very young, under the age of 10, that their homes were just a few feet from the street and their children played in their front yards and walked and rode bikes on their sidewalks, the traffic altering, not calming devices, placed at east and west Rivercrest and Westheimer, diverted traffic which ultimately winds through Briargrove Park, via Briarpark Drive, Siegler Road and many other streets, that in addition to the two elementary schools on Siegler there was also a playground and a swimming pool on Siegler, that swim meets were often hosted at this pool and the additional traffic created by the actions of the Rivercrest residents not only endanger their children but also children from other neighborhoods, that if the residents of Rivercrest were truly concerned, as they say, about slowing traffic in their neighborhood they could install speed bumps, that all parents and grandparents wanted to make their street safer for their children, however a very wealthy neighborhood should not be allowed to divert traffic to another neighborhood in order to make those streets more private. Council Member Adams absent.

Ms. Diane Modsett, 3319 Ferndale, Houston, Texas 77098 (713-526-0696) appeared and stated that she was present on behalf of the David Crocket Subdivision, which was in the Upper Kirby District, District C, their six street lamps on Ferndale Street serving 39 homes were mistakenly disconnected on August 23, 2007, that due to miscommunication between CenterPoint and RK Wheaton, the contractor hired to replace their waterlines, that according to Wheaton in preparation for digging in their neighborhood CenterPoint mismarked the location of the street lamp power line so when Wheaton dug they severed the line, they immediately notified the City of their predicament and were told that the lights would fixed in short order, that had not happened, that in a nutshell they had been without street illumination for 9 months; that the important point that she would like to make was that these lights were not turned off as a necessary part of construction and they believed that both the contractor and CenterPoint should have acted with a sense of care and urgency in restoring their lights; that the second point was due to a long chain of communication and a lack of accountability their fundamental need for safety had fallen victim to a series of broken bureaucratic processes, they had been in an endless loop between the contractor, the City and CenterPoint and it should not be their responsibility to insure that the lights were turned on in a timely manner to insure their safety, that the City's 3-1-1 failed to keep track of or coordinate the work order numbers and with every other phone call to check on progress they were told they had no record of any problem, the contractor and CenterPoint made a mistake and rather than fix it they opted to do nothing for 9 months, that Wheaton's work on their street was completed well over 2 months ago, that for 9 months their neighbors had made countless phone calls all in good faith, that by last Friday she had received three conflicting messages, one, a CenterPoint employee informed her their lights would not be turned on any time soon due to a massive power line project on Buffalo Speedway, which was half a mile from her neighborhood and that CenterPoint would not turn on street lights until all work was completed and they City gave the release to reconnect the lights, that CenterPoint contacted Council Member Clutterbuck's office and they said that the light restoration process would begin in two weeks, that would be June 6, 2008 and considering the fact that Mr. Sanchez for CenterPoint had them in a review process without any communication for 10 weeks they had little confidence that it would happen, the third conflicting point was that Wheaton claimed that they notified the City in mid April and then her conversation with the City just a couple of days ago was that they just now had submitted the release and it was mid May,

that they would just like their lights on. Council Members Adams and Holm absent.

After discussion by Council Members, Mayor White stated that he brought it to the attention of the President and CEO of CenterPoint and they had reviewed that situation with Public Works and he should get a report on process improvements, that second, they did have the jurisdiction to enact substantive rules on customer complaints, and resolving customer complaints, including the City as the customer, and asked Mr. Michel if they could enact rules consistent with this, and Mr. Michel stated that they could enact administrative rules that were consistent with the rules that the State had which simply provided a timeline for responding so that gave them a fairly broad leeway in terms of what they could do, they also had jurisdiction over the tariff which sets certain conditions regarding operations, it was another avenue for the City to approach this issue, and Mayor White stated that if somebody was really late then they made less money, so that was what that meant, so they needed to do something about this, it was not acceptable and it was some case of competence being contracted out, that was never a good idea, it was people forgetting who their customers really were because the company was a monopoly and it was making sure that they do what they were responsible to do, which was set rules and regulations for CenterPoint, which the City had never done, but it looked to him like they legally could, so he had asked Mr. David Webb and the City Legal Department to come up with some rules that they thought were appropriate and some input from Council Members, and they needed to be procedural rules, that they were talking about putting street lights on and off and how quickly somebody had to do it; that they could come up with some rules that they thought would be reasonable and say this was what they were going to go forward with and then bring them to some hearings and notify CenterPoint, or they could try to work out some rules with CenterPoint, that number one would be quicker, and asked Council Member Clutterbuck what would she do, how would she approach it, and Council Member Clutterbuck stated that she was told after her meeting two weeks ago with people from Public Works and CenterPoint about the very issue as well as other issues, that they had been working for several months now, individuals on the ground with CenterPoint and Public Works to work out these issues, that she would like to give them a one week deadline to come up with their suggestions and if they were not able to mediate that and come to some kind of agreed consensus then they unilaterally impose their own rules on it, and Mayor White stated to Mr. Norman if he could communicate that to both parties and if people could report back on what the procedures were within a week then that would be good, and stated to Mr. Michel that he still thought that Mr. Webb needed to get started right now because for all he knew their regulation could incorporate this, but he did think it ought to be treated as a matter of what their legal expectation and not just that it would be a nice thing. Council Members Johnson, Adams, Rodriguez and Noriega absent.

Council Member Khan stated that the City should be keeping track of the timeline so the next time her neighbor calls about the street lights being out somebody could tell her what had happened so far, because part of the frustration was that every time they called they had to regurgitate the whole story for the last 9 months to a new person. Mayor White and Council Members Johnson, Clutterbuck, Adams, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Gloria Moreno, 236 N. Nagle, Houston, Texas 77003 (713-223-1054) appeared and stated that she was present as a resident of Second Ward and Precinct Judge of Precinct 9 and as a member of the recently recognized super neighborhood from Second Ward and a former City employee; that she was tired of not getting services in Second Ward, that on Saturday at 1:15 a.m. she made a 9-1-1 call because of a party that was going on catacorner to her house, at 2:38 a.m. she called again, where were the police, that 9-1-1 said they had gotten her call and a service call had not been made yet, that at 3:11 a.m. she called Constable Victor Trevino, at 3:25 a.m. his people showed up and shut it down, that the same night three blocks from her house two University of Houston students were having a party at the corner of Canal and Ennis,

at that party were several college age kids from Saint Patricks Church, Saint Thomas High School graduates, Saint Thomas University students, her own son, who came in from Colorado College for the summer, was in attendance, and at that party one of the U of H kids bumped into somebody and she guessed the kid did not like it and while the kid tried to apologize for doing it, a student, she did not think he was a student because he looked out of place, according to reports, but that person took a gun out, made three shots in the air and then aimed the gun at the University of Houston student shooting him twice, that her nephew Zachary was there as a witness, he carried the body out because his friend said not to leave him, they carried the body out into the parking lot trying to flag somebody down to get some attention, the ambulance arrived on a very timely basis, he said it was two to three minutes, because the Fire Department was two blocks from the party, that the ambulance showed up and her nephew meanwhile had taken his shirt off and tried to contain the wound, got into the ambulance with the victim and the police officer who then showed up said that he would find him at Ben Taub to get his statement, they took him to Ben Taub, her nephew was there from 1:00 a.m. to 5:00 a.m. and the police never showed up to investigate, that her nephew had to leave because he had to go work, he is a college age student with a summer job who needed to earn money, that what did it take to get the police to come out, what did it take to get a response in Second Ward, how many calls had to be made, what did it take to get their college age kids, who wanted to socialize in their neighborhoods to have protection and security and to be able to even go out, that they had so many condos and townhomes being built in Second Ward, the costs were \$209,000 was that what it would take to get the police to start coming to her neighborhood, how many calls did she have to make; that her second issue had to do with the lack of Solid Waste care there, that if she puts out trash in her neighborhood she had to make a 3-1-1 call every time to get clippings and bags of trash picked up, that yesterday the trash was picked up, the neighbor across the street from her, who was a cancer ridden senior citizen, had seven bags of trash out there, so now she was going to call 3-1-1 and ask about the bags of trash next door, why was it that she had to call her City Council Member to get some service in her neighborhood; that she had five questions to leave with them, one, why do residents of Second Ward have to call their Council Members Office to receive a basic City service that automatically goes to Rivercrest, Ferndale and all over the rest of the City, that two, why do residents of Second Ward have to pay the HPD Alarm Permits when their alarms were now going straight to Constable Victor Trevino's office, because he timely responds to them, three, could their college age students socialize in a safe surrounding or in the alternative when a tragic incidence like this happens what kind of investigation do they have, that nobody had ever contacted her nephew who was a witness to this, that he had not heard from the police, the police did not show up at Ben Taub and to this date he had not heard from the police, and he was right there and saw the person who did it, four, will the City Council consider this visit a 9-1-1 call for a Second Ward resident or would they respond to her like HPD responded, and finally, if HPD could not provide services in their area why not subcontract to Constable Victor Trevino's office for these services, if they could not provide the service there was somebody out there who could and who did, that his service calls had increased 30% from last year to this year just because of the number of calls he gets because people did not call 9-1-1 anymore, that they should check their stats, they would find the calls to Second Ward and the East End were significantly going down, that they had a problem and she wished the Mayor were present to hear this because he tells the other people that he agreed with them and they should work on it, that she wanted to hear from them and would they work on it. Mayor White and Council Members Johnson, Clutterbuck, Holm and Rodriguez absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that the shooting incident she laid out was unacceptable, they had a department liaison present and he would follow up with her and make sure the issue was addressed, and Ms. Moreno stated that the kid was in intensive care, serious condition and was a second year University of Houston student, and Mayor Pro Tem Garcia stated that the bottom line was that there was an investigation that seemed to not have been started and that was unacceptable. Mayor White and Council Members Johnson, Clutterbuck and Holm absent.

Mayor Pro Tem Garcia presiding.

Upon discussion by Council Members, Council Member Noriega stated that she would work together with Mayor Pro Tem Garcia and thanked her for coming to tell them about it, and Mayor Pro Tem Garcia stated that the lieutenant was in the back and would speak with her and to make sure to talk to his staff to get the other issues that she had laid out and she would follow up on it. Mayor White and Council Members Johnson, Clutterbuck and Holm absent. Mayor Pro Tem Garcia presiding.

Mr. Jon Boyd, 2419 Shakespeare, Houston, Texas 77030 (713-661-7532) name was called and Ms. Jane Cahill West appeared and stated that with their permission she and Mr. Boyd were going to trade places, that she was listed right after him. Mayor White and Council Members Johnson, Clutterbuck and Holm absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that by consensus they would substitute the speakers, and hearing no objection they would move forward. Mayor White and Council Members Johnson, Clutterbuck and Holm absent. Mayor Pro Tem Garcia presiding.

Ms. Jane Cahill West, 2114 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and stated that with their permission she and Mr. Boyd were going to trade places. Mayor White and Council Members Johnson, Clutterbuck and Holm absent. Mayor Pro Tem Garcia presiding.

Ms. West further stated that she was present as the President of the Washington Avenue Memorial Park Super Neighborhood No. 22, together with others from their constituent neighborhoods and supporting organizations and asked that they stand in support while she spoke; that she was present to present a resolution regarding TxDOT's plans for the City owned MKT Corridor, that on Monday, May 12, 2008, the Super Neighborhood Council resolved to urge the City of Houston to expand its commitment to multi purpose use of the 17 acre, City owned railroad corridor, lying between White Oak Bayou and Hempstead Highway by using Bayou Swell Technology to establish not only a drainage channel but also a linear park designed to preserve and enhance the existing green space, that she and others were present to ask Mayor White and City Council to implement the resolution by, number one, halting TxDOT plans to immediately let construction contracts for the drainage channel, two, initiating a planning process aimed at establishing an environmentally and aesthetically attractive channel that not only allows but provides for additional uses, three, permitting stakeholders to participate in that process, that community consensus for Super Neighborhood No. 22 MKT Corridor Resolution was evidence by endorsements recently received by Bike Houston and the White Oak Bayou Association and by the presence here today of Citizens Transportation Coalition to speak in support, that she and others were making the appeal now because TxDOT had said that it planned to let construction contracts for the MKT in the immediate future, and that once the contracts were let amendments to the project plan would not be possible, that use of Bayou Swell Technology offered a cost affective way to drain runoff that was both environmentally and aesthetically attractive, that City officials owed taxpayers a fiduciary duty to insure that TxDOT's plans did not lower the cost of construction to be borne by TxDOT by increasing the cost of maintenance to be borne by the City, and finally TxDOT had fast tracked the planning process in an apparent effort to preclude substantive City and stakeholder participation in its planning effort. Mayor White and Council Members Johnson, Clutterbuck and Holm absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia requested a copy of Ms. Cahill West's comments. Mayor White and Council Members Johnson and Holm absent. Mayor Pro Tem Garcia presiding.

Mr. Jon Boyd, 2419 Shakespeare, Houston, Texas 77030 (713-661-7532) appeared and

stated that he was a Board Member of the Citizens Transportation Coalition, an all volunteer grassroots organization that worked in the Houston area on transportation advocacy issues, that he was present to voice CTCs support for the Super Neighborhood No. 22 resolution to preserve and develop the MKT right-of-way as a linear park with multiple uses, that in addition they were also supporting preservation of the habitat on the southern strip west of the spur, that currently TxDOT had plans for a 60 foot ditch for detention and conveyance of water, that a ditch of this size would degrade City of Houston property, that a bike trail was still possible under the TxDOT plan, however using alternative water storage would provide a vastly superior solution for a linear park, that further more, TxDOT under it's current plan would destroy three acres of habitat, that rather than mitigate they could preserve the existing habitat, which had been growing there for decades, that connecting the segment with the planned bike trails east of Shepherd would create excellent access for non motorized traffic between Hempstead Road and downtown, that the MKT was a valuable strip of land accessible to several neighborhoods and they could make it a great place. Mayor White and Council Members Johnson and Holm absent. Mayor Pro Tem Garcia presiding.

After discussion by Council Members, Council Member Noriega stated that she would appreciate their having a little more conversation before they went on whacking down trees, if that was possible. Council Members Johnson and Holm absent.

Council Member Lovell stated that they had been working on the issue and they had actually coordinated with the District Council Member's office and worked together on it, that she wanted to be clear, that people could make them promises of things that they thought could happen, but if they had not done the work or investigated they were not going to happen, that it was her understanding, as a member of TPC that they voted to delay the project at this point, that it was not going forward; that number two, if TxDOT did clear cut some of the trees to build they were going to replace every thing that they had clear cut, that number three, she believed that in discussions with the Public Works Department there was an opportunity to put a bike trail there, the door had not been closed on that, that it was her understanding that there was no CIP at this point to put it in, but they had said very clearly that the funds were available and if they could locate them they would put a bike trail in, they thought that was a good idea, and probably the most important point, TxDOT had no money, that it was her understanding that their budget had been cut so severely that they were not moving forward on a lot of things, that they were checking right now and may know before he left, to make sure they had not back doored and were going to come about and do it, but they had been monitoring and watching what was going on; that something came up that she was interested about and that was the Bayou Swell, that if he could send them more information about it, it was something she thought was new and they could take to TxDOT to see if they would implement and put in, and Mr. Boyd stated that he would be happy to send her the information and that there was some information that had been distributed in their press release about Bayou Swell. Council Members Johnson, Holm, Brown and Noriega absent.

Mr. James Reid, 5805 Kansas, Houston, Texas 77007 (713-864-4044) appeared and stated that he had lived in Cottage Grove for almost 20 years, that the ditch was going to be normally dry, that the knew the MKT area very well and had been to the TxDOT meetings and every time they asked for the change in the plans they would say it was up to the City, that TxDOT needed the City to tell them to make these changes, they told them that they would do whatever the City tells them to do with the MKT plan. Council Members Johnson, Holm, Brown and Noriega absent.

Ms. Linda Mercer, 5807 Kansas, Houston, Texas 77007 (713-542-5071) stated that she wanted to the Council Members who had given her extra time to the topic, Council Members Lovell, Jones and Garcia, since the beginning of the time when they looked at the MKT several years ago, and Council Member Noriega, that Council Member Lawrence also took a tour of the

area with them and they really appreciated their giving it a second consideration, that their concern was driven by the idea that TxDOT continued to tell them that they had administrative approval to proceed on July 1, 2008, they had not seen the EIS documents that they understood were now available, they had recently been updated for the scope change of the project size, that the detention channel grew in the last year, from 1,000 feet long to 7,000 feet long with 4,300 feet of open ditch, that what Mayor White was able to do for them in the last 60 or 70 days was to assure them that there was now a vision in the City that said yes they would plan a hike and bike trail connection in that corridor and that was a huge step forward and they appreciated that very much, however, they stood on the threshold of looking at 17 acres becoming predominately dominated by wide, dry ditches if they did not do something to modify the plan and 17 acres of open land was going to be hard to come by, that there were folks that were selling property adjacent to this for \$1 million an acre, so the idea that the City got the land for a price that was reasonable should not mean that they stop and turn now and say to make it unusable for the next 100 years by people, so they really hoped that what they could see out of City Council was the ability to say to TxDOT was halt, wait a minute, if they were really moving forward, that maybe they really were being postponed, she did not know, that it was a \$7.1 million roadway expansion in front of Washington, in front of the TxDOT offices on Washington Avenue that they wanted to do, that it was a \$7.4 million, mile and a half long ditch now and then it was a \$45 million Hempstead Roadway Project, so they were looking at \$60 million of roadway projects that were going to be a part of the situation so if there was some adjustment to design and there was some money that needed to be added to it it seemed like they should give that serious consideration and careful measure, that they had worked with professionals on it and had tried to come into understanding of very difficult issues and they did understand that trying to mitigate flooding on I-10 was something that people wanted to see done for the 100 year event and they understood that TxDOT needed to do something with the water for the half a mile expansion of Washington Avenue, but to channel it for a couple of miles and wipe all the habitat along the way, that they told them clear cut and destroy, all the woods that were there on the MKT, that it seemed like looking at things in a way that was not taking into consideration a balanced use of the land. Council Members Johnson and Holm absent.

Council Member Garcia asked if Ms. Mercer if she had any follow up with State Representative Farrar on her discussions with TxDOT on the issue, and Ms. Mercer stated that she was trying to make available to them the EIS documents and the drainage documents that they say were now approved to I-10, and she understood that they were continuing to see design change. Council Members Johnson and Holm absent.

Council Member Lawrence asked Ms. Mercer if she had met with Richard Zentec, and Ms. Mercer stated that she did not know Mr. Zentec, and Council Member Lawrence stated that she was going to set up an appointment, that she thought he could talk with Ms. Mercer about design and what was going forward, what was not, that he did government relations on the project, that he could add some input to her that was very available, that if she would email her she would send her the information. Council Members Johnson, Holm, and Garcia absent.

Council Member Brown asked Mayor White what could they do to get a better design out of TxDOT, and Mayor White stated, or take some responsibility themselves, that first they needed the retention and second he sent out a memo on Monday on MKT and asked for a time schedule on the hike and bike trail, that he went down to the Colombia Tap Trail twice on the weekend and he could see what they could do with hike and bike trails, that third, on the issue of Kevin Chanley's design, he had asked Mr. Marcotte to contrast that with TxDOT and what they could do or not do, a lot of them respected Mr. Chanley, that to the citizens in could faith, so they could think about what they asked for, and he was not commenting on the bayou swell until people got educated, and asked Ms. Mercer if she was familiar with the Chanley's backyard, the ravine, that it was the finest place in Houston, by 14<sup>th</sup> Street, but there was a difference of how those things looked when they were maintained by people and where people

did not maintain, that they had to be careful of some of those things, that they would take a look at it, that he wanted to retain the detention and drainage character and had asked for a report; and Ms. Mercer stated that one of the challenges that Mayor White had set out for them was that he needed to seek consensus about the implementation of wet bottom channels and the consensus of the preservation of the habitat and what they had worked very hard for the last 60 days was to build awareness and get consensus so that they would have a demonstration of that, that it was not just Cottage Grove Civic Club asking, there were a lot of folks that had now lined up about it, so they said out to try to get that, and Mayor White stated that he would take up the offer from Council Member Lawrence because if a civic club reached a consensus but it did not meet the detention requirements under law then it was not a real consensus. Council Members Johnson, Adams, Khan, Holm, Rodriguez and Lovell absent.

Council Member Clutterbuck stated that the previously scheduled 3:00 p.m. and 3:30 p.m. budget workshop meetings would be postponed until next Thursday, June 5, 2008 at 3:00 p.m. and 3:30 p.m. Council Members Johnson, Adams, Khan, Holm, Rodriguez and Lovell absent.

Mr. James Alfarone, 1352 DuBerry, Houston, Texas 77018 (713-686-6841) had reserved time to speak, but was not present when his name was called. Council Members Johnson, Clutterbuck, Adams, Khan, Rodriguez and Lovell absent.

Dr. Maria Stow, 5702 Council Grove Lane, Houston, Texas 77088 (713-201-6705) had reserved time to speak, but was not present when her name was called. Council Members Johnson, Clutterbuck, Adams, Khan, Rodriguez and Lovell 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 Johnson, Clutterbuck, Adams, Khan, Rodriguez and Lovell absent.

Mr. Ira McBride, 3255 Elgin, Houston, Texas 77004 (832-633-7008) had reserved time to speak, but was not present when his name was called. Council Members Johnson, Clutterbuck, Adams, Khan, Rodriguez and Lovell absent.

Mr. Syed Mohsin, 2250 Holly Hall, No. 119, Houston, Texas 77054 (832-724-2170) had reserved time to speak, but was not present when his name was called. Council Members Johnson, Clutterbuck, Adams, Khan, Rodriguez and Lovell absent.

Mr. Brian Simon, 115 Plantation, Houston, Texas 77024 (713-468-6767) had reserved time to speak, but was not present when his name was called. Council Members Johnson, Clutterbuck, Adams, Khan, Rodriguez and Lovell absent.

Ms. Barbara Hartgrove-Wilkins, 7301 Touchstone, Houston, Texas 77028 (281-513-3403) had reserved time to speak, but was not present when her name was called. Council Members Johnson, Clutterbuck, Adams, Khan, Rodriguez and Lovell absent.

Mr. Antonio Valdez, 12707 Blue Timbers, Houston, Texas 77044 (713-637-0400) appeared and stated through Interpreter Diana Martinez, in representation of the Tejano Center For Community Concerns, that they were asking for the Council's help in Mr. Valdez's property tax situation, that the appraisal of his property in 2007 had not been accurate and was appraised by the Harris County Appraisal District at \$172,136, when the purchase price was \$113,000 when he bought it in August 2007, that they understood that the deadline to file a protest for 2007 was January 31 2008, but unfortunately Mr. Valdez did not know that his property value had increased until the lender notified him that he was short on his escrow, that he was given two options, he either had to pay \$1,553.00 for the next 12 months so he would be current in his escrow account, or he would have to pay a shortage amount of \$4,195 in a lump

sum payment, that he did not want to go through the risk of losing his home for the next 12 months trying to pay that increase of \$528 on his mortgage payment to be current with his lender, that he did not want to default on his mortgage and have a foreclosure and become another statistic, that they knew for a fact that the appraisal was done inaccurately because they had looked at the values for similar values for 2007 that were appraised at \$130,000 and the houses that were appraised for \$160,000 were 100 square foot bigger than his, that they thought that the Harris County Appraisal District accidentally appraised his property based on the house next door, which was a lot bigger lot than his, that he could not afford to pay the short escrow in payments nor in a lump sum so they believed that it was HCAD's mistake and they thought that Mr. Valdez should not be penalized for someone else's mistake, so they wanted to know if there was anyway that the City Council could help him out, that she had passed out copies with all the information. Council Members Johnson, Clutterbuck, Adams, Khan, Rodriguez, Lovell and Noriega absent.

After discussion, Mayor White stated that the question in his mind was why was somebody who was the purchaser of a house responsible for the prorated share of the property taxes for the months before they closed on the house, that working with the Citizens Assistance Department and Ms. Lea Stoller at the tax collection firm, to go over it, and he asked Ms. Claudia Valdez, Citizens Assistance to track it down. Council Members Clutterbuck, Adams, Holm, Rodriguez, Lovell and Noriega absent.

Mr. Willis Taborn, 2106 MLK Blvd., Houston, Texas 77033 (281-222-8601) had reserved time to speak, but was not present when his name was called. Council Members Clutterbuck, Adams, Holm, Rodriguez, Lovell and Noriega absent.

Mr. Jerry Brady, 827 E. Rogers St., Houston, Texas 77002 (713-969-0177) appeared and stated that he had continuously operated taxicabs in Houston, Texas since January of 1971, that he felt it was his duty to the City and to cab drivers and taxicab riders to bring the situation confronting their industry to their attention, that when they last saw a very modest increase in their taxicab fares gasoline was approximately \$2.00 per gallon, that gasoline was approximately now \$4.00 per gallon, the cabdrivers had taken the additional operating cost on their head, that they had a gasoline surcharge in place but unfortunately the ordinance was written to require a 90 day rolling average before any surcharges could be charged by the taxi drivers, that cabdrivers also tell him that they have problems with their customers when trying to collect surcharges, that consequently cabdrivers were currently only allowed to charge the same fares they received when gasoline was one half the cost that it currently had escalated to, that other costs for parts, particularly tires, had escalated as had taxicab drivers living expenses, that currently a large number of taxicab drivers were leaving their industry for other cities, that increased gasoline cost had a more negative affect on taxicab drivers in Houston as a result of the high percentage of unpaid miles a driver had to drive here in order to promote service over such a large geographic area, for example, cabdrivers in Houston averaged 40% to 45% paid miles while a cabdriver in New York or Chicago would average 80% or 90% paid miles, therefore Houston cabdrivers were driving more unpaid miles to earn the same paid miles and using more gasoline for dollars earned, that some drivers normally leave in June or July but he had never experienced such a dramatic exodus of cabdrivers in the month of May, that what he would recommend to the Mayor and the City Council would be to amend the City Code of taxicab ordinances and keep the discussion confined to the one issue, that he would respectfully suggest that any other taxicab issues not be considered as this time, that his recommendation would be to immediately add \$1.50 to the meter drop and \$1.50 to each airport zone rate, that he did not believe from his experience that the addition of \$1.50 to airport zone rates and the meter drop should have any significant adverse effects on taxicab ridership or in regards to competition from the Limousine Industry, that he did believe that the limo rate should be raised but not at this time, as that would involve a lengthy process and their City taxicab drivers needed immediate relief from the high cost of gasoline. Council Members Clutterbuck,

Khan and Rodriguez absent.

After discussion by Council Members, Mayor White stated that as a matter of policy and as he had said before in other context, he believed that taxicab service was important and believed to have sufficient taxicab service it needed to be profitable and thought it was important as a community that they have taxicab service, that taxi's did have some obligations that others may not have, for example those in the category of limos, that he thought it was important that they did have something called taxicab service that people could take and he did think that their rates ought to take into account fuel costs, that so long as he did believe they ought to have rates, he did believe they ought to have times when consumers could complain if they felt they had been charged not in accordance with the rate, and he thought they needed to listen to the taxicab industry because if they began charging too much for airport trips then people would find somewhere else to go, and Ms. Paez was going to have to be the best judge of that, that finally, although it was counterintuitive he thought they had to take into account and act correctly with the right analysis in raising the rates on limos, that he was so against minimum rates, it went against everything he was for in terms of free markets but in this particular case they could not allow limos to cherry pick the customers otherwise they would not have the capacity on the taxi service that they needed, that he was against price controls but thought in this case if they were going to accomplish the type of purposes that they needed to they needed to have a sort of maximum and minimum rates, that as far as he was concerned he had articulated the policies of the City, that he did not know what the math was but if those responsible for regulating these things take a look at those and in accordance with the policies he had articulated, then he had asked City Council Members to take a look, that they were going to see a fall in revenues, probably, at TxDOT, that they wanted to make sure that their regulations did not kill taxicab service, so he would ask them to take a look at that. Council Members Johnson, Rodriguez and Noriega absent.

Mr. Joseph Ballard, 6302 Rocky Nook, Humble, Texas 77396 (281-850-0388) had reserved time to speak, but was not present when his name was called. Council Members Johnson and Noriega 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 and Noriega absent.

Ms. Jackaline Z. Hickman, 1704 Webber, Houston, Texas 77002 (713-987-4046) had reserved time to speak, but was not present when her name was called. Council Members Johnson and Noriega absent.

At 2:03 p.m. Mayor White stated that they would move back to the agenda. Council Members Johnson and Noriega absent.

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

**MISCELLANEOUS**

4. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for New Fire Station 8, WBS C-000149-0002-4 - **DISTRICT I – RODRIGUEZ** – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent. MOTION 2008-0352 ADOPTED.

6. RECOMMENDATION from Director Department of Public Works & Engineering for the designation of five residential parking permit areas in the Super Neighborhoods of the Washington Ave./Memorial Park Coalition, Neartown/Montrose and Afton Oaks/River Oaks Area - **DISTRICTS D - ADAMS; H - GARCIA and I - RODRIGUEZ** – was presented, moved by Council Member Garcia, seconded by Council Member Khan, and tagged by Council Members Adams and Jones. Council Member Johnson absent.

### **ACCEPT WORK**

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,883,902.56 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00D9-4 - 1.45% under the original contract amount **DISTRICTS B - JOHNSON; D - ADAMS; E - SULLIVAN; G - HOLM and I - RODRIGUEZ** – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent. MOTION 2008-0353 ADOPTED.

Council Member Rodriguez moved to suspend the rules to consider Item No. 62 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent. MOTION 2008-0354 ADOPTED.

62. ORDINANCE **AMENDING SECTION 4620 OF THE CITY OF HOUSTON BUILDING CODE, (“The Houston Sign Code”)**, to expand and revise the application of the provisions thereof currently applying to the East Side Sports and Convention Complex District and the Theater District to include a Retail and Entertainment District; containing other provisions relating to the foregoing subject; providing for severability; providing an effective date - **DISTRICT I - RODRIGUEZ** – **(This was Item 10 on Agenda of May 14, 2008, TAGGED BY COUNCIL MEMBERS HOLM, JOHNSON, KHAN, GREEN, BROWN, CLUTTERBUCK, NORIEGA, ADAMS and JONES)** – was presented.

Council Member Lovell offered the following written motion to amend Item No. 62:

“I move to amend Item 62 by making the following changes to the proposed ordinance:

1. In the preamble, insert the following after the third finding:

**WHEREAS**, the Houston Pavilions is located within the boundaries of Reinvestment Zone Number Three of the City of Houston, a tax increment reinvestment zone created by the City of Houston pursuant to Chapter 311 of the Texas Tax Code, and the Zone Board of Directors and the Main Street Market Square Redevelopment Authority, a local government corporation created by the City of Houston pursuant to Chapter 431, Texas Transportation Code, have entered into a Development Agreement with the developers of the Houston Pavilions project recognizing the economic benefits of the project in the form of additional jobs, sales tax revenue, and ad valorem tax revenue, and providing an Economic Development Recoverable Grant and other incentives resulting in infrastructure and related improvements provided by the City of Houston and Harris County in excess of \$14 million in value; and

2. In Section 2, the introductory phrase of the definition of **RETAIL AND ENTERTAINMENT DISTRICT** is amended to read as follows:

**RETAIL AND ENTERTAINMENT DISTRICT** shall mean that area located within and supported by a downtown tax increment reinvestment zone and contained within the following metes and bounds description:

3. In Section 3, the proposed language is amended to read as follows:

**SPECIAL FACILITY** shall mean an enclosed theater, sports, or convention/trade show venue, restaurant/entertainment venue, retail venue, hotel or any combination thereof that is situated within the boundaries of the Theater District, the Retail and Entertainment District, or the East Side Sports and Convention Complex District upon land contained within the boundaries of any one or more of the districts as defined herein, including but not limited to land owned by a nonprofit organization, a governmental entity, or a for-profit entity located within and supported by a downtown tax increment reinvestment zone, provided that within the Theater District or the East Side Sports and Convention Complex District, the venue:

4. In Section 4, the proposed language is amended to read as follows:

(4) Except as otherwise provided herein, the sign shall be a ground sign, a marquee sign, or a wall sign:

- a. Within the East Side Sports and Convention Complex District, the size of the sign if a wall sign shall not exceed 1000 square feet, and the size of the sign if a ground or marquee sign shall not exceed 250 square feet at convention center facility venues or 400 square feet at other types of venues;
- b. Within the Theater District, the size of the sign if a ground or marquee sign shall not exceed 250 square feet, and the size of the sign if a wall sign shall not exceed 500 square feet;
- c. Within the Retail and Entertainment District, there shall be only wall signs, no more than two, located on adjacent walls, not to exceed 250 square feet in size per sign;"

5. In Section 5, the proposed language is amended to read as follows:

- e. In the Retail and Entertainment District, the maximum height above grade for the two special facility display signs shall not exceed 42 ½ feet;

6. Section 6, the third sentence of the proposed language is amended to read as follows:

The number of special facility display signs authorized under this section in the Retail and Entertainment District shall be limited to two, which shall be wall signs located on adjacent walls.

7. In Section 7, the word "sign" in the first line of the proposed language is

amended to read "signs," and the comma and the phrase "or eighty (80) feet, whichever is lower" are deleted from the last line of the proposed language."

Council Member Rodriguez stated that he supported Council Member Lovell's amendment, that as the District Council Member he had attended numerous meetings with stakeholders and other entities and thought it was a fair compromise, that many of his constituents, the residents that lived downtown, supported the project and it would definitely help in marketing the destination and also making it a destination and anchor for other retail.

Council Member Holm stated that she wanted to go on the record as being a strong advocate and supporter of the vibrancy of the City and moving forward, but was concerned that they were setting policies that did not abide by a good process and left to much room for unintended consequences, and secondly, thought it eroded the effectiveness of the scenic district by the first time ever allowing that.

Council Member Johnson stated that he could safely go on record in saying that while they were trying to encourage their visitors downtown and thought it was going to be a great complex, the Pavilion, and would encourage many people to come downtown he thought the equity and fairness was taken out of it when many businesses were already struggling to keep their doors open, and while they might want to do one of the same things they were not giving them the same provisions to do it, they did not have the ability to put out signs and do all the attractive things that they would like to do to get people to come and shop at their business, but they were giving provisions to one business over another, so he thought they had to look at, from a fair and equitable standpoint, that there were other small businesses out there that needed the support as well, so they should look at it across the board; that he was going to go on record and not support the ordinance.

Council Member Brown stated that he would not support the ordinance but for different reasons, that he sympathized with what Council Member Holm stated but he was also concerned that they had financially assisted the project, they had subsidized the project and the particular developer, that originally there was to be residential and was going to be a truly mixed use project, that he was very disappointed that they did not drive a harder bargain with the developer, that he thought in the future that if they were going to pay the piper they needed to call the tune in a much more informed way so the taxpayers would get a better bang for their buck.

A vote was called on Council Member Lovell motion to amend Item No. 62. Council Members Holm, Johnson, Brown and Green voting no, balance voting aye. MOTION 2008-0355 ADOPTED.

A vote was called on Item No. 62 as amended. Council Members Holm, Johnson, Brown and Green voting no, balance voting aye. ORDINANCE 2008-0461 ADOPTED AS AMENDED.

Council Member Lovell stated that she wanted to thank Andy Icken for the discussion and negotiations that had gone back and forth on the item, that he did a very fine job of bringing people together and building consensus.

Mayor White stated that he had some of the most hard nosed negotiations that he could think about with the developers, that he was not for or against them, that there was some statement that it was represented to them that there was going to be a residential component to it and that there were somehow misled on it, that he knew the facts, they wanted to put a residential component on it and requested tax incentives and he said no, because he believed that it was not necessary and he also said no to other people who wanted to build residential

towers and they were seeing residential development without tax by somebody who was able to do that and there would be more, that Mr. Fowler stated that he did not think this would be economically successful project, and he thought and they ought to be hoping that Mr. Fowler was wrong, but it was not as though they were seeing a rush of major developers doing two block malls in the middle of downtown Houston, that there was some risk associated with the project and he thought people around the table were very well aware of unintended consequences, and one unintended consequence when they made rules was that they ought to be able to craft rules in light of what they had learned in the process going along and ultimately the taxpayers and citizens depended on their judgment to make sure they found the right balance, that sometimes they may disagree what that balance was because they come from different places, but he really thought that this body was trying to legitimately trying to balance and not govern by sound bite.

Council Member Lovell stated that she wanted to be careful what they say at the table about throwing the word "subsidize" around, that she thought what they entered into was a partnership as they had done with parks they were building and other developments they were doing, she thought that using the word "subsidize" was a dangerous word to use because they were not subsidizing anybody, they were entering into a partnership with someone to develop an area of town that needed to be developed and it was to their good to have that happen, so she thought they should be careful about the terms they throw around the table.

Mayor White stated that there were two features about what they did, and it was very critical for the City, there were going to be people around longer than he was, that one thing they said was that they were not just going to hand them a check, they had a requirement that there be openness along the first floor so there would be more public pedestrian friendly walk space, that was consistent with the traditional policies of the City, paying for sidewalks and streetscape, second, they thought it was in the interest to have secure parking, parking could be a real impediment, that he was at the zoo on Monday and the parking was a real problem, so they needed to think ahead and part of it was to help secure some parking space for the benefit of not only this project but for others, that he was not being defensive, and they said the County had to participate, and sometimes the County did not participate, that he could name the TIRZ in which the County did not participate, so all those things, maybe they should have and maybe they should not have, as he recalled he thought it was a unanimous vote, but he just wanted to make sure that citizens knew they were not a push over for developers.

Mayor White recognized Council Member Sullivan.

Council Member Sullivan stated that on Item No. 1 was confirmation and appointment of Directors for TIRZ Board No. 10 and asked Mr. Stan Sarman to stand and be recognized.

Mayor White stated that he wanted to thank Mr. Sarman and Council Member Sullivan to see some of the changes they were making in that TIRZ to see the basic in City services rather than cute things that would be nice if there was no budget..

Council Member Johnson moved to suspend the rules to consider Item No. 44 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Adams and Sullivan absent. MOTION 2008-0356 ADOPTED.

44. ORDINANCE approving and authorizing contract between the City of Houston and **A CARING SAFE PLACE, INC**, providing up to \$788,510.00 in Housing Opportunities for Persons with AIDS ("HOPWA") Funds, which amount includes a limitation on additional funding in the amount of \$394,255.00, for supportive services and the administration and operation of a community residence - **DISTRICT B – JOHNSON** – was presented. Council Members Adams and Sullivan absent.

Council Member Johnson stated that he wanted to thank the Housing Department, Keith Bynam and Director Richard Celli for doing a great job, that he knew that Pastor Phil had been doing great work in the Fifth Ward Community with A Caring Safe Place and he certainly welcomed the addition to the contract and believed he was going to continue doing a great job. Council Members Adams and Sullivan absent.

A vote was called on Item No. 44. All voting aye. Nays none. Council Members Adams and Sullivan absent. ORDINANCE 2008-0462 ADOPTED.

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

18. ORDINANCE appropriating \$1,804,496.00 out of Equipment Acquisition Consolidated Fund for Purchase of Eight Airborne Thermal Imaging Systems for Police Department – was presented. Council Members Adams and Sullivan absent.

Upon questions by Council Member Jones, Mayor White stated that he believed the Airborne Thermal Imaging Systems would be going on the new helicopters. Council Members Adams and Sullivan absent.

A vote was called on Item No. 18. All voting aye. Nays none. Council Members Adams and Sullivan absent. ORDINANCE 2008-0463 ADOPTED.

- 18a. **FLIR SYSTEMS, INC** for Airborne Thermal Imaging Systems for Police Department – was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Council Members Adams and Sullivan absent. MOTION 2008-0357 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

24. RESOLUTION of the City Council prescribing the date, time, and location of a public hearing on the City budgets for the time period July 1, 2008 through June 30, 2009; authorizing notice of such public hearing, and making other provisions related to the subject **HEARING DATE - TUESDAY - 1:30 P.M. - JUNE 10, 2008** - was presented. Council Members Adams and Sullivan absent.

Council Member Clutterbuck stated that Agenda Director, Marty Stein, sent out a memo yesterday advising everybody to get their budget amendments in, that it included a template by which they ask that they format their budget amendments, that Mayor White had offered to work with the Council ahead of time, that there were amendments that some of them may be delighted to have the administration's support of before they even go into the process, that if they could take care of some of these amendments ahead of time they would appreciate the Mayor doing that. Council Member Adams absent.

Mayor White stated that it was important for the citizens to understand just how much of a dialog type process it was and to be plain as possible not every good idea came from the administration, there were good ideas around the table, if they agree that they ought to change direction or policy or shift some budgetary priorities they would do every thing they could to give credit where credit was due for the Council Members who came up with the idea, there were many different ways to do that but they ought to be working towards trying to get something, that somebody should not have to think that they had to fight for an amendment at the table in order to communicate their leadership on an issue and he would work with anybody on that regard. Council Member Adams absent.

Council Member Jones asked if they had already sent in their budget amendments and they were not consistent with the form would they want them to go back and redo it, and Mayor White stated that Ms. Stein would work with her. Council Members Adams and Sullivan absent.

A vote was called on Item No. 24. All voting aye. Nays none. Council Members Adams and Sullivan absent. RESOLUTION 2008-0015 ADOPTED.

28. RESOLUTION regarding assurances to the NCAA concerning support for the 2015 and 2016 Men's Final Four and the 2012 through 2016 Women's Final Four – was presented. All voting aye. Nays none. Council Members Adams and Sullivan absent. RESOLUTION 2008-0016 ADOPTED.
29. ORDINANCE supplementing the City of Houston, Texas Combined Utility System Master Ordinance; providing for the issuance of Combined Utility System First Lien Revenue Refunding Bonds, Series 2008D to refund the City's Combined Utility System First Lien Revenue Refunding Bonds, Series 2004C-3, Series 2004C-4 and Series 2004C-5; authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the execution and delivery of a Remarketing Agreement, Tender Agent Agreement and Liquidity Agreement; authorizing the purchase of a Bond Insurance Policy for the bonds; making other provisions regarding such bonds; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams and Sullivan absent. ORDINANCE 2008-0464 ADOPTED.
30. ORDINANCE approving a Substitute Broker/Dealer Agreement for the City of Houston, Texas Convention & Entertainment Facilities Department Hotel Occupancy Tax and Special Revenue Adjustable Rate Bonds, Series 2001C; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams and Sullivan absent. ORDINANCE 2008-0465 ADOPTED.
33. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use (1) as public streets of a 13,380 square foot portion of South Post Oak Lane (Parcel SY5-011A) and a 5,238 square foot portion of Skylark Lane (Parcel SY5-011B), both located within Azalea Terrace, a subdivision according to the plat thereof recorded at Volume 33, Page 38, Map Records of Harris County, Texas ("HCMR"), (2) two utility easements on 0.0963 acres of land (Parcel SY5-011C) and 0.1098 acres of land (Parcel SY5-011D), both located within Restricted Reserve "A", Saks Fashion Center, according to the plat thereof recorded at Volume 340, Page 51, HCMR, and (3) a water line easement on 0.1863 acres of land (Parcel SY5-011E) within Azalea Terrace Annex, according to the plat thereof recorded at Volume 34, Page 61, HCMR; vacating and abandoning said public street rights-of-way and easements to Boulevard Place, L.P., abutting owner, in consideration of the conveyance to the City of a public street right-of-way easement on 66,500 square feet (Parcel AY6-165), payment to the City of \$1,500.00, and other good and valuable consideration; approving and authorizing the conveyance to the City by Crescent POC Investors, L.P. of public street right-of-way easements on 5,346 square feet (Parcel AY8-271A), 343 square feet (Parcel AY8-271B) and 526 square feet (Parcel AY8-271C) of land - **DISTRICT G - HOLM** – was presented. Council Members Adams, Sullivan and Garcia absent.

Council Member Holm stated that she would tag the item because while it was the final portion one more time she thought the lack of communication between district offices, when they bring joint referral items forward and ask for the approval of the City Council on these

measures she respectfully request that she have some information. Council Members Adams, Sullivan and Garcia absent.

43. ORDINANCE approving and authorizing contract between the City and **HOUSTON WORKS USA** to train and employ youth to be energy conservation advocates to distribute energy efficient light bulbs in various Houston neighborhoods; providing a maximum contract amount - \$300,000.00 General and Revenue Funds – was presented. All voting aye. Nays none. Council Members Adams, Sullivan and Garcia absent. ORDINANCE 2008-0466 ADOPTED.
45. ORDINANCE approving and authorizing contract between the City of Houston and **FORT BEND COUNTY BLACK NURSES ASSOCIATION**, providing up to \$226,500.00, in Housing Opportunities for Persons with AIDS (“HOPWA”) Funds for the administration and operation of short-term rent, utility, and mortgage assistance program and supportive services – was presented. All voting aye. Nays none. Council Members Adams and Sullivan absent. ORDINANCE 2008-0467 ADOPTED.
46. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC**, providing up to \$54,768.22 for the administration and operation of a supportive services project under the Housing Opportunities for Persons with AIDS (“HOPWA”) Program - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Adams and Sullivan absent. ORDINANCE 2008-0468 ADOPTED.
47. ORDINANCE terminating Lease Agreement No. 32967, by and between the City of Houston and **WILSON AIR CENTER - HOUSTON, INC**, and concurrently approving and authorizing new Lease Agreement between the City of Houston and **WILSON AIR CENTER - HOUSTON, INC**, for certain premises at William P. Hobby Airport - Revenue - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Adams and Sullivan absent. ORDINANCE 2008-0469 ADOPTED.
48. ORDINANCE approving and authorizing contract between the City and **NULL - LAIRSON, P.C.** for Professional Consulting Services to support the Tax Increment Reinvestment Zone Program \$186,250.00 - General Fund – was presented. All voting aye. Nays none. Council Members Adams and Sullivan absent. ORDINANCE 2008-0470 ADOPTED.
49. ORDINANCE appropriating \$50,647,455.29 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas, (Memorial City Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth

Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone), Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy Place Zone), and Reinvestment Zone Number Twenty-Two, City of Houston Texas (Leland Woods Zone) for affordable housing, administrative expenses, payment of project costs, payments to the Houston Finance Corporation and certain redevelopment authorities as provided herein – was presented. Council Members Adams and Sullivan absent.

Council Member Clutterbuck stated that Item Numbers 49 and 50 were items relating to appropriating money from certain TIRZs or Tax Increment Reinvestment Zones to pay their Houston Finance Corporation as well as for affordable housing in the Houston Housing Finance Corporation, and moved to divide the question in Item No. 49 to consider the appropriation for TIRZ No. One, Lamar Terrace separately, seconded by Council Member Garcia. Mayor White stated that they supported that. Council Members Adams and Sullivan absent.

A vote was called on the motion to divide the question to consider the funds for Lamar Terrace separately. All voting aye. Nays none. Council Members Adams and Sullivan absent. MOTION 2008-0358 ADOPTED.

The appropriation of funds for Lamar Terrace was called, and Council Member Clutterbuck moved to refer the following proposed appropriation of funds from Fund 7512, Reinvestment Zone Number One, (Lamar Terrace Zone) back to the administration:

- a. \$383,657.50 for transfer to City Fund 2409 for affordable housing;
- b. \$57,548.63 for transfer to City Fund 1000 for imputed administrative expenses; and
- c. \$709,766.37 for payment to St. George Place Redevelopment Authority pursuant to Ordinance No. 2000-597, seconded by Council Member Garcia. Council Members Adams and Sullivan absent.

Mayor White stated that there was a motion and a second to refer the Lamar Terrace appropriation back to the administration, and they supported that. All voting aye. Nays none. Council Members Adams and Sullivan absent. MOTION 2008-0359 ADOPTED.

A vote was called on Item No. 49 as amended which reduced the appropriation to \$49,496,482.79. All voting aye. Nays none. Council Members Adams and Sullivan absent. ORDINANCE 2008-0471 ADOPTED.

50. ORDINANCE appropriating \$36,534,537.85 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone),

for affordable housing, administrative expenses, payment of project costs, payments to Houston Independent School District, Aldine Independent School District, the Houston Housing Finance Corporation and certain redevelopment authorities as provided herein - was presented. Council Members Adams and Sullivan absent.

Council Member Clutterbuck moved to divide the question in Item No. 50 to consider the funds for the Lamar Terrace Zone separately. All voting aye. Nays none. Council Members Adams and Sullivan absent. MOTION 2008-0360 ADOPTED.

Council Member Clutterbuck moved to refer the following proposed appropriation of funds from Fund 7512, Reinvestment Zone Number One (Lamar Terrace Zone) back to the administration:

- a. \$324,649.23 for transfer to City Fund 2409 for affordable housing;
- b. \$25,000.00 for transfer to City fund 1000 for imputed administrative expenses;
- c. \$323,866.02 for payment to St. George Place Redevelopment Authority pursuant to Ordinance No. 2000-597; and
- d. \$300,432.44 for payment to Houston Independent School District pursuant to Ordinance No. 1999-914, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Adams and Sullivan absent. MOTION 2008-0361 ADOPTED.

A vote was called on Item No. 50 as amended which reduced the appropriation to \$35,560,590.16. All voting aye. Nays none. Council Members Adams and Sullivan absent. ORDINANCE 2008-0472 ADOPTED.

51. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **ELI ELOY ESCOBAR** and **LYDIA ESCOBAR**, individually and as heirs of and representatives of the estate of Eli Eloy Escobar, Jr. to settle a lawsuit styled Eli Eloy Escobar and Lydia Escobar, individually and as heirs of and representatives of the estate of Eli Eloy Escobar, Jr. v. City of Houston and bearing Cause No. H-04-1945; in the United States District Court for the Southern District of Texas, Houston Division; ratifying engagement of Akin Gump Strauss Hauer & Feld, L.L.P., and authorizing payment of legal services fees related thereto \$1,589,922.28 - Property and Casualty Fund – was presented. Council Member Lawrence voting no, balance voting aye. Council Members Adams and Sullivan absent. ORDINANCE 2008-0473 ADOPTED.

Council Member Jones stated that she wanted to say she was really sorry to the family of Eli Escobar, that she hoped they would do better. Council Member Sullivan absent.

Mayor White stated that when they took office they had a real problem and it was not to say they did not have different problems now but they had issues, they had two juveniles that were killed within six weeks, that he had never mentioned it to this day, that he was in touch with the family, who had law enforcement all over the family, that his wife attended the funeral, that things happen, that he wanted their police officers to make decisions, the decision that was made concerning this police officer and the reason for that decision were justified, that he thought there was a closer case with the other police officer, but it was easy to find fault with a large organization such as the Police Department and some of them had been at their meetings with them so they knew they pushed hard, but the discipline and professionalism and improvements that had been shown at HPD and the confidence that results in the community had been great, that his friend Anthony Hall served on this body some years ago and when he

was in this body his comments were that he would go to townhall meetings and the first two and a half hours were all about how terrible the police were, and a number of meetings that he attended in his district the first topic of conversation was how could they get more police, so he thought he wanted to commend Chief Hurtt and the command staff, their dialog with different communities, often what it was that did not happen was as important as what did happen, not to say they could not improve, but he just wanted people to remember that there were some pretty tense times when they came into Council and they had regained some confidence of some citizens in some communities by some of the actions they took, including that within this body and the administration of supporting and encouraging action of the District Attorney in this particular case. Council Member Sullivan absent.

52. ORDINANCE amending Ordinance Number 2003-529, as amended, which approved and authorized Professional Audit Services Agreement with **DELOITTE & TOUCHE LLP**, to increase the maximum contract amount; approving and authorizing first amendment to the contract \$1,760,000.00 - General Fund – was presented, and tagged by Council Members Johnson, Khan, Green and Jones.

Council Member Khan stated that he thought there was an MWBE goal that they were not meeting because they did not have any qualified firms under the MWBE Program, but he understood that Ms. Laws was very close to getting a few more firms approved under the MWBE System, that she would have some very qualified firms who would meet the MWBE criteria and he would like to have some discussion with the department as to how Delotte & Touche would work with them moving forward.

54. ORDINANCE awarding contract to **RANGER SPECIALIZED GLASS, INC** for Glass Replacement and Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,585,757.50 - General, Enterprise and Building Inspection Funds – was presented, and tagged by Council Member Lawrence.
61. ORDINANCE appropriating \$3,634,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.**, for Water Line Replacement in the University Area, WBS S-000035-00B1-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C – CLUTTERBUCK** – was presented.

Council Member Adams stated that last week they had a discussion about Metro City storing their materials on a vacant lot but they found out they were leasing the lot from an individual who lived near by, but she was tagging Item No. 61 because she was waiting for information because they were coming up for another contract and she wanted to make sure where they were going to store their additional items for this contract, that she wanted to thank Council Member Clutterbuck for having a discussion with her before she went forward on the tag, that she had been made aware of this.

Upon questions by Council Member Brown, Mayor White stated that contractors were selected on the basis of State law, which required low bid and State law says that attempts by officials or City employees to circumvent that was a criminal act; that there was some language that says lowest responsible bidder, that they did have some procedures and they could bar some people from bidding, that if they bar every firm doing this kind of work that people had some issues with, and construction was not pleasant and none of the firms were perfect, then they would have no bidders, which was fine for many of the firms because construction work was sort of tight, although it was slowing down a little bit so maybe they would get more bidders,

that one of the reasons why they had been paying so much for these projects was because the fewer bidders the more requirements they put on, that he was for putting requirements on; that he really appreciate the citizens and Council Members who have said that the staging areas and how they interact with the areas around the staging areas were important; that maybe the project manager was on the ball or maybe not and stated to Mr. Norman that he hoped they would find out, that the quality control issues should be brought to them up through the Public Works channels and not through citizens, that they wanted the help of their citizens because there were only so many City employees, but if someone was creating a messy staging area that was a problem for the neighbors then there ought to be some memo up through the ranks. Council Member Noriega absent.

After discussion, Council Member Khan stated that he wanted the Mayor to look into whether they were getting enough firms entrusted in Public Works contracts, and Mayor White stated to Mr. Norman if they could do a little trend analysis on some of the major large construction projects he thought was a good idea. Council Members Adams and Noriega absent.

**MATTERS HELD** - NUMBERS 63 through 69

63. ORDINANCE approving and authorizing contract between the City of Houston and **FELDMAN & ROGERS, LLP** for Legal Services relating to Civil Action No. 4:07-CV-04021; Shelby Stewart, et al. v. City of Houston, et al; in the United States District Court for the Southern District of Texas, Houston Division; establishing a maximum contract amount - \$150,000.00 - General Fund – **(This was Item 19 on Agenda of May 14, 2008, TAGGED BY COUNCIL MEMBERS JONES, GREEN, JOHNSON and HOLM)**

After discussion by Council Members, Mayor White stated to Mr. Michel that what a Council Member had suggested was good, that they ask that the matter be abated by a certain amount of time, which would take the cooperation of the plaintiff's counsel, so that they could attempt to mediate the matter, and asked Mr. Michel if he saw any impediment to do this, that he thought HPD had no objection, as he understood it, and Mr. Michel stated that he checked with the department and it was early enough in the litigation that it would not cause any other problems, and Mayor White stated that they consider this to be direction to the Legal Department, from him, which would not change unless he talked to them and other Council Members before, that they would request the plaintiff's counsel to mediate the matter; and then to Council Members he would say that they spent a lot of time on a matter today with a citizens group that really began when he attempted to avoid additional legal liability by mediating the matter, and as a result of that, to use the words of Council Member Holm, it was treated a little differently than some other things, because it was in litigation, they mediated, that mediation took a certain turn, they could not always control those things, so to Mr. Michel, they needed to be clear when they mediated what the ground rules were and what the City policies were, and he would take some responsibility, and one of those policies would be that they wanted the advice of outside counsel and what the legal rights were, and another of the policies would be that they would not drive the issues of the dress codes and the exceptions, etc., based on off duty jobs, they had to be based on on duty stuff, that HPD would have to make policies concerning HPD, but with the advice of the Legal Department; Council Member Adams absent.

After further discussion a vote was called on Item No. 63. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2008-0474 ADOPTED.

64. ORDINANCE appropriating \$2,214,735.00 out of Parks Consolidated Construction Fund; awarding construction contract to **THE GONZALEZ GROUP, LP** for Forestry Complex Relocation, WBS F-504A17-0001-4; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the

City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT A – LAWRENCE – (This was Item 27 on Agenda of May 14, 2008, TAGGED BY COUNCIL MEMBER JONES)** - was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2008-0475 ADOPTED.

65. ORDINANCE approving and authorizing agreement between the City of Houston and **CH2M HILL, INC** for Water System Operations Engineering Support, WBS S-000522-0009-3 - 5 Years \$3,000,000.00 - Enterprise Fund – **(This was Item 30 on Agenda of May 14, 2008, TAGGED BY COUNCIL MEMBER JOHNSON)** - was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2008-0476 ADOPTED.
66. ORDINANCE appropriating \$1,397,504.50 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **METRO CITY CONSTRUCTION, L.P.**, for FY08 Water Distribution System Rehabilitation and Renewal, WBS S-000035-0V12-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – **(This was Item 33 on Agenda of May 14, 2008, TAGGED BY COUNCIL MEMBER ADAMS)** - was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2008-0477 ADOPTED.
67. MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$2,034,808.20 and acceptance of work on contract with **R J CONSTRUCTION COMPANY, INC** for Drainage Improvements at Grade Separations, WBS M-000241-0002-4 5.36% under the original contract amount - **DISTRICTS D - ADAMS; H - GARCIA and I - RODRIGUEZ – (This was Item 36 on Agenda of May 14, 2008, TAGGED BY COUNCIL MEMBER GREEN)** - was presented. All voting aye. Nays none. Council Member Adams absent. NOTION 2008-0362 ADOPTED.
68. MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$3,247,170.41 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0099-4 4.88% over the original contract amount – **(This was Item 37 on Agenda of May 14, 2008, TAGGED BY COUNCIL MEMBER GREEN)** - was presented. All voting aye. Nays none. Council Member Adams absent. NOTION 2008-0363 ADOPTED.
69. ORDINANCE approving and authorizing contract between the City of Houston and **ACORN HOUSING CORPORATION, INC** to provide \$155,000.00 in Community Development Block Grant Funds for Foreclosure Prevention Counseling Services – **(This was Item 39 on Agenda of May 14, 2008, TAGGED BY COUNCIL MEMBER GREEN)** - was presented. Council Member Adams absent.

Council Member Jones stated that she would vote in favor of the item because she understood the mortgage crisis was affecting everyone, but was especially effecting some historically disadvantaged demographics, that she had core problems with the City giving \$150,000 with no RFP, that ACRON did wonderful stuff, they fight for issues that other people did not want to touch and they did a good job of it; and Mayor White stated that when they had a crisis and they evaluated what they thought the capabilities were with people who both had organizers in the community; that frankly he

thought it was going to be done 5 months ago, that if he had known that they were going to have a 6 to 7 month delay before they did it they probably would have gone down the RFP road, that was a reminder to them. Council Member Adams absent.

A vote was called on Item No. 69. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2008-0478 ADOPTED.

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

Council Member Green stated that Metro was going to hold it's regularly scheduled East End Corridor Community Advisory Board Meeting on Tuesday, June 3, 2008, that it would be held at the Greater East End Management District located at 3211 Harrisburg, from 6:30 p.m. to 8:00 p.m., for more information they could go to [www.ridemetro.org](http://www.ridemetro.org); that the Mayor's Foreclosure Prevention Fair would be held on Saturday, June 7, 2008 from 10:00 a.m. to 4:00 p.m. at the George R. Brown Convention Center, for more information they could go to [www.ACORN.org/Texas](http://www.ACORN.org/Texas); that legendary pianist Randy Weston was going to perform at Miller Outdoor Theater for free on Saturday, June 14, 2008 at 8:00 p.m., that the event was funded by the City of Houston and the Miller Outdoor Theater Advisory Board. Council Members Adams, Sullivan, Khan, Garcia, Rodriguez, Noriega and Jones absent.

Council Member Green stated that as to Rivercrest he would implore the administration to keep them in the loop because they could have avoided instances like today where they were at Council all morning, although the democratic process was at play, that if they did not know what was going on they could not relay that information to the community. Council Members Johnson, Adams, Sullivan, Khan, Garcia, Noriega and Jones absent.

Council Member Green stated that Ms. Liliana Rambo, had tendered her resignation, that she had done a great job and wished her well on her next journey. Council Members Johnson, Adams, Sullivan, Khan, Garcia, Noriega and Jones absent.

Council Member Brown stated that he wanted to wish Ms. Rambo well. Council Members Johnson, Adams, Sullivan, Khan, Garcia, Noriega and Jones absent.

Council Member Brown stated that he had some interesting experiences in Europe last week, that twice two major chain stores in France refused to take his VISA card, that they would not accept payment in U.S. dollars, so it was very interesting what was happening in the world, that he was really struck with what western Europe was doing in terms of becoming a sustainable major power in the world, the European union, that gasoline in France and Britain was now \$10 to \$12 a gallon; that he felt the way the world was changing, the global economy where they were all connected, what they did in one place effected what happens in another place, that there was a headline in the Wall Street Journal, the European edition, about the Race to Green and all these countries were working very hard to become sustainable nations with recycling and public transit and compact communities; that interestingly enough western Europe was on track to reduce carbon emissions to 1990 levels by 2020, that it was a huge challenge for the United States, Texas and the City of Houston, but with the leadership of the Mayor on the environment they were moving forward on an amazing number of fronts; that the expansion of their rail system was absolutely essential to the future of their great City. Council Members Johnson, Adams, Sullivan, Khan, Garcia, Green and Jones absent.

Council Member Clutterbuck stated that she wanted to talk about something very personal to her, that she wanted to thank everybody for their sincere and wonderful condolences for the loss of her sister-in-law this past week, that Shelley Clutterbuck passed away a week ago today; Shelly had battled breast cancer for seven years, that she had been a teacher at Alief and she took a year off after winning Teacher of the Year at Alief and worked on battling her breast

cancer and then went back to work for HISD, at Parker Elementary School, an outstanding magnet school in music in HISD in the Westbury Neighborhood, that the Thursday before she passed away she was honored with the HISD Regional Teacher of the Year for Special Education; that she wanted to thank the community of the St. Thomas More Parish as well as Father Hugh, the teachers and students from Parker Elementary, as well as the great kids at the Westbury Little League, who wore pink bracelets in honor of Shelley; that she left Miles, 12 years old and Zoe, a wonderful little girl. Council Members Johnson, Adams, Sullivan, Khan, Garcia and Green absent.

Council Member Noriega stated that she wanted to comment on the Mayor's decision to continue to insist that their air quality be appropriate, that public policy was not what they talk about it was what they do and they were having a ridiculous discussion if what they were talking about was how much poison in the air was acceptable, that whether it was TCEQ or the chemical companies on the ship channel or any entity who thought they had control the only reasonable discussion was how do they get that stuff out of the air, that it had been shown that benzene was a carcinogenic substance, it was not good for their children, so she wanted to both congratulate the Mayor on his willingness to continue to engage in the fight and to tell him that she had his back and would do everything in her power to continue to carry it forward, that she did not think it was unreasonable to accept anything less. Council Members Johnson, Adams, Sullivan, Khan, Garcia and Green absent.

Council Member Noriega stated that she wanted to talk about Metro; that she had an unusual experience of being able to serve for her husband as a Cinderella legislator, that one of the things that was really reinforced for her was how important it was to be straight forward with people and to tell them what they were going to do and to keep their word, so she was here to let Metro know that she was not comfortable with the consent agreement, that she had a real problem with granting Metro a blank check and giving away the oversight that she believed the citizens of Houston had entrusted with her without a clear sense of what the standards were and there were some specific things she had concerns about, but mostly she had a problem with the lack of detail in the agreement and the ability of Metro, that was on one of the very last pages, to change anything they wanted to change without coming back to the City Council, so as a courtesy, whatever this was she was telling them that she was not comfortable with the consent agreement, that she thought that the Richmond folks had some concerns and she was not sure that they were really ever addressed, that she thought the Harrisburg area was a problem, they had some smoothing that needed to go on there and would like to know what they were doing about the Gulfton Station, that she had real concerns about standards, and she displayed some pictures of a low bid version and a better version of what they do when they are the stewards of public space, that she thought they were the stewards of public space and they had got to keep that responsibility intact, so having said that she was sure they were going to talk about it, they had a committee hearing about it a week from Friday and she looked forward to continuing to discuss it with Metro, but would just like to serve notice on where she was on the situation. Council Members Johnson, Adams, Sullivan, Khan, Garcia and Green absent.

Council Member Noriega stated that she would like to apologize to the Escobar Family, that she was very sorry. Council Members Johnson, Adams, Sullivan, Khan, Garcia and Green absent.

Council Member Adams stated that she wanted to thank the MacGregor Community, that last night they had their community townhall meeting and she wanted to thank Cecil Johnson and the group out there for coming together, that everybody knew that there had been a rash of burglaries in the MacGregor area, back to back, and she wanted to thank the Houston Police Department and the Constable's office for coming together, that they had an enormous turnout to voice their concerns about the crime that had been occurring, that one of the things they left with from the meeting was increasing visibility in the community among the HPD officers, and

that they need to make sure they had burglar alarm systems and to lock their doors and cars. Council Members Johnson, Sullivan, Khan, Garcia, Brown and Green absent.

Council Member Adams stated that every weekend when she had the opportunity to drive the district it seemed like there was something new, that she would get together with Legal to see what they could do to strengthen the ordinance about vendors, because they were getting comfortable and setting up tents and leaving them there overnight and not taking them away, that she thought they needed to be stricter on how they give permits to the vendors. Council Members Johnson, Sullivan, Khan, Garcia, Brown and Green absent.

Mayor White stated that they had a number of Council Members who were very close to neighborhoods and if they would help figure out what the best balance was, what the right thing to do was, that they wanted to do something where people could have an appropriate farmers market, where it would be welcome by the neighborhood and not do things that would degrade the neighborhoods, so those were some resources, so to Director Williams and Council Member Lawrence if they could help him think about what the right thing to do was. Council Members Johnson, Sullivan, Khan, Garcia, Brown and Green absent.

Council Member Adams stated that as to the Metro City issue, that she did not want to leave it in a negative light, that once they brought up the complaint a couple of weeks ago about Metro City she could say that they did go back to try to clean up some and put up a temporary plastic around the lot and they hired street sweepers, that she wanted to make sure they continued to comply all the time. Council Members Johnson, Sullivan, Khan, Holm, Garcia, Brown and Green absent.

Council Member Jones stated that a very good friend just got back from his third tour in IRAQ, that he was with the Fourth Brigade, 41 CAF, and was a resident of Harris County, that his unit was based out of Fort Bliss, so Texas was his home, that he came back different, that he encountered three IEDs and lost partial use of his left side and can not hear as well, that in respect to him and his unit he asked that they play a DVD, that his name is Lee Masters and had been on Survivor and was a great guy; and Council Member Jones requested that they play the DVD. Mayor White and Council Members Johnson, Sullivan, Khan, Holm, Garcia and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Rodriguez stated that he wanted to express his sincere condolences to his friend Carolyn Webster, former president of the Bayou Oak Civic Club, on the passing of her husband, Mr. Frank Webster, that they were married for 34 years and were both very active in the civic club and the community; that Ms. Webster stated that she was very proud of Fire Station 26, who serviced the area, they came out and were very responsive and treated Mr. Webster very well and took good care of them and she wanted to say thank you for their professionalism. Mayor White and Council Members Johnson, Sullivan, Khan, Holm, Garcia, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Rodriguez stated that he wanted to thank his HPD captains, specifically Captain Mark Fougousse and Sergeant Bailey from Southeast Command, that the officers were working really hard for the District I residents, especially the southeast part of the district, that they made 19 prostitution arrests on I-45, that they were doing a good job, all of the captains and he wanted to say thank you for their service. Mayor White and Council Members Johnson, Sullivan, Khan, Garcia, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Lawrence stated that she was honored to spend the weekend at Veterans Memorial for that ceremony, that well over 1,000 were in attendance on Monday and the Mayor spoke, and many U.S. Senators and State Representatives spoke, and many

veterans attended, that it was a very large thank you to Judge Emmett and Mayor White for their leadership in providing homes for the severely wounded, they had raised money for 15 homes now and the first groundbreaking would be June 9, 2008 at 10:00 a.m., that the list was very long of the donors and people had given what they could to provide those homes and various groups were still raising money and they planned on buying and paying for a larger number than just 15 for the veterans that came back, that she thought it helped impact them with tax cuts and gave them a quality of life to a great extent. Mayor White and Council Members Johnson, Sullivan, Khan, Holm, Garcia and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Lawrence stated that many of them around the table had a different opinion of what justice really was, that it saddened her last week that a jury found that a man that killed a police officer in cold blood, that justice to them was a sentence of life without parole, that in 1994 an officer was killed in the same way, that a man in the back seat had a hidden gun, emptied it, and he got the death penalty, that many of them around the table went to Officer Johnson's funeral, he was a wonderful family man and dedicated police officer, that he gave back to this community, that he worked to keep the neighborhood safe and it only made his loss a little bit more tragic to realize the different definitions of what justice was, that in the history of HPD 27 officers had been killed, of these 7 had been given life sentences, so Officer Johnson they would not forget. Mayor White and Council Members Johnson, Sullivan, Khan, Holm, Garcia and Green absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that she wanted to recognize the passing of Michael Stevens, but also the passing of former State Representative Joe Allen, that she knew all of their sympathies went out to his wife Kitty and to his family. Mayor White and Council Members Johnson, Sullivan, Khan, Holm, Garcia and Green absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that she wanted to say congratulations to the Kyle Chapman Pony League National League, the Braves, of which her son Robbie happened to play on, on a fine season. Mayor White and Council Members Johnson, Sullivan, Khan, Holm, Garcia and Green absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that on Friday they would have the TIA Committee meeting, of which the Metro Consent Agreement they would hopefully finish up on that, that they heard and listened to the comments from the Council Members around the table concerning their concerns about Metro and they would have this Friday again to talk with the people from Metro and voice their concerns, so she urged everyone to come, that they would have public speakers; that she wanted to announce that the people who spoke at the last meeting would not be included on the list, it would be the speakers who were not able to speak, or new speakers this Friday. Mayor White and Council Members Johnson, Sullivan, Khan, Holm, Garcia and Green absent. Vice Mayor Pro Tem Lovell presiding.

There being no further business before Council, the City Council adjourned at 3:43 p.m. Mayor White and Council Members Johnson, Sullivan, Khan, Holm, Garcia and Green absent. Vice Mayor Pro Tem Lovell presiding.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary