

City Council Chamber, City Hall, Tuesday, August 14, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 14, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; and Ms. Marty Stein, Agenda Director present. Council Member Addie Wiseman absent due to being ill. Council Member Ronald C. Green out of the city on city business.

At 2:07 p.m. Mayor White stated that Council Member Brown would begin presentations; and Council Member Brown stated that today was 2008 Olympic Team Trials Boxing Day and competitors were in the audience and invited Highland Williams and those with him to the podium; and Mayor White stated that today they were recognizing the 2008 U. S. Olympic Team Trials in Boxing which would be held at the George R. Brown Convention Center; the nations top amateur boxers would be at the trials August 20 through August 26, 2007, and excellence in any amateur sport required dedication, hard work and training; and to honor those competing and the organizers they presented Mr. Williams with a Proclamation proclaiming this as "2008 Olympic Team Trials Boxing Day" in Houston, Texas; and Council Member Brown presented a Certificate of Recognition for him being a special citizen, wished him good luck and stated that he knew he would knockout his opponent and all were behind him. Council Members Holm, Garcia and Alvarado absent.

At 2:14 p. m. Council Member Clutterbuck led all in the prayer and pledge. Council Members Holm, Garcia and Alvarado absent.

At 2:15 p.m. Mayor White called the meeting to order and the City Secretary called the roll. Council Member Wiseman absent due to being ill. Council Member Green out of the city on city business. Council Members Holm, Garcia and Alvarado absent.

Council Members Khan and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Green out of the city on city business. Council Members Holm, Garcia and Alvarado absent. MOTION ADOPTED.

Council Member Khan stated that he wanted to congratulate the Pakistani Americans and people of Pakistan on the 60th Independence Day which was today; long live Pakistan and long live Pakistani/American Friendship. Council Members Garcia and Alvarado absent.

Mayor White stated that all were so proud of Council Member Khan and what he had been doing to promote international understanding; that too often we forget who our friends and allies are and he thanked him. Council Members Garcia and Alvarado absent.

At 2:17 p.m. the City Secretary began calling the public speakers. Council Members Garcia and Alvarado absent.

Mr. Les Randall, 2219 Tangle, Houston, Texas 77005 (713-524-9583) appeared and stated that he was vice president of the South Hampton Civic Club and spoke in favor of Agenda Item 35, the sale of Bolsover Street in Rice Village, he complimented Council Members on the sale and in obtaining a development agreement; and thanked Council Member Clutterbuck for all her efforts. Council Member Garcia absent.

Mr. Ron Stein, 2480 Times Blvd. #203A, Houston, Texas 77005 (713-299-2349) appeared and stated that he did not represent but carried feelings of many in opposing the sale of Bolsover Street; that the city had already closed one street and if they used their logic a 250 unit complex would bring about 400 cars plus delivery and service trucks, etc., and a small area could not accommodate; and urged the street be saved. Council Member Garcia absent.

Council Member Clutterbuck thanked Mr. Stein for coming and stated that she would allow him to finish his comments; and Mr. Stein stated that Ms. Tysor who represented the development company had said they would build whether Bolsover was closed or not, they already suffered from the closing of Amherst and he urged they not close Bolsover. Council Member Garcia absent.

Council Member Edwards stated that she would follow the District Council Member's lead but she still had a question regarding traffic; and asked that she see the traffic analysis; and Mayor White stated that the issue of how to address and handle parking as an area became more dense was one of the reasons this project had been worked in such detail; and he would see she received the information.

Council Member Khan stated that it was important to get the public's views; that he understood the developer under the proposed plan would add a parking garage; and Mayor White stated that there would be additional on street and underground parking; and he never in 3-1/2 years did something because some developer asked him to and in large he did not even meet with developers because he did not want anyone to say that and the only time he saw anyone was at the public session on public record; that creating a development with street level retail was part of mixed use development and that was something they took to heart; and he could get them the number of underground parking spaces as well as street parking, but part of the intention was to try and think ahead when you had dense development. Council Member Lovell absent.

Council Member Brown moved the rules be suspended for the purpose of hearing Mr. Joe Fisher and others relative to Item 35 after Mr. Ron Stein, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Green out of the city on city business. Council Member Lovell absent. MOTION 2007-0848 ADOPTED.

Mr. Joe Fisher, 2021 Dunstan, Houston, Texas 77005 (713-241-8436) appeared and stated that Lamesa came forward with a great plan of a European Villa which all could use and it sounded great but the public did not benefit from abandoning a street they did not need to abandon; that the traffic study was flawed because they were adding much retail space and 233 residential apartments; that there was no significant reason to abandon and the developer said they would build anyway. Council Members Khan and Lovell absent.

Council Member Clutterbuck thanked Mr. Fisher for coming and stated that she would allow him to finish his comments; and Mr. Fisher stated that they were saying there was no public benefit to close the street and urged Council to listen to them. Council Members Khan and Lovell absent.

Upon questions by Council Member Berry, Mr. Fisher stated that he supported the developer doing whatever they wanted on their property, but opposed to the abandonment of an existing street; that whether it was a great place to go or not it could be done with no street closure.

Mayor White stated that Mr. Fisher and his neighbors had shined a spotlight on certain issues and he thought many people were not aware of the policy established in 1995 which they were going to revise based on the way they handled this project, which had said because people wanted to encourage development for potential residents the policy was that they would sell street right-of-ways for developments where the abutting land owner on both sides would pay a discount from the appraised value, 50%, that was to plan parking on a larger scale; and why would they ever abandoned street right-of-way for less than the appraised value and with that concern they were changing the policy and he thanked those who came today and Council Member Clutterbuck for highlighting the public policy issues. Council Member Johnson absent.

Mr. Steve Wilhelm, 5917 D Valley Forge, Houston, Texas 77057 (713-952-9868) appeared and stated that he was a professional real estate broker and present for himself; that Mayor White stated he wanted people to live of their choosing and 30 days ago options to purchase in this proposed mixed use property were put out and 119 were available with 114 deposits now made; that this was well accepted and 1,273 parking spaces were being created; that there was congestion and there would continue to be, that was a way of life in Houston; that Traffic Engineers, Inc. had done a traffic study and showed during high peak traffic time 28 vehicles passed on that block of Bolsover. Council Members Lawrence, Johnson, Edwards and Holm absent.

Mayor White stated that in 2000 there was a trip 2000 report done by a variety of civic leaders, about how Houston dealt with a growing city and traffic congestion and one principal recommendations of that report was more transit options were needed, flexible working hours and that the city should try in everyway possible to make it easier for people to live closer to major employment centers; and thanked Mr. Wilhelm for speaking for others and appearing today. Council Members Johnson and Holm absent.

Ms. Julie Tysor, 3701 Kirby Drive #1030, Houston, Texas 77098 (713-524-7200) appeared and stated that she was representing the developer and a couple of comments were made which she wanted to address; that both speakers opposed stated she would build the development with or without abandonment of Bolsover and they were quoting a statement she made at the South Hampton Civic Association 1-1/2 to 2 years ago which presented the exact same plan they were building today, nothing had changed; that she would build with or without Bolsover, but she would have to start from scratch. Council Members Johnson and Holm absent.

Council Member Brown stated that it was a good plan in his view and he made a sketch which someone was bringing to her at this time; that one issue was loss of the vehicular connection and he did not think she would lose much; and upon questions, Ms. Tysor stated that she knew he was very involved in land planning in Houston and a plan like this was discussed sometime ago, all such things were possible, but there would be no fountain in the middle, no benches or walking area and the lack of greenspace would become even less; that they could change design and not have a plaza and it would work, it was possible. Council Members Holm and Alvarado absent.

After further discussion by Council Members; and upon questions, Ms. Tysor stated that a traffic study was done and provided to the City of Houston and a recommendation made. Council Members Holm and Alvarado absent.

Mayor White stated that a person was delayed in transit by plane today and if no objections to the presentation Council Member Berry would proceed at this time; and hearing none asked Council Member Berry to proceed. Council Members Holm and Alvarado absent.

Council Member Berry invited Captain Albert Glenn, chairman of the board of the Organization of Black Airline Pilots, Captain Carl Mentor, president of Organization of Black Airline Pilots and Xavier Samuels, acting vice president of the Southwest Region of the Organization of Black Airline Pilots and Barrington Irving to the podium and stated that fewer than 1% of commercial airline pilots were Black and this gentleman would inspire many; that Mr. Irving was 15 when he found his passion and started spending afternoons and weekends at the airport washing planes for private aircraft owners in exchange for half hour flights or money he could use for flying lessons; that every evening he practiced flying on his own using \$40.00 Microsoft flight simulator software and focused on his dream turned down football scholarships and enrolled in a community college and got his flight instructor license and instrument rating and March 23, 2007 as a 23 year old majoring in aerospace climbed into a single engine plane called Inspiration and embarked on a 26,800 mile round the world flight and after returning had set two world records, the first of African descent to ever fly around the globe and the youngest to ever fly around the globe; and presented him a Proclamation proclaiming August 14, 2007, as "Barrington Irving Day" in the City of Houston, Texas. Council Members Holm and Alvarado absent.

Mr. Irving stated that he thanked all for providing him this opportunity to once again impact more youth in the Houston area; that when he flew in on June 26th he had an opportunity to make history with Houston being a part of it and now with help of others having a huge convention here he had opportunity to reach out to students and he looked forward to working with all including the leaders in the community to make a great impact. Council Members Holm and Alvarado absent.

Council Members commended and congratulated Mr. Irving on being an inspiration to all. Council Members Holm and Alvarado absent.

Mr. Perry Culp, 915 Franklin #6M, Houston, Texas 77002 (713-229-8110) appeared and stated that he was representing Apollo Environmental and present to speak on Agenda Item 13; that they did more than 10% of the total MSD applications in the State of Texas and found them to be very beneficial to the city and landowners. Council Members Lawrence, Johnson, Holm, Garcia and Alvarado absent.

Mr. Ty Kelly, 67 Tiel Way, Houston, Texas 77019 (713-888-1809) appeared and stated that he was present on behalf of the Bayou Preservation Association regarding the municipal setting designation ordinance; that he felt it might weaken the Super Fund regime of enforcement and prevention of pollution and cleaning of ground water pollution where it existed; that the Bayou Preservation Association was dedicated to improving water quality in bayous and anything through inadvertence or intention which increased pollution or reduced incentives to reduce it in the first place was a great concern and Ms. Ceil Price in Legal had allayed his concerns of that, the Super Fund laws should not be weakened, but the process for granting the MSD's were ADHOC in character and he hoped there was a transparent standard so it would hold up in court; and education would be needed. Council Members Lawrence, Johnson and Holm absent.

Mayor White thanked Mr. Kelly for coming and his constructive dialogue of those concerned with the same issues. Council Members Lawrence, Johnson and Holm absent.

Council Member Brown stated that he appreciated his comments; that what they were trying to achieve was a framework for remediating and cleaning up brown fields and if nothing was done what would continue to happen was the toxic chemicals would continue to leak into the ground and pollute the bayous so part of the objective was there would be standards for the municipal standards designation and requirements of the applicant or the landowner which

would accelerate the cleanup and the net result would be cleaner water going into the bayous; that this would be a part of Houston's Green Agenda. Council Members Lawrence, Johnson, Holm and Berry absent.

Council Member Garcia stated that when Council Member Brown encouraged them to pursue this he had made a comment he wanted to understand longterm affects of not doing the same level of remediation they were doing now and he had not seen that communication and wondered if there was research, was there lingering affects; was there designation for non-livable versus habitation type development; and again asked for any information available. Council Members Johnson, Holm and Berry absent.

Council Member Alvarado stated that she felt she missed his objection; that they tried to vent out as many issues as they could in the committee process and they had a variety of people, organizations, supporting this; that by doing this they prohibited exposure to ground water and this would help eliminate the uncertainty some landowners may face in determining whether their property was a potential source of groundwater impacts and she believed Houston may be one of the few cities in the state to pass an ordinance which would give the MS Designations; and upon questions, Mr. Kelly stated that he felt the major concern was in the complexity and lack of meaningful naming of what was being done, something understandable by the average person and a main concern that this would not work any major reduction in the enforcement of the Super Fund laws and incentives to avoid pollution was largely alleviated by Ms. Price. Council Members Johnson and Holm absent.

Mr. Asa Sampson, 311 Cedar Branch, League City, Texas 77573 (713-882-4558) appeared and stated that he was present today as there was a wonderful spiritual opportunity for the community this week and he wanted to personally invite the Mayor and Council as well as each in the City of Houston to take advantage of it; that Tuesday, Wednesday and Thursday evening at Hopewell Baptist Church, 8300 Scott, 7:00 p.m. there would be guest speakers, it was very exciting and they would be honored for them to attend. Mayor White, Council Members Johnson and Holm absent. Acting Mayor Pro Tem Berry presiding.

Mr. Hugh Kress, 12922 Traviata, Houston, Texas 77024 appeared and stated that the Council body usually addressed matters of serious concerns such as seen earlier and he commended them, today he was present on something far less serious but did not intend to offend the dignity of their institution; that it was Kermit the Frog's 50th birthday this year and his family was officially bestowed the singular and distinct honor of hosting Kermit on behalf of the City of Houston during his world wide birthday celebration and he was requesting today that his birthday be recognized on the record and that he be photographed with the Mayor and any Council Members who would like to join in the commemoration. Mayor White, Council Members Johnson, Holm and Noriega absent. Acting Mayor Pro Tem Berry presiding.

Council Members sang happy birthday to Kermit; and Mayor White stated that if they would recognize the next speakers he would step outside for a photo. Council Members Johnson, Holm and Noriega absent.

Ms. Melanie Williams, 18042 Platinum Spring Drive, Tomball, Texas 77375 (281-251-5533) appeared, presented a book to the Mayor and Council Members and stated that she was coauthor of a local resource guide in Houston entitled the Houston Mama's Handbook and today she and others were present for awareness and because they believed it important to build firm relationships so they could become an integral part of the communities; that they wanted the Council Members to be able to use their book to help families in Houston, as mothers they were on a mission to enrich, educate and inspire children in their lives and they wanted to petition to the Council a continuing relationship where they could support

communities and improve the quality of life for families in Houston and a book was in all Harris County libraries and they partnered with the Texas Children Pediatric Association to distribute their book to families free of charge, but they were in need of local sponsors who wanted to make a difference in lives of Houston's children and urged they keep them in mind so they could work together. Council Members Johnson, Holm and Garcia absent.

Council Member Lawrence thanked Ms. Williams for the book and stated that it had great research and she was sure all appreciated it. Council Members Johnson, Holm and Garcia absent.

Ms. Jennifer Hatch, 18118 Navajo Trail, Spring, Texas 77388 (281-288-6484) appeared and stated that she was also coauthor of the Houston Mama's Handbook and they would like feedback from Council Members on what they would like to see in the book; that the book was in-depth about where to go in Houston, places to go and things to do, community resources, etc., and her favorite was a freebee section; that this was aimed at educating mothers everywhere on making a difference in their community. Council Members Johnson, Clutterbuck, Holm, Garcia and Berry absent.

Mayor White thanked them for what they had done; and stated that they may be able to get them information; that Advance may be a good organization for them to understand what they were doing and how, in order to connect people with the community. Council Members Johnson, Clutterbuck, Holm, Garcia and Berry absent.

Council Member Edwards thanked all for the book and stated that many parents, etc., did not have information; and upon questions, Ms. Hatch stated that they had extensive information on locations where people could take their children for healthcare. Council Members Johnson, Clutterbuck, Holm, Garcia and Berry absent.

Mr. Ricky Flory, 6015 Winstead, Humble, Texas 77396 (281-441-4091) had reserved time to speak but was not present when his name was called. Council Members Johnson, Clutterbuck, Holm, Garcia and Berry absent.

Ms. Martha Wilson, 2005 Ross Road, Houston, Texas 77034 (713-947-7281) had reserved time to speak but was not present when her name was called. Council Members Johnson, Clutterbuck, Holm, Garcia and Berry absent.

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

Ms. Kristal Casey, 1831 Sherwood Forest #22, Houston, Texas 77043 (713-480-3839) appeared and stated that when she made arrangements to speak she did not know to make arrangements for her partner to speak as well and wondered if after her a Council Member would allow her partner, Chataqua Allen, to speak. Council Members Clutterbuck, Holm, Garcia and Berry absent.

Council Member Khan moved that the rules be suspended for the purpose of allowing Ms. Kristal Casey's partner a chance to speak, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Green out of the city on city business. Council Members Clutterbuck, Holm, Garcia and Berry absent. MOTION 2007-0849 ADOPTED.

Ms. Kristal Casey stated that she thanked the Mayor and his staff for a call after sending an E-mail; and thanked Mayor White for starting the Wellness Council which she was a part of; that such organizations had inspired and ignited their efforts and they were grateful; that they realized a great need for health education and accessibility to health and wellness and to answer that they were hosting an event, the First Annual Houston Health and Wellness Health Fair, to be held at the George R. Brown Convention Center, September 22nd, and they had left packets for Council Members to let them know what they wanted to accomplish and that the documents were being translated into Spanish; and her partner would now like to make a statement. Council Members Clutterbuck, Holm, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that there were other speakers but if it was brief he was sure they would move to hear her at this time; and Council Member Lawrence moved the rules be suspended for the purpose of hearing Ms. Chataqua Allen at this time, seconded by Council Member Khan. No quorum of Council was present and a vote was not recorded. Council Member Wiseman absent due to being ill. Council Member Green out of the city on city business. Council Members Clutterbuck, Holm, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Ms. Chataqua Allen, who was previously added to the speakers list, appeared and stated that she wanted to give a brief overview of their foundation and their mission; that they wanted to inspire, educate and advocate the community, especially underprivileged communities on how to access health and wellness they could no longer have because of insurance or income; that the fair was to do that, to encourage all to take control and to teach how to overcome barriers. Council Members Clutterbuck, Holm, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked them and stated that health and wellness was so important. Council Members Clutterbuck, Holm, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Khan congratulated all on such a wonderful project; and upon questions, Ms. Allen stated that their website was [www.wellnessoutreach.org](http://www.wellnessoutreach.org) and all information of the event was on the website; that a flyer was given to each Council Member and it was posted on the website and could be printed; that it would be held September 22, 10:00 a.m. to 5:00 p.m. at George R. Brown, Exhibit Hall B. Council Members Clutterbuck, Holm, Garcia, Alvarado, Lovell, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence thanked all for their work and stated that if she could help in reaching out they should feel free to call her office. Council Members Clutterbuck, Holm, Garcia, Alvarado, Lovell, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. Russell Lehrman, 1617 Fannin, Houston, Texas 77002 (713-222-2295) appeared, presented istatement and stated that his subject was the Oak Farms Environmental Compliance Agreement signed by the City of Houston, July 11 and 12, 2007, and read from the statement in which he asked why they agreed to purchase the dairy's electric refrigeration units with city money; why stakeholders in the community were not allowed to read the agreement; why the agreement called for replacement of only 15 of 48 diesel units over 5 years; and continued presenting his statement until his time expired. Council Members Lawrence, Holm, Garcia, Lovell, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Noriega allowed Mr. Lehrman to continue; and Mr. Lehrman continued reading from his statement until it was completed stating that the city never addressed citizens

complaints about noise pollution or ammonia leaks; that the Health Department admitted it did not have enough inspectors to send out and that cancellation of the agreement was the only way to get tough with Oak Farms pollution. Mayor White, Council Members Lawrence, Khan, Holm, Garcia, Lovell, Brown and Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that the city had a very aggressive team and assessed some of the largest fines against Oak Farms and her sentiments were still the same; that there was room to make sure there was a safe environment, one that was healthy and they had gone through the agreement pretty thorough and was happy to advocate his concerns as her passion had not changed. Mayor White, Council Members Lawrence, Khan, Holm, Garcia, Lovell, Brown and Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she was at the same point, it was uncogenable, she had been there and seen the filth, you could wipe furniture with your finger and see it and people were breathing it; that it was amazing to her they would allow someone 5 years to clean up such filth; that she would like to know from Legal if the agreement had to be ratified by Council; and Mr. Heilman stated that the matter was researched and negotiated by the Environmental folks and executed on behalf of the city by the Mayor and countersigned by the Controller, there was no expenditures of money so it did not have to be presented to Council; that regarding income levels, it did not matter what part of the city you were in the environmental laws would be enforced; and with regard to this situation a fine was assessed against the entity; that they had paid \$15,000 of the fine as stated in the agreement, the total was \$25,000 but there was a condition that if they purchased additional RTU's they would be excused from paying the \$10,000; and Council Member Edwards stated that she was not interested in them paying the fines, but in cleaning up the filth; that when dusting your rags came up black from diesel fumes she did not think Mr. Oak Farms would live in such a place and she was saddened that it did not come to Council to ratify, she was in total disagreement with waiting 5 years, to have people live like that for 5 years; and Mr. Heilman stated that the RTU's did have to be moved to different storage facilities, they were on other lots of that property and it was to address the noise issues; that the entity also agreed to perform additional repairs to reduce emissions and to make equipment more efficient; and had agreed to purchase electric RTU's over time; and upon further questions by Council Member Edwards, Council Member Alvarado stated that no one was paying for health costs; that they did have several community meetings there and another was tentatively scheduled for September 12th, but it would be to go over the agreement and get community input; that the health team had spent a lot of time on this and tried to get as much out of Oak Farms as was allowed by law, they were still operating in restricted waters as far as what the city's enforcement authority was and she knew they had gone as far as they could because a lot of state laws were very weak in the area of regulation; and Council Member Edwards stated that she was mad, tired of poor people having to sit back and suffer peacefully; that she wanted Oak Farms to stop putting the filth in the air that their employees and residents had to breath and she felt they could do better at Council. Mayor White, Council Members Lawrence, Khan, Holm, Garcia, Lovell, Brown and Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Noriega thanked Mr. Lehrman for coming and stated that she was mad as well; that it did appear progress was made and things in the agreement were a step forward, but at the same time she was very clear the neighborhood was not pleased; that they were not there yet and there were still issues and concerns with the air; that in addition to that she was startled her name was on the cover letter which went to the community thanking her for participating and arranging the agreement when it was the first time she had seen it and having said that she was not sure what they could do, but it did seem appropriate they continue to hold their feet to the fire and insist on this; and she wanted to add she drove through the area daily

and did not think all that could be done was and she would like it addressed in whatever way they could and she intended to continue to pay attention to it. Mayor White, Council Members Lawrence, Khan, Holm, Garcia, Brown and Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Sherman Hopkins, 3811 Botany, Houston, Texas 77047 (713-733-9050) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Khan, Holm, Garcia, Brown and Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Tasleem Siddiqui, 8313 SW Freeway #105, Houston, Texas 77074 (281-236-7597) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Khan, Holm, Garcia, Brown and Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Ms. Brenda Sayers, 5006 Bataan, Houston, Texas 77033 (713-733-0368) appeared and stated that she was concerned with identity theft and was requesting the city to review, verify and maybe clarify her family members on the city roster because what she was hearing was there was nothing but cons, non family members and friends at that, so she was requesting they review members of her family. Council Members Lawrence, Edwards, Khan, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Ms. Vasquez would speak with her at this time. Council Members Lawrence, Edwards, Khan, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Ms. Hilda Duffer, 6910 SW Freeway, Houston, Texas 77074 (281-250-5597) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Edwards, Khan, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. Gerald Garcia, 2534 Glen Avenue, Houston, Texas 77088 (281-447-6624) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Edwards, Khan, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. Richard Freeman, 121 Riggs Road, Houston, Texas 77022 (no phone) appeared and stated that he worked with the bus company and his payroll number was 4-3127 and he had made no progress, no negotiations, the AFLCIO had never come with any plan or offer though he paid 20 years in dues; and he also wanted help with METRO Lift. Council Members Lawrence, Edwards, Khan, Holm, Garcia, Lovell, Brown and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he appreciated Mr. Freeman coming and sharing his thoughts and they were trying to figure ways to have mass transit, etc., and he could leave information with Ms. Dillard. Council Members Lawrence, Edwards, Khan, Holm, Garcia, Lovell, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (832-882-7761) appeared and stated that he was present to say if others wanted to know what his foundation did their website was apttpfoundation.com and they would see what they had done over the years; and he felt the passage of the new law where people had to pay more to become legal citizens was a dumb law, why should those trying to do it the right way be hurt, it made them do it the wrong way; that he came to Council to try and convert it back and if he should go elsewhere to have it done he would like them to let him know where he needed to go. Council Members Lawrence, Edwards, Holm, Garcia and Brown absent.

Mr. John Johnson, 1476 Wilcrest, Houston, Texas 770742 (832-453-1900) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Edwards, Holm, Garcia and Brown absent.

Mr. Bart Boice, 2400 Westheimer #226 C, Houston, Texas 77098 (832-867-9960) appeared and stated that a few weeks ago a group of concerned citizens came to Council with a resolution of impeachment because of manipulated intelligence, etc., and he wanted to respectfully apologize, he was rude, he did not intend to be rude and he appreciated that Council dealt with important matters, but other cities adopted similar resolutions and it was uniform practice of the House of Representatives to receive petitions or resolutions from primary assemblies of the people and that was not him, but his Houston City Council. Council Members Lawrence, Edwards, Holm, Garcia and Brown absent.

Council Member Berry stated that he apologized to him, the last time he was present he was not very nice, sometimes what went through his head and what came out did not always add up; that he may have gotten the idea he was opposed to his position on the war or to his political activism and that was not true; that he respected anyone coming and stating their views; that he was frustrated that people who had what might otherwise seem like mundane issues were at the end of the Agenda; that this time he waited like they did last time and he wanted to say it was nothing personal and he was rude when he should not have been. Council Members Lawrence, Edwards, Holm, Garcia, Lovell and Brown absent.

Council Member Berry moved the rules be suspended for the purpose of hearing Ms. Jane Cahill as the next speaker, seconded by Council Member Khan, a vote was not recorded as a quorum was not present. Council Member Wiseman absent due to being ill. Council Member Green out of the city on city business. Council Members Lawrence, Edwards, Holm, Garcia, Lovell and Brown absent. (NO QUORUM PRESENT)

Ms. Jane Cahill, 211 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and stated that she was present on behalf of her brother Daniel, an adult with Down Syndrome, her sister and brother-in-law, with whom he lived, and many other families like their's whose daily lives depended on the services provided by the Center Serving Persons with Mental Retardation; that for Daniel the Center's workshop provided employment, independence in society and for Ann, herself and others like them it provided safe, affordable daycare which allowed them to maintain jobs; that Mayor White and his Administration negotiated productively with the Center's boards and legal team to bring forward the land sale contract, Agenda Item 36, in April many visited the Center and heard from residents and how they feared the future without it; and urged that Council support Mayor White and approve the contract tomorrow without further delay. Council Members Lawrence, Holm, Garcia and Brown absent.

Council Member Berry stated that he did not think it was the ideal deal she and others wanted in what they were looking at tomorrow because it was more money than what they wanted to spend and it was not ideal for the taxpayer because it was not as much as they would like to receive, but they compromised, the center was very important and he was proud to vote for the item. Council Members Lawrence, Holm, Garcia and Brown absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of adding Ms. Virginia Woodyard to the list of speakers, seconded by Council Member Berry. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Green out of the city on city business. Council Members Lawrence, Holm, Garcia and Brown absent. MOTION 2008-0850 ADOPTED.

Mr. John Morris, 5703 Caldicote, Humble, Texas 77346 (281-446-9663) appeared, presented information and stated that a few years ago his brother told him of 9/11 and said he had to look at a video on a website and it was the same video he presented to Council Members now; that before it was half over he realized 9/11 was not what they said it was, it was a controlled demolition; and later realized what they were told of the Kennedy assassination was not the truth; that after looking you begin realizing many things were going on in government that the people were not allowed to know of. Council Members Lawrence, Holm, Garcia and Brown absent.

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-705-5594) appeared and stated that he and others were present today to ask that Council pass a resolution supporting the impeachment of the current Administration in Washington, typically when going to local bodies talking of national issues their immediate response was it had nothing to do with them, but such a massive violation of high crimes and misdemeanors could not go unanswered or unchallenged; that the very preservation of their democracy was at stake and he did not see how impeachment could be argued. Council Members Lawrence, Holm, Garcia and Brown absent.

Council Member Lovell stated that she appreciated all coming today, but she would say around the Council Table they would find a difference of opinion and on something so important unless she thought there would be a unanimous vote she would not venture out to ask for a vote because she thought if all on Council had a feeling to impeach or not they had a right to do it through another process or through their political parties or to write directly to Congress to someone who had the power to do so, but if they were to vote and some had a difference of opinion she would not want it stated from the Council body that someone disagreed on such an important issue; that she believed this was an instance where all needed to on their own exercise their freedom of choice, write their elected officials; and that was her reasoning in not pushing the issue. Council Members Lawrence, Holm, Garcia, Alvarado and Brown absent.

Council Member Berry stated that he tried for 5-1/2 years to express his opinion on that and Council Member Lovell just said it and he appreciated her sentiment; that he knew Mr. Cook was frustrated and wanted the resolution passed, but he would argue that they probably did more good for their cause by highlighting the issue and creating a discussion than any paper with signatures. Council Members Lawrence, Holm, Garcia, Alvarado and Brown absent.

Council Member Edwards stated that people had their own opinions and they were entitled, but today was a hard time to speak of misdemeanors and crimes of Mr. Bush when she had crimes and misdemeanors at the City Council, when she could not effect a change that caused people living right down the street from being poisoned on a daily basis, but would encourage him to keep the fight, they did not need a resolution to determine what was right and would encourage them to take the fight to a local level and bring relief to citizens in Houston, people fighting for the right to breath clean air in their own community where they paid taxes; that her grandfather said it was not whether the glass was half full or half empty, but what you did with the water in the glass and urged they take their resources and go with it. Council Members Lawrence, Holm, Garcia, Alvarado and Brown absent.

Ms. Alix Dunn, 398 E. Terrace, Houston, Texas 77007 (713-861-8786) appeared and stated that she was also present speaking on impeachment for Bush; that she wanted to present words which were the initial lie during his State of the Union Address on January 28, 2003, that Saddam Hussein recently sought significant quantities of uranium from Africa, it was a lie, but it allowed him to go to war on that lie; and she agreed with Council Member Edwards she smelled smells in Pasadena and that was 40 years ago and still did. Council Members Lawrence, Holm, Garcia, Alvarado and Brown absent.

Mayor White thanked Ms. Dunn for coming and stated that it was important to have open public discussion where people could exercise their right for petition; that they had gone through battles fighting for clean air and there would be another chapter to be played out on benzene this year and he encouraged citizens to be informed as she was about the state of the air and interest and she could be assure Council would act on things they could. Council Members Lawrence, Holm, Garcia, Alvarado and Brown absent.

Council Member Edwards stated that she should stay on the battlefield; that it was a continuous fight and they needed voices being lifted at all times and in all places. Council Members Lawrence, Holm, Garcia, Alvarado and Brown absent.

Mr. Bob Carter, 7007 Edgemore, Houston, Texas 77074 (713-771-9439) appeared and stated that he thought all was said, but he thought they were present as a matter of desperation; that they knew this was not where impeachment hearings were held and this was not where impeachment proceedings were heard, but they wanted Council to know they did appreciate them hearing them; that the government was to be of the people, by the people and for the people and they did not feel they were being represented and now were appealing to the Council through desperation. Council Members Lawrence, Holm, Garcia, Alvarado and Brown absent.

Council Member Edwards stated that she did think this was a frontline issue for the community as through the works and leadership of Mayor White this community would have to receive all the young men and women coming back with broken bodies and spirits and broken minds; that another point was she was not sure if this was an education process but it had gone on time and time again; that much had to be done to keep it transparent and active, but first they had to convince the following generation on how to participate and the government was a reflection of us, we made the decision to be comfortable as opposed to being a democratic republic; and she thanked them for coming. Council Members Lawrence, Holm, Garcia, Alvarado and Brown absent.

Council Member Lovell thanked all for coming and stated that they did see them on bridges and would fight for their right to be their; that she did want to say through Mayor White's leadership Council Members were engaged in someway on a committee for veterans, for men and women coming back, to help them find jobs, fight for their benefits, take care of their housing and they all did acknowledge mistakes were made and the focus was on how to integrate them once back and the most important thing they did by coming to Council was pointing out to a younger generation and she hoped they got them engaged. Council Members Lawrence, Holm, Garcia, Alvarado and Brown absent.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (281-236-7518) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Holm, Garcia, Alvarado and Brown absent.

Mr. Lionel Alexander, 7931 Booker, Houston, Texas 77028 (713-633-4765) appeared and stated that he was present again asking that Council please get the lot next to his house cleaned; that his wife was sick and he should be home and he would buy the lot if they could get the person it belonged to, but he did not want to take time to keep coming before Council and the children had to walk in the street because they could not walk on the sidewalk with the lot as it was. Council Members Lawrence, Holm, Garcia, Alvarado and Brown absent.

Mayor White stated that he came before and talked to Council and he was trying to get a report on where they stood on it and if the report was no one did anything he would get that

report and it would have some consequences; and upon questions to Mr. Davis, Mr. Davis stated that he did not have information; and Mayor White stated that he knew Mr. Alexander signed up late in the day; and upon questions, Mr. Alexander stated that it was next door to him and his address was 7931 Booker; and Mayor White stated that they were not infallible, but he would say to those who work with him and three were present that he did want to know an investigation was commenced when a citizen came down and he had commented they would follow-up and if something fell through the cracks he wanted to know it and if not he wanted to know the status; and asked that Mr. Alexander stay for the answer. Council Members Lawrence, Holm, Garcia, Alvarado, Brown and Noriega absent.

Upon questions by Council Member Johnson, Mr. Alexander stated that he used to maintain that lot; that he last cut the lot about two years ago, the city last cut the lot about two months ago; that there was tall grass, lots of mosquitoes and the sidewalk could not be used; and Council Member Johnson stated that this was the program they talked about regarding sweat equity because Mr. Alexander had cut the lot they wanted to see how he may be able to own and maintain it; that they were checking to see if it was tax delinquent, but he needed more regularity with cutting and they did need to find the owner of that particular lot to ensure the cutting on a more regular basis and they would get right on it. Council Members Lawrence, Holm, Garcia, Alvarado and Brown absent.

Mayor White stated to Mr. Fontaine that this was something covered at a senior staff meeting here and asked a representative from Legal as he could not understand why the city could not have someone do a petition on nuisance of not cutting, file it and sue for the amount it took to cut it every time and see if they showed up for appearance, go try the case and most likely put a judgment against the lot and have the lot under their control and he could not understand why they did not do it, why did they not file nuisance actions against the individuals on a volume basis and he would like the Legal Department to tell him and would like a report as to whether it was tax delinquent or not and that was the way to make sure, it was not Mr. Alexander's or any taxpayer's responsibility, it was the owner's responsibility and if the owner did not do it there should be consequences, they needed judgments against such properties. Council Members Lawrence, Holm, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Ms. Virginia Woodyard, who was previously added to the speakers list, appeared and stated that she lived at the corner of Levenshire and Lakeland and from the end of February to May of this year the Lakeland side of her yard was torn up by water breaks and Public Works and city contractors had been there several months trying to correct the breaks and get it under control, however, in May a Public Works supervisor knocked on her door to tell her the last break was on her side of the meter and the breaks had been surrounding the water meter and so she immediately called a plumber for emergency to come fix it and she had reason to believe that all the work going on since March 1st to the middle of May caused the break on her side of the meter; that she received a very large water bill and did not feel she should be responsible for it. Council Members Lawrence, Holm, Garcia, Alvarado, Brown, Noriega and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Mr. Gary Norman would visit with her at this time and see what could be done to resolve the matter. Council Members Lawrence, Holm, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. Rufus Brown, 906 Marcolin, Houston, Texas 77088 (281-570-5898) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Clutterbuck, Holm, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

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

Mr. Nebeil Al-Oboudi, 14129 1/2 Laterna Lane, Houston, Texas 77083 (281-575-9110) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Berry absent. Council Member Lovell presiding. (NO QUORUM PRESENT)

Ms. Mary Pruitt, no Address (No phone) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Berry absent. Council Member Lovell presiding. (NO QUORUM PRESENT)

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. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Berry absent. Council Member Lovell presiding. (NO QUORUM PRESENT)

At 4:49 p.m. City Council recessed until 9:00 a.m., Wednesday, August 15, 2007. Council Member Wiseman absent due to being ill. Council Member Green out of the city on city business. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Berry absent. Council Member Lovell presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 15, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, August 15, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega and Michael Berry; Mr. Anthony Hall, Chief Administrative Office, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Ronald C. Green out of the city on city business.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:25 a.m. Mayor White called the meeting to order. Council Members Johnson, Wiseman, Garcia and Berry absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 28-1**

## **MISCELLANEOUS** – NUMBER 2

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **SPRING BRANCH MANAGEMENT DISTRICT**, for terms to expire June 1, 2011:
  - Position One - **MR. C. DAVID SCHWAB, JR.**, reappointment
  - Position Two - **MR. JAY WOODALL**, appointment

- Position Three - **MS. CATHERINE M. BARCHFELD-ALEXANDER**,  
reappointment
  - Position Four - **MR. DANNY J. SAFADY**, appointment
  - Position Five - **MR. VICTOR C. ALVAREZ**, reappointment
  - Position Six - **MR. MAURICIO VALDES**, reappointment
  - Position Seven - **MR. DAN SILVESTRI**, reappointment
- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. MOTION 2007-0851 ADOPTED.

**ACCEPT WORK** - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$973,385.17 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in Canterbury Village, WBS S-000035-00B7-4 - 4.79% over the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. MOTION 2007-0852 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 12

8. **VETERINARY X-RAY SUPPLY, INC d/b/a VXS IMAGING** for High-Frequency Radiographic Systems (X-Ray Machines) for the Health & Human Services Department - \$76,886.40 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. MOTION 2007-0853 ADOPTED.
9. **ORACLE USA, INC** for Oracle Software License and Support Service Agreement through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Information Technology Department - \$400,747.85 - Central Service Revolving Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. MOTION 2007-0854 ADOPTED.
11. **RAY ALLOWAY SALES, INC dba U. S. WHOLESALE PRODUCTS** - \$41,250.00, **MATERA PAPER CO., LTD.** - \$92,088.00 and **TEXAS TOWEL & SUPPLY, INC** - \$314,075.20 for Rags and Cleaning Towels for Various Departments - General and Enterprise Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. MOTION 2007-0855 ADOPTED.
12. **GULF COAST STABILIZED MATERIALS a Division of Campbell Concrete & Materials L.P.** - \$393,766.94 and **216 RESOURCES** - \$148,413.16 for Sand, Washed Gravel, and Stabilized Cement for Various Departments - \$553,245.00 minus a commission fee for Internet-based reverse auction services for a net award amount not to exceed \$542,180.10 - General, Enterprise and Park Special Revenue Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye.

Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. MOTION 2007-0856 ADOPTED.

**ORDINANCES** - NUMBERS 14 through 28

14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of excess Westcott Street right-of-way (Parcels SY7-023A and SY7-023B) located in the Camp Logan First Addition, John Reinerman Survey, A-642, Houston, Harris County, Texas, containing an aggregate of 3,494 square feet of land, more or less; vacating and abandoning said tracts of land to Coppage Properties, Inc., abutting owner, in consideration of owner's conveyance to the City of two utility easements (Parcels VY7-028A and VY7-028B), also located in said Camp Logan First Addition, John Reinerman Survey, A-642, containing an aggregate of 3,494 square feet of land, more or less, and owner's payment to the City of \$34,940.00 - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. ORDINANCE 2007-0924 ADOPTED.
15. ORDINANCE consenting to the addition of 33.477 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. ORDINANCE 2007-0925 ADOPTED.
16. ORDINANCE consenting to the addition of 1.770 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. ORDINANCE 2007-0926 ADOPTED.
24. ORDINANCE approving and authorizing an amendment to the Cost Sharing Agreement for the Southeast Water Purification Plant between the City of Houston and the **GULF COAST WATER AUTHORITY, THE CLEAR LAKE CITY WATER AUTHORITY, THE CITY OF NASSAU BAY, THE CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT, THE LAPORT AREA WATER AUTHORITY, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55, THE CITY OF PASADENA, THE CITY OF SOUTH HOUSTON, THE CITY OF WEBSTER, THE CITY OF FRIENDSWOOD** and **BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1** - was presented. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. ORDINANCE 2007-0927 ADOPTED.
25. ORDINANCE approving and authorizing an amendment to Water Supply Contract relating to the East Water Purification Plant between the City of Houston and the **CITY OF PASADENA** - was presented. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. ORDINANCE 2007-0928 ADOPTED.
28. ORDINANCE appropriating \$3,767,767.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **NORTH HOUSTON POLE LINE, L.P.** for Special Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000266-0103-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye.

Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. ORDINANCE 2007-0929 ADOPTED.

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

**MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **AFFIRMATIVE ACTION CONTRACT COMPLIANCE COMMISSION:**
  - Position One - **MR. ISAIAH "IKE" ALLEN**, reappointment, for a term to expire 1/1/2009
  - Position Two - **MR. ELIAS J. DE LA GARZA**, reappointment, for a term to expire 1/1/2009
  - Position Three - **MR. GERARDO CANTU**, appointment, for a term to expire 1/1/2008, and to serve as Chair
  - Position Four - **MR. FELIX CHEVALIER**, appointment, for a term to expire 1/1/2008
  - Position Five - **MS. MUNIRA S. PANJWANI-ZAHID**, reappointment, for a term to expire 1/1/2008

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson, Wiseman and Berry absent. MOTION 2007-0857 ADOPTED.
  
3. RECOMMENDATION from Director Parks & Recreation Department to rename **WIPPRECHT PARK** to **BARBARA JORDAN FAMILY PARK - DISTRICT B - JOHNSON**

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Johnson and Wiseman absent.

Mayor White and Council Members Alvarado and Garcia congratulated the new appointees and re-appointees and thanked them for their service to the City, and asked that they stand and be recognized. Council Members Johnson and Wiseman absent.

A vote was called on Item No. 1. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson and Wiseman absent. MOTION 2007-0858 ADOPTED.

**ACCEPT WORK**

4. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$12,800,362.61 and acceptance of work on contract with **W. W. WEBBER, LLC (Formerly known as W. W. WEBBER, INC)** for Miscellaneous Paving & Drainage Improvements at George Bush Intercontinental Airport/Houston; Project No. 542; WBS A-000063-0003-4-01; Contract No. 55361 - 2.50% over the original contract amount - **DISTRICT B – JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson and Wiseman absent. MOTION 2007-0859 ADOPTED.
  
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$546,274.98 and acceptance of work on contract with **SPAW GLASS CIVIL CONSTRUCTION, INC** for Safe Sidewalk Program F1 Project; WBS

N-00610A-00F1-4 22.55% under the original contract - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson and Wiseman absent. MOTION 2007-0860 ADOPTED.

## **PROPERTY**

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Joyce Sanders, on behalf of the Estate of Raymond Sanders, for abandonment and sale of excess Yellowstone Street right-of-way from Eastwood Street to the eastern property line of Lot 1, Block 24, in exchange for the conveyance to the City of a utility easement, both located in the Foster Place Subdivision, out of the Washington County R. R. Survey, Parcels SY7-075 and VY8-032 - **STAFF APPRAISERS DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Edwards. Council Members Johnson and Wiseman absent.

## **PURCHASING AND TABULATION OF BIDS**

10. **APPLE GLASS COMPANY** for Automotive Glass for Various Departments - \$552,246.88 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Clutterbuck. (Note: Council Member Clutterbuck released her tag later in the meeting.)

Council Member Clutterbuck moved to suspend the rules to consider Item No. 35 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Johnson and Wiseman absent. MOTION 2007-0861 ADOPTED.

35. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (1) Bolsover Street from Kelvin Street to Morningside Street (Parcel No. SY6-099A), (2) a sidewalk easement along the north side of Bolsover Street (Parcel No. SY6-099B), and (3) a water line easement (Parcel No. SY6-099C); vacating and abandoning said right-of-way and easements to Lamesa Village, Limited, a Texas Limited Partnership and the abutting owner (“owner”), in consideration of (a) the conveyance to the City of additional street right-of-way along (I) the east side of Kelvin Street (Parcel No. AY7-023A) and (II) the west side of Morningside Street, (Parcel No. AY7-023B), (b) construction of angled on-street parking, and (c) development pursuant to a Development Agreement; all located within West Houston Addition, A. C. Reynolds Survey, A-61, a subdivision plat recorded at Volume 60, Page 184, of the Deed Records of Harris County, Texas; approving and authorizing said development agreement - **DISTRICT C – CLUTTERBUCK – (This was Item 25 on Agenda of August 8, 2007, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, NORIEGA and GARCIA)** – was presented. Council Members Johnson and Wiseman absent.

After discussion by Council Members, a vote was called on Item No. 35. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2007-0930 ADOPTED.

Mayor White recognized Council Member Garcia, and Council Member Garcia stated that he had just been made aware that there was a great loss to the City, that Captain Steve Jahnke had lost his battle against cancer and requested a moment of silence for the Jannke family.

Council Member Lawrence stated that the Jahnke Family were very active firefighter's, that she and Council Member Garcia had worked with them as far as their insurance and got that done, it had been a tough time, that a lot of different fire stations owed a lot to the Jahnke Family, that the family was huge and they were all firefighters.

Council Member Garcia moved to suspend the rules to consider Item Numbers 41, 13, 23, 34 and 37 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2007-0862 ADOPTED.

41. ORDINANCE appropriating \$1,069,642.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, WBS R-000266-0108-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – **(This was Item 58 on Agenda of August 8, 2007, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented.

Council Member Garcia moved to postpone Item No. 41 for one week, that he knew there had been some work and discussion on the item as to whether or not it should or should not have an MWBE goal attached, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2007-0863 ADOPTED.

13. ORDINANCE **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding Article XIII relating to groundwater; providing a process for establishing municipal setting designation ordinances to prohibit certain contaminated groundwater from potable use; containing findings and other provisions relating to the foregoing subject; providing a penalty; providing for severability; providing an effective date – was presented, and tagged by Council Members Garcia, Holm, Berry, Wiseman and Johnson.
23. ORDINANCE awarding contract to **BL TECHNOLOGY, INC** for Security System Installation and Repair Services for the General Services Department; providing a maximum contract amount 3 Years with two one-year options - \$16,259,339.00 - General, Grant, Enterprise and Other Funds – was presented, and tagged by Council Members Johnson, Garcia and Alvarado.
34. RECOMMENDATION from Finance & Administration Department to award to **SAFETY SHOE DISTRIBUTORS, L.L.P.** for Safety Footwear for Various Departments - \$3,902,931.46 minus a commission fee for Internet-based reverse auction services for a net award amount not to exceed \$3,882,931.46 - General, Enterprise, Fleet Management, Park Special Revenue and Storm Water Funds – **(This was Item 23 on Agenda of August 8, 2007, TAGGED BY COUNCIL MEMBER BERRY)** – was presented.

Council Member Garcia moved to postpone Item No. 41 for one week so that they could further work on what should be the appropriate MWBE goal on the item, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2007-0864 ADOPTED.

37. ORDINANCE authorizing the creation of the Contractor Responsibility Fund to defray the costs of providing Health Care Services to Uninsured Persons in the Houston Area; approving and authorizing a plan for distribution of monies in the Fund – **(This was Item**

**28 on Agenda of August 8, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, CLUTTERBUCK and GARCIA)** – was presented.

Upon questions by Council Members, Mayor White stated that they would agree to a report on the fund, that they would put it in the MOFAR; that until the Council decides the policies by which it would be disbursed it would be kept within F&A, the one responsible for the accounting, which would be F&A, but would be available to answer questions and would be responsible for the development of policies would be the Special Assistant for Health Policy and Environment, Ms. Elena Marks, but the account would be maintained by the F&A Department, there had been procedures worked out with Ms. Laws and the principle contracting departments for that; that the point was not to make money, the point was to create a level playing field and expectation that people would not have an incentive to drop people from coverage in order to get a contract, that they had given several different alternatives of examples of what could be done, either the reimbursement of uninsured care or some subsidy associated with some more affordable insurance policy, that all of that would be done and he thought it was premature to make decisions until they determined the extent of whether people complied by paying or by obtaining and maintaining coverage, etc., that any decision would be made by Members of the City Council. Council Member Garcia absent.

After further discussion by Council Members, Council Member Lawrence stated that she thought through committee they could ask for a separate accountability of that fund monthly when they give the monthly report, that she thought Ms. Johnson would be very glad to do that, that on certain funds some of them had done that, they request monthly to be sent that information. Council Member Garcia absent.

After further discussion a vote was called on Item No. 37. Council Member Wiseman voting no, balance voting aye. Council Member Green out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0931 ADOPTED.

**ORDINANCES**

17. ORDINANCE consenting to the addition of 45.97 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 382**, for inclusion in its district - **DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Wiseman. Council Member Garcia absent.
18. ORDINANCE approving and authorizing the submission of the Budgets for the following five (5) Services: (1) Bureau of Nutritional Services, Women Infants and Children (WIC); (2) Tuberculosis Control; (3) Title V-Part A, Associateship for Family Health Services; (4) Titles V, XX & X for Family Planning Services; and (5) the Immunization Program for the 2007-2008 contracts with the **DEPARTMENT OF STATE HEALTH SERVICES**; authorizing the Director of the Health and Human Services Department to accept the initial funding and applicable contract change notices and expend approved funding; to accept any supplemental change notices during the grant period; declaring the City's eligibility for such grants; authorizing the use of interim funding from the General Fund, not to exceed 15% of the requested level of funding for the WIC Program, and declaring intent to reimburse the General Fund from proceeds received from the Department of State Health Services for the WIC Program, authorizing the Director of the Health and Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any - \$13,629,310.00 - General and Grant Funds – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0932 ADOPTED.

19. ORDINANCE approving and accepting the **TEXAS DEPARTMENT ON AGING AND DISABILITY SERVICES (DADS)** FY2008-2010 Area Plan on behalf of the **HARRIS COUNTY AREA AGENCY ON AGING (HCAAA)** for Supportive Services, Nutrition Services, Caregiver Programs, Administration, Health Maintenance, State General Revenue, Assisted Living, Ombudsman Activity, and Elder Abuse Prevention; declaring HCAAA's eligibility for such plan funding; authorizing the Director of the Health and Human Services Department of the City of Houston to act as the HCAAA's representative for purposes of the DADS FY2008-2010 Area Plan; authorizing the Director of the Health & Human Services Department of the City of Houston to apply for, accept and expend the DADS FY2008-2010 Area Plan Funds, if awarded, and to apply for, accept and expend all subsequent DADS FY2008-2010 Area Plan Awards, if any, pertaining to the Plan - \$10,376,717.00 - General and Grant Funds - was presented, and tagged by Council Member Clutterbuck. Council Member Garcia absent.
20. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2007-0933 ADOPTED.
21. ORDINANCE appropriating and transferring the sum of \$1,019,853.00 out of Disaster Recovery Fund to the Water and Sewer Operating Fund for expenses related to Tropical Storm Allison – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2007-0934 ADOPTED.
22. ORDINANCE awarding contract to **PRECISION PNEUMATICS, INC** for Maintenance and Repair of Air Compressors for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,606,831.00 - General and Enterprise Funds – was presented, and tagged by Council Member Johnson. Council Members Garcia and Berry absent.
26. ORDINANCE and approving and authorizing an Indemnity and Maintenance Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT #3 (HCID #3)** for public right-of-way improvements - **DISTRICTS C - CLUTTERBUCK and G - HOLM** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2007-0935 ADOPTED.
27. ORDINANCE appropriating \$208,068.00 out of Water & Sewer System Consolidated Construction Fund and \$168,481.00 out of Drainage Improvement CPaper Series F Fund and approving and authorizing Interlocal Cost Sharing Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410**, WBS S-000800-0103-4, R-000800-0103-4, M-000800-0103-4 - **DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Wiseman. Council Members Garcia and Berry absent.
- 28-1. ORDINANCE No. 2007-869, passed second reading August 8, 2007  
ORDINANCE granting to **DESIGNING TECHNIQUES, LLC, a Texas Limited Liability Corporation, dba DURAN'S YOUR DUMPSTER.COM**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING** – was presented. All voting aye. Nays

none. Council Member Green out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2007-0869 ADOPTED THIRD AND FINAL READING IN FULL.

**MATTERS HELD** - NUMBERS 29 through 43

29. ORDINANCE appropriating \$422,583.49 out of the Water & Sewer System Consolidated Construction Fund and \$426,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Lake Way Village Subdivision, WBS S-000800-00M4-4/R-000800-00M4-4/M-000800-00M4-4 - **DISTRICT E – WISEMAN** – **(This was Item 60 on Agenda of August 1, 2007, POSTPONED BY MOTION #2007-816)** – was presented. Council Members Garcia and Berry absent.

Council Member Wiseman stated that yesterday afternoon she had the opportunity, along with members from Public Works, to visit with 15 constituents from one block, that traveled all the way down here to meet on developments that the City had participated in by way of DPC contracts and as these residents stated the minute the developments were going in they began experiencing some real flooding problems, that some people who never had water in their homes suddenly started getting water in their homes, that there was discussion that was had with respect to what the developers had been approved to do as far as infrastructure work and the residents account of what was actually in place, and Public Works had made a commitment to investigate the situation, take a look at what was actually happening out there, that no discussion was actually had over the fact that they were participating financially in it, but they owed it to the constituents to look into the situation they were dealing with and the impact that the developments had on existing residents; that her initial reaction was to vote on all of these items but she did think there was an opportunity to find a solution, it was not to say they absolutely would but she thought they should explore that possibility, and moved to postpone Item No. 29 for two weeks, seconded by Council Member Alvarado. Council Members Garcia and Berry absent.

Mayor White stated that they did not oppose the delay, that to Mr. Norman on the drainage impacts it was something that he did want a report on; and Council Member Wiseman stated that the thing that was of serious concern was sewage backup, sanitary sewer backup as well, and Mayor White stated that it would be both storm water and wastewater. Council Members Garcia and Berry absent.

After further discussion a vote was called on the motion for a two week delay. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Khan, Garcia and Berry absent. MOTION 2007-0865 ADOPTED.

30. ORDINANCE appropriating \$275,828.34 out of Water & Sewer System Consolidated Construction Fund and \$225,000.00 out of Drainage Improvement CPaper Series F Fund; approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Riverbend Village Subdivision, WBS S-000800-00M2-4/R-000800-00M2-4/M-000800-00M2-4 **DISTRICT B - JOHNSON** – **(This was Item 60 on Agenda of August 1, 2007, POSTPONED BY MOTION #2007-816)** – was presented. Council Members Khan, Garcia and Berry absent.

Council Member Johnson stated that one of the issues that did come to his attention in regards to the particular development was some potential flooding that could take place with lift

stations; that he met with the developer and where he thought the developer wanted to do the right thing the same problem continued to occur in District B, they continued to get development that did not attract a new type of resident to the particular area that they were talking about, but he believed that this particular developer wanted to move in the right direction, but he thought one of the biggest concerns was how did the developer coexist or work in collaboration with the community that had already voiced many concerns, that he believed that there would be a middle ground that they could meet on, that he would support Council Member Wiseman's two week delay on Item No. 29 and moved to postpone Item No. 30 for two weeks, seconded by Council Member Wiseman. Council Members Garcia and Berry absent.

Council Member Edwards stated that she needed clarity and asked if the position was that Obra Homes was causing flooding issues with the quality of work they were doing, and Mayor White stated that on this particular item the issue that Council Member Wiseman raised concerning Item No. 29, and they would look at it on the merits, was discussed and it was not clear to him what the issue was, that could they ask Council Member Johnson to perhaps identify the issue on Item No. 30 that he thought they needed to consider, and Council Member Edwards stated that if Obra Homes was building poor quality and causing flooding issues that was a serious charge and were they seeking to disbar the company from working with the City, and Mayor White stated no, that he had not heard that the developer was some how not complying with the standards that they had in the City, that he had heard some suggestion that they attracted the wrong type of residents in certain parts of the City, that he had heard it and it was on the Municipal Channel, that he had heard that they should not have 45 foot lots, that there was a form on which those issues could be discussed in various communities, that he would join any discussion about attracting one type of resident versus another in parts of the City and it would be lively, but he did not think there had been an accusation made about this firm. Council Members Garcia , Alvarado and Berry absent.

Council Member Wiseman stated that she supported her colleague Council Member Johnson's effort to protect and represent his district, that her colleague had some serious concerns and it was not a matter of seeking to disbar some one, that it was an issue of the City of Houston participating financially in a project and they were talking about a project that would otherwise not be built and when the developments were going in and supposedly it was going to increase their tax base, their revenues, they were here to tell them they were not going to see the increase that was being suggested because of the decrease that was occurring to other homes; that the residents that she was visiting yesterday had been in the City for many years, a very established neighborhood, and yet their property values were declining because suddenly they were taking in water and having sewage backup and for the City to play a hand in that she thought was an injustice to the taxpayers who had been paying their taxes for so many years, so it did warrant the intervention and closer inspection, and District Council Members were looking out for the districts, and she certainly respected any District Council Member who had a concern about their own district, but when a battle ensues with the District Council Member who was clearly looking out for his or her own district she could not begin to comprehend that. Council Members Garcia, Alvarado and Berry absent.

Council Member Johnson stated that he wanted to be clear that he was not here to go against the development and was not saying that the developer was going to be putting in a shabby project, that he was saying that he had concerns from several of his residents who had mentioned about flooding in their particular area and if they had not addressed flooding that was right next door to this particular development then certainly they had some serious concerns for the development in itself in which the area it would go in, that the developer had said he was unaware of any flooding, but he simply wanted more clarity and he had spoken with Mr. Gary Norman and he had been very helpful during this process in giving him the information that he needed to take back to the constituents about the questioned lift station of which the residents

had said overflowed sewage into their communities when it was a heavy rain, that he understood that lift station would not operate in this particular development but no one had given him any answers as to what or how this particular development had its runoff and would avoid some of the same problems that the existing community was having, that the existing community was not an older community, it was maybe a 10 to 15 year old community, that he wanted to make sure they did their due diligence to insure that the product would be one that would be successful and would not be an impediment to other surrounding communities. Council Members Garcia, Alvarado and Berry absent.

Council Member Brown stated that one of the issues were that these subdivisions, which represented some 250 small starter home lots had none of the basic elements of a neighborhoods; that in terms of standards they did not meet crime prevention through environmental design SEPTED standards, which he understood was a policy of the City of Houston, that if they showed it to the Fire Chief or Police Chief, and he had done it, and asked if they would like to provide public safety services to the neighborhood with that kind of layout and they said absolutely not, they did not want to go down those kind of streets, that these neighborhoods were very difficult to provide municipal services and police and fire protection; that he would say they were in a down market on these starter homes and it would continue for quite some time so he wondered why they were putting money into a project of dubious quality that had a very low likelihood of success within the next five years, that there was plenty of housing available in the City of Houston in the affordable price range, so it was not like they were depriving anyone of a quality house in the affordable range, that there was a surplus of those homes, but here they were going to have 250 more of them. Council Members Garcia, Alvarado and Berry absent.

Mayor White asked Council Member Brown if there was a particular individual at HPD, who looked at the street plat, who indicated that the layout for calls for service would be poor, who he could pursue that with, and Council Member Brown stated that Mayor White could talk to the person who heads the SEPTED Unit in the Police Department, and Mayor White asked if that person had reviewed this item, and Council Member Brown stated not these particular ones but he had shown others and they were all similar. Council Members Garcia and Berry absent.

After further discussion by Council Members a vote was called on Council Member Johnson's motion to postpone Item No. 30 for two weeks. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Edwards, Garcia, Noriega and Berry absent. MOTION 2007-0866 ADOPTED.

31. ORDINANCE appropriating \$420,496.01 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water and Sanitary Sewer Lines for Section One of South Meadow Place Subdivision, WBS S-000800-00M5-4/R-000800-00M5-4 - **DISTRICT E - WISEMAN** – **(This was Item 62 on Agenda of August 1, 2007, POSTPONED BY MOTION #2007-816)** – was presented. Council Members Edwards, Garcia, Noriega and Berry absent.

Council Member Wiseman moved to postpone Item No. 31 for two weeks, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Garcia, Noriega and Berry absent. MOTION 2007-867 ADOPTED.

32. ORDINANCE appropriating \$101,975.60 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **FAFB, LLC** for Construction of Water and Sewer Lines to serve the Red Robin Square Subdivision, WBS S-000800-0104-4 and R-000800-0104-4

- **DISTRICT E – WISEMAN** – (**This was Item 63 on Agenda of August 1, 2007, POSTPONED BY MOTION #2007-816**) – was presented. Council Members Garcia, Noriega and Berry absent.

Council Member Wiseman moved to postpone Item No. 31 for two weeks, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Garcia, Noriega and Berry absent. MOTION 2007-868 ADOPTED.

33. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **MAXIMUS, INC** for Software Maintenance and Support Services Agreement for the Information Technology Department - \$80,000.00 - Central Service Revolving Fund – (**This was Item 14 on Agenda of August 8, 2007, TAGGED BY COUNCIL MEMBER KHAN**) – was presented. Council Members Garcia, Noriega and Berry absent.

After discussion by Council Members, a vote was called on Item No. 33. Council Members Wiseman and Holm voting no, balance voting aye. Council Member Green out of the city on city business. Council Members Garcia and Berry absent. MOTION 2007-0869 ADOPTED.

36. ORDINANCE authorizing and approving Purchase Agreement between the City of Houston, Seller, and **FOUNDATION FOR THE RETARDED, a Texas Non-Profit Corporation, Purchaser**, for the sale of an aggregate of 6.7212 acres of land, more or less, and a 30 foot wide easement for Ingress and Egress, at 3550 West Dallas Street, Houston, Texas, said land and easement being out of the John Austin Survey, A-1, Harris County, Texas, in consideration of the development of said property by Purchaser for the City and the payment of \$6,000,000.00 by purchaser to the City on the terms set forth in the agreement - **DISTRICT D – EDWARDS** – (**This was Item 27 on Agenda of August 8, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and GARCIA**) – was presented. Council Members Garcia and Berry absent.

After discussion by Council Members, a vote was called on Item No. 36. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2007-0936 ADOPTED.

38. ORDINANCE approving and authorizing agreement between the City of Houston, **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** and **DOMINION COMMUNITY DEVELOPMENT CORPORATION** to provide a second lien construction loan of Federal “HOME” Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT B – JOHNSON** – (**This was Item 48 on Agenda of August 8, 2007, TAGGED BY COUNCIL MEMBER JOHNSON**) - was presented. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2007-0937 ADOPTED.

39. ORDINANCE appropriating \$3,823,840.00 out of Equipment Acquisition Consolidated Fund and authorizing the issuance of purchase orders to **DYONYX, L.P.** and **TEXAS PROCUREMENT CENTER, L.L.C.**, for Phase Three of the City’s Network Implementation Project - \$3,230,000.00 Enterprise Funds – (**This was Item 49 on Agenda of August 8, 2007, TAGGED BY COUNCIL MEMBERS KHAN and HOLM**) - was presented. Council Member Holm voting no, balance voting aye. Council Member Green out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2007-0938 ADOPTED.

40. ORDINANCE appropriating \$430,448.45 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **FLEMING LOOP PARTNERS, LTD.** for Construction of Water and Sewer Lines to serve the Fleming Loop Subdivision, WBS S-000802-0051-4 & R-000802-0051-4 - **DISTRICT A - LAWRENCE** – **(This was Item 57 on Agenda of August 8, 2007, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. Council Members Garcia and Berry absent.

After discussion by Council Members a vote was called on Item No. 40. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2007-0939 ADOPTED.

42. ORDINANCE granting to **AGGREGATE HAULERS, L.P., a Texas Limited Partnership**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** – **(This was Item 60 on Agenda of August 8, 2007, TAGGED BY COUNCIL MEMBER BROWN)** – was presented. Council Members Garcia and Berry absent.

Council Member Brown discussed the opportunity for recycling and audit of the franchises and Mayor White stated that they would get F&A to report concerning the audit plan, frequency and the future, that when he got to office they had not had an audit of an electrical, gas or telecom utility for years, that there ought to be periodic audit plans and there should be spot audits, just like they would in an internal audit division, that he would really like Ms. Johnson, Ms. Paez and Mr. Webb to help him explain what their plan was. Council Members Wiseman, Garcia and Berry absent.

A vote was called on Item No. 42. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Wiseman, Garcia and Berry absent. ORDINANCE 2007-0940 PASSED FIRST READING IN FULL.

43. ORDINANCE granting to **VEOLIA ES TECHNICAL SOLUTIONS, LLC, a Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** – **(This was Item 61 on Agenda of August 8, 2007, TAGGED BY COUNCIL MEMBER BROWN)** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Wiseman, Garcia and Berry absent. ORDINANCE 2007-0941 PASSED FIRST READING IN FULL.

Council Member Clutterbuck stated that she would release her tag on Item No. 10. Council Members Wiseman, Garcia and Berry absent.

10. **APPLE GLASS COMPANY** for Automotive Glass for Various Departments - \$552,246.88 General Fund – was again before Council, previously moved by Council Member Khan, seconded by Council Member Alvarado, and was tagged by Council Member Johnson. Council Members Lawrence, Wiseman, Garcia and Berry absent.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Johnson stated that in regards to Item No. 30, Obra Homes, he had a very lengthy and productive conversation with the developer and thought they were moving in the right direction and thought it was a very good developer and thought they wanted to do what was right by the community and what was right by the City of Houston, that he thought they were moving in the right direction. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia and Berry absent. (No Quorum Present)

Council Member Johnson stated that Mr. Alexander was present at the public session yesterday and talked about the weeded lots that were in his community, that Mr. Alexander was an 87 year old man and said that for many years he had kept his lot and the lot next to him cut; that he had met with procurement and they were working on getting the lot cutting contract signed because right now it was not signed and therefore not a lot of cutting was going on, based on what he had been told, that if there was anything different he would certainly like to know, that he was tired of cutting lots and not getting any benefit from it, that they needed to find some State legislation that would give them the authority and power to start making cutting weeded lots and demolitions full closeable liens, they were allowing landowners to get away with murder and they had taken full advantage of the City and their taxpayer dollars and there was no retribution, they had to hold the landowners accountable; that right now they were dealing with property in the DeSoto area in which landowners did not live in the City of Houston, they lived in California; that they had to do something about slumlords or absentee landlords that do not take care of their property, they must hold them accountable. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Noriega and Berry absent. (No Quorum Present)

Council Member Johnson stated that over the weekend they had a summer swing at Sylvester Turner Park and had over 2,000 people in the park and gave out about 1,000 backpacks; that he wanted to thank everyone who was involved. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia and Berry absent. (No Quorum Present)

Council Member Lovell stated that former Council Member Mancuso passed away, that he had served the City for a long time, and she wanted to mention his passing and their sympathies for his family. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia and Berry absent. (No Quorum Present)

Council Member Lovell stated that it was in the newspaper that the Controller had released the audit on the merit pay and overtime, that there were no procedures in place for people to follow; that she knew as a first time Council Member it was very unclear, that she thought it was something that they needed to fix, that if they did want to do raise what was the process and procedure by which they would do them and did they cap the amount of merit pay that some one could receive in time of catastrophe or disaster, that if something happened in the City again and people had to go into overtime for a very long time, how do they compensate people, it was unclear, so she would like to ask if there was a committee or taskforce or someway they could put those procedures into place to make it very clear so that people could follow them and yet compensate their employees in a way that they would not get into trouble or even the perception that they were doing something wrong. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia and Berry absent. (No Quorum Present)

Council Member Lovell stated that there were still neighborhoods in the City that they could go to and think they were in the country, that they had no idea they were five minutes away from downtown and how that was changing and how the neighbors who found that little piece of property in the City and had enjoyed it and it was changing and they could not stop the change and the change was not bad, but how do they help those neighbors understand what

was going to happen in those neighborhoods, how do they educate those neighbors that those neighborhoods were vulnerable now and had become very valuable pieces of property and very desirable places to live in and how to help those neighbors navigate change was something she thought they needed to look at as the City continued to become very dense and grow; that she wanted to commend Mayor White on the Center. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia and Berry absent. (No Quorum Present)

Council Member Edwards stated that she wanted to congratulate OBAP, the Organization of Black Airline Pilots for choosing Houston to be the home of their national convention this year; that they needed to know they were in a city that had a strong aviation background as far as the African American Community was concerned and they appreciated their being in Houston for the conference. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Berry absent. (No Quorum Present)

Council Member Edwards stated that she would like to have somebody look at the possibility of having a part of Planning or Public Works or someplace where it was based on community revitalization so that it was not necessarily left up to a Council Member to have a public hearing on the opening of a new street or what have you, but as a part of a process and that would be done, including the District Council Members and so forth, but that would be a part of administration that would have a place at looking at preservation; that she would advocate that there were places in District I, she was sure Council Member Alvarado was aware of what they called "The Bottoms" that was still representative of a way of life that they might want to make sure they held on to, not in an adversarial type of way but because it was the right thing to do, they might now want to hold on to the whole part because it was being bought up but she thought a block where they could take some of those row houses and refurbish them and then rent them out to single mothers, on the same type of model that Project Row Houses had done over there, that there were some cities that had what they called community development agencies or departments and she would like Mayor White to look at maybe it was something that they could look at that would provide continuity between civic organizations, someone who knew the institutional history of what had been going on in the community and could help work with whoever was the District Council Member at that time. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Berry absent. (No Quorum Present)

Council Member Edwards stated that they had passed out some flyers and she wanted to thank Metro for the flyers that were in all of the Metro buses regarding Unity Day, that it was kind of a celebration of Unity Week, which started on Monday, that on Monday they visited community centers that characterized some of the cultures and ethnic groups of Africa, that on Tuesday the Chinese Community was on the forefront, they visited community centers, that today, Wednesday, was the Jewish Community Centers, that would be the highlight of their exchange day, that on Thursday would be the Arabic Communities, and on Friday would be the Latino/Hispanic Communities, that what they were trying to do, with the help from the Protocol Office and the Sister Cities Program and Council Members Garcia, Alvarado and Johnson, was to work to bring together their different ethnic communities, cultural communities, together on a proactive basis through celebration but also through program, that in working with the children they were looking at having inner city exchange between families and communities, to try to get their young people looking at the fact that they all lived in the City together and that they all fundamentally wanted the same things, a safe place to grow up and get educated, have health and education, that she was excited about the coalition that had come together, they had meetings with people from the various communities, that she wanted to thank Mayor White for his leadership and in working with them, that on Saturday they would be blessed with the Unity Day celebration starting at 11:00 a.m., that she wanted to thank all of their sponsors. Council

Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Berry absent. (No Quorum Present)

Mayor White stated that for all watching, and he would try to cover it with Ms. Carol Lewis and Ms. Marlene Gaffrick, he thought that Council Member Edwards had an excellent point that they ought to have appropriately trained and qualified career employees in the Planning Department, who were familiar with the wide variety of policies, laws, tools and processes and procedures for development activities and were intimately familiar with the super neighborhoods and development community that was active within each of those districts, that it would not be a group of people who would be policy makers or where the answer was freelancing concerning their own thoughts of what people ought to want if it were just them, that he heard a lot of that, that they would be implementing the City policies, that the challenge that they were going to have, and was why he was articulating before an open mike because there were Council Members still sitting at the Council table that were going to be at Council longer than he was and there were career employees, their challenge was going to be recruiting and training City employees who had the right skills, they would need to know some basics of engineering, not a graduate, but at least eight hours of engineering, that it did not require complete knowledge, they needed to know a bit about Chapter 42 and the laws and regulations, that maybe that was a 15 hour segment on which they were tested, and smart people could master it if citizens were expected to, that then they would need some interpersonal skills, they would need some training conflict resolution, that they ought to come up and recruit people with a curriculum, that it may be a plus if they had some kind of design planning background, but then they were going to have to make sure that they let them know that it was not their preference, it was the public policies that they were discharged, that if they had about six or seven of those people institutionalized within the Planning Department, he thought that they would make a lot of progress on these issues, because it could not depend on who happened to be the preference of the Mayor at the time or the preference of an individual City Council Member or in fact the staff of the City Council Member and have an predictability at all. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Brown, Lovell, Noriega and Berry absent. (No Quorum Present)

Council Member Alvarado stated that she wanted to congratulate Council Member Edwards for her work on Unity Day. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia and Berry absent. (No Quorum Present)

Council Member Alvarado stated that she wanted to recognize the Department of Public Works who went out with her to a neighborhood in Magnolia Park on Baldinger Street to deal with some ditch cleaning issues and also laying the groundwork for a more long term street reconstruction project out in that community that they had been long waiting for; that she wanted to thank the Fire Department, a few weeks ago they put in place their initiative to keep some of their neighborhoods, particularly those in the southeast part of Houston, informed about fire safety, that in the last 18 fire fatalities in the City they had occurred in the Golfcrest Reveille area in her district, so the effort by HFD was especially appreciated, they went out door to door and walked and talked, targeting about 450 homes and installing about 150 fire detectors, so she wanted to thank them. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia and Berry absent. (No Quorum Present)

Council Member Khan stated that on Saturday, August 18, 2007, at 10:00 a.m., Mayor White would be there to celebrate the acquisition of a new park in Alief, currently known as Hackberry Golf Course, located at 7777 Dairy Ashford, that it would be an opportunity to thank everyone involved, that on that day the park would be open for everybody to take a stroll and then it would be closed for renovations. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia and Berry absent. (No Quorum Present)

Council Member Khan stated that today was the 60<sup>th</sup> Independence Day of India and he wanted to congratulate all the Indian Americans in Houston, that they had been a wonderful community, that there would be a celebration called IFest on Saturday, August 18, 2007 at the George R. Brown Convention Center. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia and Berry absent.

Council Member Brown stated that he wanted to begin by holding up and displaying a Soils Map, that he knew they had discussed the issue of the different kinds of soils that they had in Houston and how that might help the flooding situation, that if they looked carefully at the map they would see that roughly one third of the City actually had permeable soils where they could develop some more advanced standards and criteria for getting the water in the ground rather than into their bayous, that he thought they had a great opportunity there. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell and Berry absent. (No Quorum Present)

Council Member Brown stated that he wanted to make reference to the renaming of Wiprecht Park, which he and Council Member Johnson initiated, that it was actually the family homestead of Congresswoman Barbara Jordan, that it was where she grew up, so working with Mr. Joe Turner they renamed it officially today, the Barbara Jordan Family Park, that there would be some improvements to the park and a plaque where the folks in the neighborhoods could learn about this civic icon, Barbara Jordan, in the history of the City, State of Texas and the Nation as a whole. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell and Berry absent. (No Quorum Present)

Council Member Brown stated that sidewalks was something that all of their neighborhoods were concerned about, and his feeling was that it was an opportunity for the City to get into the sidewalk business, that there were vast areas in the City that lacked this essential element of a functional neighborhood, that he thought that one of the difficulties they were having right now was that they required individual developers to put a sidewalk in front of a house that they may be building or renovating and what that resulted in was a checkerboard discontinuous sidewalks, that he thought that as a positive suggestion was that they ought to allow voluntarily a builder to contribute to a City sidewalk fund so that the fund could build up and then the City could come back in and do an entire block face at a time, that it was a good idea. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell and Berry absent. (No Quorum Present)

Mayor White stated that to Mr. Mitchel, that absolutely and it probably could take one sentence and just some rough cost estimates with an indexed amount, instead of making it adjusted every year or five years by the CPI that had been for five years, get a cost estimate, they should do it, that Council Member Brown was right.

Council Member Brown stated that he would also add that they needed to map and classify their sidewalks in terms of their condition and make the distinction between sidewalks which were part of the street right-of-way, they were in the public right-of-way, that had curb and gutter, versus streets that had open ditches, because they had a totally different kind of design challenge, and as a last part of his suggestion, and he had talked to Mr. Dadoush, he thought the City of Houston could have their own sidewalk crew, it was a very simple kind of construction and they would save the taxpayers and the homeowners a lot of money, because the way it was now they had to hire an engineer to do drawings and specifications for a sidewalk, and Mayor White stated that was ridiculous, and Council Member Brown stated that was a real waste of money; that he and Mayor White could go out and get a pickup truck and go to Home Depot and they could start building sidewalks, that it was not exactly that difficult, that

he thought the neighbors would feel really positive about it as they did when Mayor Lanier was implemented his Neighborhoods To Standards Program, that Mayor White should let him know what he needed to do. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell and Berry absent. (No Quorum Present)

Council Member Brown stated that sustainable development was a topic that they had been talking about in different ways and he would define sustainable development, in terms of the role of the City, as giving priority to the most efficient, in terms of energy efficiency and transportation efficiency and efficiency of municipal services, the most efficient pattern of growth, particularly recognizing where their basic infrastructure was in place, or could be easily extended and where there were few environmental constraints, that it was a new term for all of them, sustainable development, and he thought for all of them to get on the same page, they needed open discussion about what was sustainable development in the City of Houston, they needed the vocabulary and the common knowledge that would allow them to build a consensus around that issue. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell and Berry absent. (No Quorum Present)

Council Member Brown stated that his next topic was street numbers that were readable from the street, that he did not know where they were on it but there was actually a public safety issue, that if the Police Department gets a call from a certain address and they were driving and could not read the address numbers from the street, or maybe it was a call for the Fire Department, and the response time was delayed simply because there were no readable street numbers, that one of the groups that were really concerned about it were the postmen, where they had to deliver the mail and there was no address number that they could find, that he would like to see the City require readable street numbers, that when they got a business occupancy permit that they had to put an address plate that was readable from the street. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell and Berry absent. (No Quorum Present)

Council Member Clutterbuck stated that she wanted to thank the good citizens of Braeswood Place, they were undergoing the largest neighborhood street reconstruction project in the history of the City, thanks to their petitioning effort, but it also happened to coincide with desperately needed flood control repairs, as a result of Tropical Storm Allison, when about a quarter of that neighborhood lost all of their houses in that flood, that they were in the process of going through awful to get to wonderful, that she wanted to thank the contractors, Texas Sterling and Conrad Construction, who were doing the street reconstruction and making sure that every flower pot turned over or driveway that needed to be reestablished quickly for their disabled citizens, that all of those items were taken care of. Mayor White and Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown and Berry absent. Council Member Khan presiding. (No Quorum Present)

Council Member Clutterbuck stated that how they fund trash pickup was what they were going to be looking at as a body, that currently they had both trash service provided by the City owned trucks and then they also had sponsorships, that many of their neighborhoods had sponsorships agreements with the City where they contracted out to another service provider for a variety of reasons, that in the neighborhood of South Hampton, for example, the houses did not have front door access so they preferred to have their trash picked up in the alleys and had sponsorship to provide that because the City trucks were too big to make it down the alleys, that while the cost for increased trash service had continued to rise and their costs for trash service had continued to rise the amount that they reimbursed the households for the sponsorships had not gone up, that it was still at the \$6 per month per household reimbursement and she would like to suggest that they consider that sponsorship amount to the citizens, that she knew they were going to have to find a way to fund that but with the acknowledgement that trash service

was a basic City function, currently funded by the General Fund, by their ad valorem taxpayers, that while their tax rate had gone down, in many of these neighborhoods that had the sponsorships their effective tax had gone up, they were paying more in taxes because the benefit from their property values were going up and now they were being faced with increased supplemental trash charges because their trash providers were increasing their fees and certainly they had seen as a whole the City Solid Waste Department budget needed to be expanded because of increased gas prices and other things, and they as a City were benefiting from having these sponsorships, that they as a City were benefiting from having the sponsorships, they did not have to pay the City trucks to go down those streets or the alleys, that a possible arrangement might be to index the reimbursement on those sponsorships to the increases in funding that they gave to the Solid Waste Department for general pickup as well, that she knew it would be a part of the discussion that they would have as they discussed all of their Solid Waste changes. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado and Berry absent. (No Quorum Present)

Council Member Noriega stated that she wanted to congratulate the Houston Fire Department and the EMS Department who along with Health and Human Services had created a pilot program called "Care Houston", that one of the things that they did was look at the volume of calls that they had that were EMS calls and realized that there was a small group of addresses getting a very large part of the calls and as a result of the pilot they had found that putting a case worker into the situation, doing some follow up with folks who were often elderly or had chronic health issues reduced their request for EMS services by 68%, which was a very expensive way to check on their neighbors, that they would implement the program throughout the City by the end of the month, that she thought it improved the quality of life for their citizens and improved response time because they did not have ambulances running around checking on seniors that may need another alternative, but it also brought up an article that was in the New York Times on August 14, 2007 talking about grass root efforts to grow old at home, and they called it "Aging in Place", that it talked about the fact that a majority of Americans, nine out of ten over the age of 60 wanted to live in their own homes as long as they could, and what they were talking about in the article and what seemed to be an issue across the Country was an effort for folks to band together in social networks in a way that they had not done in the past, making their neighborhoods more comfortable places to grow old, that she thought it was something they ought to look at, that she thought promoting programs that addressed the needs of an aging population and allowing them to age in place was very important and thought it was related to what the Fire Department did. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado and Berry absent. (No Quorum Present)

Council Member Noriega stated that there were two issues that she was a part of a discussion this week, one was about the fire regulations in buildings that had atriums and the other was the Oak Farm Dairy agreement, that both of these became a concern for her because she felt there were health or safety issues and she wanted to say that in her case public safety was her top priority, and that again was what the NORC was about and she would like for them as a city to really look at the priority being that, when they take five or seven years to implement something that they knew would help a dangerous situation she did not think it was good enough and thought they could do better than that, so she would encourage everyone at the Council table to look at things from the point of view of the folks that lived in those homes or worked in those buildings and lived in the neighborhoods where there were issues, that she thought everyone deserved the same clean air and the same right to be safe. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia and Berry absent.

Council Member Edwards stated that the MLK statue that they had been working with the Hermann Park Conservancy to get installed at Hermann Park, the artist Ed Dwight would be in Houston from 2:00 p.m. to 4:00 p.m. at the conservancy building with a clay model of the statute

so if anyone was interested they encouraged them to go by and look at it and critique it, that she wanted to thank all of the donors, especially their major donors for making it a reality in less than a year. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia and Berry absent.

There being no further business before Council, the City Council adjourned at 11:59 a.m. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary