

City Council Chamber, City Hall, Wednesday, November 14, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 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, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Jo Wiginton, Division Chief, Contract Division, Legal Department; Ms. Debra Dillard, Citizens Assistance Office; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Addie Wiseman absent on personal business.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:18 a.m. Council Member Alvarado recognized Mayor White and Council Member Garcia for a presentation. Council Member Berry absent.

Mayor White and Council Member Garcia recognized the Houston Dynamo and presented a resolution to Mr. Oliver Luck and the Houston Dynamo proclaiming the week "Houston Dynamo Dream, Scream and Believe Week" in Houston, Texas. Council Member Berry absent.

Mr. Luck stated that it had been an honor for the team to represent such great fans, that they finished the past season with three straight games, over 30,000 folks, at Robertson Stadium, that their fan base represented the City of Houston, they had fans from all the various ethnicities', folks coming together in a very joyous celebration to support what had become a very good team, that they would like nothing more than to bring back the championship cup to Houston. Council Member Berry absent.

Mayor White and Members of Council congratulated Mr. Luck and the Houston Dynamos and wished them good luck in the coming championship game. Council Member Berry absent.

At 9:29 a.m. Mayor White called the meeting to order and called on Council Member Alvarado for the prayer and pledge of allegiance. Council Member Berry absent.

Mayor White requested the City Secretary to call the roll. Council Member Wiseman absent on personal business. Council Member Berry 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 on personal business. Council Member Berry absent. MOTION ADOPTED.

At 9:32 Mayor White stated that they would move to the public hearings and called on Ms. Judy Johnson for the first public hearing. Council Member Berry absent.

HEARINGS - 9:00A.M.

1. **PUBLIC HEARING** to consider whether a new property tax exemption applied to certain goods-in-transit will be allowed to take effect on January 1, 2008 – was called. Council Member Berry absent.

Ms. Johnson stated that under the new State law that was passed in the last Legislative session, that the property tax exemption for all goods in transit would go into effect on January 1, 2008 unless the City Council would conduct a public hearing, such as this one, and take action to prevent it, so the purpose today was to hear from the public, anyone who wished to

speaking, on whether the exemption should or should not be granted. Council Members Holm and Berry absent.

Mayor White stated that he thought everybody had been briefed concerning the substantial loss of revenues and services that would occur if they did it and asked the City Secretary if anyone had signed up. Council Members Holm and Berry absent.

The City Secretary stated that no one had reserved time to speak and asked if there was anyone in the audience who wished to speak on the hearing and no one responded. Council Members Holm and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Holm and Berry absent. MOTION 2007-1123 ADOPTED.

2. **PUBLIC HEARING** on proposals for the City of Houston to enter into separate strategic partnership agreements with the below named districts in Harris County and Fort Bend County, and on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts and certain territory in the vicinity of certain Districts – was called. Council Members Holm and Berry absent.
 - a. Amending the existing strategic partnership agreement with **Charterwood Municipal Utility District;**
 - b. Amending the existing strategic partnership agreement with **Cypress Hill Municipal Utility District;**
 - c. Amending the existing strategic partnership agreement with **Harris County Municipal Utility District No. 120;**
 - d. Amending the existing strategic partnership agreement with **Fort Bend County Municipal Utility District No. 50;**
 - e. **Harris County Municipal Utility District No. 400;**
 - f. **Harris County Municipal Utility District No. 196;**
 - g. **Northwest Harris County Municipal Utility District No. 5;**
 - h. **Hunters Glen Municipal Utility District;**
 - i. **Harris - Fort Bend Counties Municipal Utility District No. 3;**
 - j. **Lake Forest Utility District;**
 - k. **Harris County Municipal Utility District No. 173;**
 - l. **Fort Bend County Municipal Utility District No. 146;**
 - m. **Harris County Municipal Utility District No. 157;**
 - n. **Ricewood Municipal Utility District;**
 - o. **Harris County Municipal Utility District No. 285;**
 - p. **Northwest Harris County Municipal Utility District No. 10;**
 - q. **Harris County Municipal Utility District No. 391;**
 - r. **Harris County Municipal Utility District No. 167;**
 - s. **Harris County Municipal Utility District No. 406;**
 - t. **Cinco Southwest Municipal Utility District No. 2;**
 - u. **Chelford One Municipal Utility District;**
 - v. **Cinco Southwest Municipal Utility District No. 4; and**
 - w. **Harris County Municipal Utility District No. 152.**

The City Secretary stated that Ms. Sameera Mahendru would make comments on the public hearing. Council Members Holm and Berry absent.

Ms. Mahendru stated that the following text was provided by Planning and Development, that the proposed agreements that were the subject of the hearing fell into four categories; the first included items a and b on the agenda, in each case the City would amend an existing

agreement by adding new territory, that there was territory outside the MUD to be included in the annexation, the area was entirely commercial, there were no residents, the City would levee a 1% sales tax, which it would divide evenly with the MUD, the City would enforce the fireworks ban in the area to be annexed, it would not provide any other public services; the second category included items c and d on the agenda, in each case the City would amend an existing agreement by adding new territory, that there was no additional territory outside the MUD to be included, the area was entirely commercial, there were no residents, the City would levee a 1% sales tax, which it would divide evenly with the MUD, the City would enforce the fireworks ban in the area to be annexed, it would not provide any other public services; that the third category included item numbers e through t on the agenda, that for these 16 districts the City would execute a new Strategic Partnership Agreement, that there was territory outside the MUD to be included in the annexation, the area was entirely commercial, there were no residents, the City would levee a 1% sales tax, which it would divide evenly with the MUD, the City would enforce the fireworks ban in the area to be annexed, it would not provide any other public services; that the final category included numbers u through w on the agenda, in each case the City would execute a new Strategic Partnership Agreement, there was no territory outside the MUD to be included in the annexation, the area was entirely commercial, there were no residents, the City would levee a 1% sales tax, which it would divide evenly with the MUD, the City would enforce the fireworks ban in the area to be annexed, it would not provide any other public services. Council Members Holm, Noriega and Berry absent.

Mayor White requested the City Secretary to call the list of public speakers. Council Members Holm, Noriega and Berry absent.

Mr. Ray Soffers, 415 Woodland, Channelview, Texas 77530 (713-253-7285) appeared and stated that the City was putting his firework business out of business, that he had worked over 10 years to do his business in unincorporated parts of Harris County where there had been no ban, but the City had now come along and thrown the fireworks ban in the strategic partnerships, that all he asked was for each Council Member to put themselves in his shoes, how would they like it if they worked for over 10 years for a business that their family counted on and then the City comes along and provides no service just provides one City ordinance for the MUD districts to put him and other business owners in the County out of business, that he did not think it was fair for the City to step in and do that, could they not provide a street light or any other service or anything like that other than putting him out of business, that he was asking each City Council Member to be in his situation and how would they like to work their whole life at something and then have it taken away from them like it was being taken away from all of them in the firework industry. Council Members Holm, Garcia, Noriega, Green and Berry absent.

Council Member Khan asked if Mr. Soffes had a mobile stand, and Mr. Soffes stated that he had 36 different mobile stands that he placed in unincorporated Harris County, that he had paid his leases and bought permits from the Harris County Permitting Division to set a fireworks stand in one of the strategic partnerships, that once he paid his lease and permit and bought his inventory the City came along and shut him down, that the stands made good money and he was losing \$65,000 to \$70,000 a year off of two little stands that were shut down, that included his lease, permit and inventory, that he was just a small business owner in Harris County trying to make a living, and Council Member Khan asked if the mobile units could be relocated very easily, and Mr. Soffes stated that most of the commercial areas were set up for sales and were set around neighborhoods and the neighborhoods had associations and they would not let the mobile units set up in the neighborhoods, that if it was a safety concern with the City as far as selling fireworks would they not be restricting them from the neighborhoods, they were not restricting anything from the neighborhoods they were just restricting them from selling the fireworks, so the consumer could go down the street and buy as many fireworks as they wanted

and go 20 feet outside the banned areas and blow them up as much as they wanted. Council Members Johnson, Holm, Garcia, Noriega, Green and Berry absent.

Mr. Shannon Brinkley, 3010 Grace Lane, Highland, Texas 77562 (832-656-8302) appeared and stated that he was the Chairman for the Harris County Association for the Texas Fireworks Association, that he lived in Harris County and his business was in Harris County, that the bans were closing them down, and as to the mobile unit, just like any business it took several seasons, sometimes two or three years to establish a customer base, that by the limited annexations they were closing them down and they had to regroup and try to move, that a move was not easy for them and it was actually the way he paid for his house note and car note and supported his family and they were closing areas where he could operate on, that this year his company would collect and pay back to the State over \$30,000 in sales tax and they were limiting them, and asked the people that were present with them and in the audience to stand and stated that these were the people that the bans were directly affecting and were just a few that could be present today, that this was how these families made a living and many of them had been doing it for 10 years or more and he did not understand, that he was looking at the agenda and they were amending strategic partnership agreements to ban them and he did not understand why when they already had a contract with these areas, why were they amending them to support a ban, that it was mind boggling for him, that they could not vote, they had no say and he wondered if it was constitutional or legal, that he really did not understand. Council Members Lawrence, Johnson, Holm, Garcia, Green and Berry absent.

Mayor White stated that in significant part the City and County, the elected officials, worked together, they attended often the same civic club meetings that were on both sides of the City line and he was very mindful of the fact that people making comments, as Mr. Brinkley just did, of having redressed to elected representatives of not having somebody make decisions for them where there was no elected representation, that he would say, as a matter of respect and deference, that there had been, what he would consider, good dialog with the County Commissioners in those areas, concerning what they were hearing from the public that they represented and the conditions on which they would like to see the City act, as well as that from both Harris County and the Houston Fire Marshall, that he did know that they differed from the conclusion that was reached by those individuals and he respected that difference but he did want the people around the Council table to know that unless somebody had changed their mind within the last year that there was very open and cooperative dialog between the City and the County Commissioners, who were also local elected officials, who were hearing the same thing from the community groups concerning fireworks. Council Members Lawrence, Johnson, Holm, Garcia, Green and Berry absent.

Ms. Rebecca Surber, Post Office Box 801, Splendor, Texas 77372 (936-672-0077) appeared and stated that she had been in the fireworks industry in the unincorporated area of Harris County for 36 years, that they were just a mom and pop, were small, that the fireworks did not support them 100% that all her family had to work besides the fireworks, they did not make a lot of money from the fireworks but the little bit of money was a lot of money to them, that she understood what the Mayor was saying about the Commissioner saying that nobody was interested in the fireworks and that the public no longer wanted fireworks, that she had not found that to be true, that she thought there was a meeting that none of them knew about and was brought up by a Commissioner that none of them showed up, that they were little and did other jobs, that a lot of mom and pop's, a lot of little individual people were out there working, that it was not a lot of money but a lot of money to them and it affected them, that it was the little things and also the people they affected by the sub industries, it was not just their industry, they affected all the people underneath them, they advertise, hire lawyers and CPA's, they buy paint and lumber, they were part of commerce and contribute, they affect everybody in their little bitty way, that as far as fireworks and the unincorporated Houston area she did not think it would

stop fireworks, she thought it would stop the regulation of fireworks, that she grew up in Chicago and fireworks and had been banned there. Council Members Lawrence, Johnson, Holm and Berry absent.

Mr. Johnny Pate, 5220 Humble Camp Rd., Dickerson, Texas 77539 (832-647-4268) appeared and stated that he had been in the fireworks business since 1967, that it was not only affecting the operators of the fireworks stands, they had a lot of employees, they had a lot of school teachers, bus drivers and college students, that when he first started fireworks were just for kids but now people like those he had just mentioned and semi retired people were running stands for them and they needed the extra money so they could live a little bit better, that they had the land owners which they were affecting, they were making good money on the leases, so it was not just affecting them, it was affecting all these other people, that he wanted to ask one question, did they have to put the fireworks ordinance in, could they have another service that they could give, that the City said the public did not like it, but they would not be in business if the public did not like their fireworks, that they did make good money and the land owners made money and everybody who worked in the stands made good money, that there was a demand for fireworks, in fact the fireworks industry had increased 900% in the last 7 to 8 years, so it was not a dying business, it was a growing business, that he could think of a lot of things that were more dangerous than fireworks, why not pick alcohol, cigarettes or guns, why did they just pick the fireworks out. Council Members Lawrence, Johnson, Holm, Garcia and Berry absent.

Mr. Joe Daughtery, 2565 N. Twin City, Hwy, Nederland, Texas 77627 appeared and stated that he was the President of the State Chapter of the Texas Fireworks Association, they spend a lot of time in Austin as well as the counties and cities during the Legislature trying to fight for what they believed in and what they felt was in the best interest of the cities constituents and citizens of Texas and he thought it was a right that they had people fighting for every day, that he did not think they had to forget when they were at Council and they had the City that had the right to enforce their ordinances, rules and guidelines inside the City and that was a great thing, they needed cities and cities were a great thing, but not everybody wanted to live in a city, there were people that wanted to live outside the city for reasons that they did not have to abide by a lot of the ordinances and rules and the guidelines that they had to inside a city, that he thought they had to remember that and think about the people out there that did have business like the people present who had worked hard to raise money and put their kids through school and get extra money and had to do it, that he thought the limited purpose annexations, when they were put into place, he thought the intent of the Legislature was very clear, he thought that they were wanting to help the MUD districts outside the areas to be able to raise some extra money because they were limited on what type of monies and funds they had to put into their MUD districts, the water and sewer, and to be able to fix some of the things and the restrictions that they had nowadays were implemented by the State and he thought that it was intended and meant that they wanted the City to be able to help them be able to raise extra taxes and extra monies for that, that he did not believe it was the intent of the Legislature to give the City the right to put people out of business, that he did not think they had that intent at all or to target one business, one business being fireworks, that he just did not think that was ever their intent, a business that sells federally approved products licensed by the State. Mayor White and Council Members Lawrence, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved to close the public hearing, seconded by Council Member Green. All voting aye. Nays none. Council Member Wiseman absent on personal business. Mayor White and Council Members Lawrence, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2007-1124 ADOPTED.

Council Member Johnson moved to suspend the rules to hear from State Representative Kevin Bailey out of order, seconded by Council Member Khan. All voting aye. Nays none.

Council Member Wiseman absent on personal business. Mayor White and Council Members Lawrence, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2007-1125 ADOPTED.

Mayor Pro Tem Alvarado stated that they would now move to the public session and asked the City Secretary to call the list of speakers. Mayor White and Council Members Lawrence, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

State Rep. Kevin Bailey, 507 Sam Houston Parkway, Houston, Texas 77060 (281-847-9000) appeared and stated that he was present on a problem they had in his subdivision called Imperial Valley, that it was in Aldine and was a deed restricted community, one of the few deed restricted in his district, that the neighborhood had been very active in enforcing those deed restrictions and it had helped them to maintain a good quality of life and property values in the area, that one portion of the neighborhood was called Reserve B, that it was a part of the deed restrictions, that it was originally Mitchell Land Corporation and Reserve B was an oil company reserve tract which it did state in the deed restrictions that any Mitchell Land Corporation and it's successors or assigns may subdivide Reserve B for residential purposes, but it was part of those restrictions, that on June 16, 2005 the City Planning Commission replatted Reserve B basically creating a subdivision within their subdivision, replatting it into 16 lots, those 16 lots probably could not be built under the existing restrictions because it was a very small parcel of land, maybe they could build 6 to 7 houses on that property, that the Planning Commissions rules stated that a public hearing for a replat was required if there were ever or if there were currently single family restrictions within the original plat boundary, that public hearings would be held before the Planning Commission and that the residents within two hundred feet of the property replat and within the original subdivision boundaries would be mailed letters of notification and a sign would be posted announcing the date of the meeting, that notification and public hearing never took place and in fact he had a letter from Mr. Jonathan Michaels, Assistant City Attorney, who stated that the property was replatted from Reserve B in Imperial Valley on June 16, 2005 and there was not a public hearing, they never held a public hearing, they ignored their own rules and they went ahead and replatted it basically creating a subdivision within a subdivision, that the question would be why would they do that, why would the Planning Commission do that, that the Planning Commission did not normally disregard deed restrictions and he thought the answer was in the application from the developer, that he stated in his application that the owner's hereby certified that the replat did not attempt to alter, amend or remove any covenants or restrictions and further certified that no portion of the preceding plat was limited by deed restrictions, that he lied and the commission accepted his lie and went ahead and replatted the property, that he would ask the Council to look into it and consider pulling the permits and stopping the construction that had already begun until the issue could be sorted out. Council Member Berry absent.

Upon discussion by Council Members, Council Member Johnson stated that he had found out, and would like for it to be on the record, that even though it had been replatted the deed restrictions of the existing community took precedent over any new restrictions that were there for the new development that was coming in, that they would get to the bottom of it and appreciated Representative Bailey bringing it to their attention. Council Member Berry absent.

After further discussion, Council Member Lawrence asked if in Imperial Valley's deed restrictions did it say no replatting, and Representative Bailey stated that he did not think it said no replatting and thought it said that the Reserve B could only be used for residential houses in conformance with existing restrictions, and Council Member Lawrence stated that she had found that unless deed restrictions said no replatting, and she always told her neighborhoods that if they made any changes to their deed restrictions to talk to their attorney about putting in "no replatting", that many of the deed restrictions back in the 1940's and 1950's and even

1960's did not put that in there and that was where they had various problems; that she was not saying that was the answer but it may be why the Planning Commission approved it, that when she first came into office she had met with the Director of the Planning and Public Works and all of the problems could be resolved if they had a strong statement at the end, that Legal had made it stronger but yet in four years that they had been in office they had not taken anybody to court who had lied under oath on a government document, which was fraud, that if they would take one person to court that came in and said there were no deed restrictions and checked no when they knew there was, then the word would get out. Council Members Lovell and Berry absent.

Mayor White stated that he and Mr. Michel had numerous conversations about what they could do to ban people within a certain period of time from being able to file things if they made a false statement to the City and would ask for a report from the Legal Department on that. Council Members Lovell and Berry absent.

After further discussion by Council Members, Council Member Clutterbuck moved to suspend the rules to hear from Ms. Debra McAbee, Legal Department. Council Members Garcia, Alvarado, Brown, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White requested Ms. McAbee to comment on the effect of replatts on deed restrictions, that in this case, he understood, the deed restrictions said that it could only be used for single family dwellings and that it was platted as an unrestricted reserve and was replatted, he thought, as a residential subdivision and then they were saying that somehow something having to do with the lot size or the configuration on the lot violated or they planned to violate a deed restriction, was that deed restriction superseded in some way. Council Members Garcia, Alvarado, Brown, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Ms. McAbee stated that in response the original plat of the section of Imperial Valley had an unrestricted Reserve B that showed on the face of the plat, that in the deed restrictions that were applicable to Section 5 there was language that said that Reserve B could be used as an oil company reserve or it could be used for residential purposes, that residential purposes, for purposes of the deed restrictions meant single family, one dwelling unit, per lot, that those deed restrictions continued to run with the land even if it was replatted so that the subsequent replat of Reserve B into a subdivision with a different name, although it was still a replat of Section 5, those original deed restrictions would still apply to the land that was included in the replatted subdivision limiting the lots to single family purposes and imposing what other limitations were in the deed restrictions such as minimum side setbacks, minimum rear yard, all of those restrictions would continue to apply. Council Members Alvarado, Brown, Lovell, Noriega and Berry absent.

Upon further discussion and questions by Council Members, Ms. McAbee stated that the neighborhood should have had posting of a hearing, that they believed that the proper procedure would have to have given notification in writing and by newspaper publication prior to the public hearing, that there was a public hearing but there was no notification and that was based on the information that was submitted by the applicant at the time; that there was a public hearing, the item was posted on the agenda and the issue was whether there was specific notification to the property owners within 200 feet and that was the procedural issue, the Planning Department had changed procedures and had pursued opportunities on both it's website, so that neighborhoods could become informed of public hearings that did not require notification so that they were aware of replatts that were occurring within their community, and they along with Planning continued to look at ways to identify those replatts that did require the statutory notification. Council Members Clutterbuck, Alvarado, Lovell, Noriega and Berry absent.

Upon further discussion and questions by Council Members, Ms. McAbee stated that there was a public hearing that was posted on the Planning Commission agenda, that there were two categories of replatts, there were replatts that were considered on the consent agenda as consent items and there were replatts with notification where the statute required notification to be given, that notice for the public hearing on the consent item agenda was given by publication on the Planning Commission agenda, that she believed that the Planning Department provided some posting on it's website, that she did not want to make any representations about what the Planning Department did, but the notification was one that was required by statute, it was separate from the notification that they would give of the action of the Planning Commission, which was on the Planning Commission agenda, which was posted 72 hours in advance of the Planning Commission meeting; that there was no newspaper publication and there were no letters sent out to the property owners in Imperial Valley Section 5 that were within 200 feet of the unrestricted reserve, which was what the statute would have required. Council Members Alvarado, Lovell, Noriega and Berry absent.

Council Member Johnson asked Representative Bailey what was it that the community wanted, did they want to stop the development or they wanted to make sure the development was to the standard that they already had, and Representative Bailey stated that maintaining the existing standards and making sure that the developer followed those standards would be the primary goal as far as he could tell. Mayor White and Council Members Edwards, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding.

Council Member Johnson asked Ms. McAbee if they knew what the subdivision would look like, and what gave them the indications that the developer was going to follow the deed restrictions laid out by the already existing community, and Ms. McAbee stated that they would have to apply for their building permits at which time the plan could be reviewed to insure that it did not violate side setbacks that were applicable, that the building did not violate the rear setback that was applicable, that the garage complied with the requirements of the deed restrictions, that was a separate analysis that was done at the building permit stage that was really premature to do at the platting stage because it was specific to the structure, so it did not violate the deed restrictions in the sense that they were creating single family lots, which was what they did, so they were not providing for multi family residential and they otherwise met the requirements of Chapter 42, that at the replatting stage the replat would go forward with the understanding that all of those things that were specific to a building permit would be addressed at the building permit stage and deed restriction compliance could be assured with respect to each individual structure. Mayor White and Council Members Edwards, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding.

Upon further questions by Council Member Johnson, Mr. Michel stated that they should contact the developer and make sure that they understood that the deed restrictions were applicable and as they went through the permit process the City would make sure they were not building in violation of that, that if they were they would be red tagged and the City could proceed with a notice of violation and a lawsuit if needed, that he thought that mechanism was already in place and would be pretty efficient. Mayor White and Council Members Edwards, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding.

Ms. Karen Becerra, 3401 Louisiana No. 460, Houston, Texas 77002 (713-527-0702) appeared and stated that she was present to share her concerns and the perceptions of how the City of Houston dealt with primes and how the City failed to comply with SMMWBE and DBE concerns, that the infraction that some of the primes committed against the small businesses seemed to be taken lightly, for instance with Underground Technology and Rudy's Construction Services, that it took her two City departments and three days to finally get

everyone on the same page, that prior to that it took her five months, that she knew that the administration was committed to assisting in the development of minority and small businesses in the City of Houston, that she believed that the role of small and minority businesses was very important to the Houston community and having Ms. Velma Laws department as a resource and compliance management tool to serve the small and minority businesses, that she was present to ask that the department heads work together with Ms. Laws and Mr. Gallegos department in the future to eliminate the concerns, apprehensions and misunderstandings and the lack of communication between departments, because she felt that if the Public Works Department had contacted Ms. Laws department they would have known that Underground Technologies was in arbitration with Rudy's Construction Services and they would have known that Underground Technologies had not complied with rulings of the arbitrator, therefore they would have not been on the agenda to receive a \$3.5 million contract a month and a half later, that it seemed to the SMMWBE AND DBE community and herself that the message the City was sending at that time was that it was okay for primes not go pay their subs and let them go without paying them, in this case for almost 18 months, because after all no one was holding their feet to the fire and the City was giving out contracts to them, that they continued to receive contracts from the City while they continued to withhold payment against the small business. Mayor White and Council Members Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding.

Upon discussion and questions by Council Members, Ms. Becerra stated that usually they tried to come up with a solution and she had spoken with Ms. Laws, Mr. Gallegos and Mr. Garza and it would behoove them in the future if at the beginning they could have all the vendors, the general contractor's preferred vendors, to send a list to the departments and say if any of these people were in mitigation or arbitration, were there any concerns or issues, so that they could then return the information to those respected departments and then the departments would know which vendors had issues or were trying to address issues or where they were at, then at that point maybe Ms. Laws department could come back and give monthly updates on what the situation was with some of the vendors so that they could continue to do work because sometimes there were misunderstandings, that it was not always the prime's fault, but her concern in addressing the issue was that there was a lack of communication between departments. Council Members Lawrence, Johnson, Clutterbuck, Alvarado, Green and Berry absent.

Mr. Robert Williams, 12211 Fondren Rd., Houston, Texas 77035 (713-721-2572) appeared and stated that he would summarize a little bit about the topics that he was present to speak about, that the negative news coverage concerning their youth daily and his involvement with the youth as a motivational speaker and as a mentor for over 10 years, in public and private schools; that he wanted to introduce a magazine that he was launching called "Real Every Day Living", that in the news media they were swamped with negative news concerning youth and he knew everyone at the Council shared his concern about their youth and that was why he had dedicated his life into being a motivational speaker and coming and going out to different schools and talking to young people about making choices and about involvement with the different choices they had in life and in doing so he saw first hand the challenges that their youth were facing daily and the challenges that they had never dealt with before, but in doing so he did see that their youth were challenged and somewhat troubled but for the most part he had found that their youth were talented individuals who were willing and open to make changes and willing to express themselves, but sometimes they did not recognize that, in fact they let it just slip through their hands and with that concept in mind he had developed a new magazine called "Real Every Day Living" and the idea was to identify and celebrate young people's accomplishments in their communities and schools and he thought there was so much out there, even just in his time of going and involving himself as a speaker and being a volunteer, that he had been really amazed by the stories from teachers and principles about certain individuals, certain young people, that were doing things in their communities, that one of the

other goals of the magazine was to create a momentum of good stories in their community concerning their youth, that he would like to see if the City Council would join him in making Houston the number one City that would be known for their positive youth, that Houston would be known as a City that valued their youth and recognized their accomplishments. Council Members Lawrence, Johnson, Clutterbuck, Alvarado and Berry absent.

Council Members Garcia, Lovell and Edwards thanked Mr. Williams for his work and for staying focused on the concerns of young people and agreed with him that youth needed to have more activities and things to do. Council Members Lawrence, Johnson, Clutterbuck, Alvarado and Berry absent.

Ms. Toby Myers, 2001 Holcombe Blvd., Houston, Texas 77030 (713-797-1149) appeared and stated that she was the Civic Committee Chair of the Spires Condominium Homeowners Board of Directors, that the Spires was a 40 story high rise condominium on the periphery of Texas Medical Center, they were in District D, Council Member Edwards district and there were other's from the Spires Association present with her today, that she was present because of the property, and they were passing out a photograph adjacent to the Spires, that they had some concerns about the property because they had heard at one time that it was going to be a scientific research institute, those plans failed, and now they were trying to become more proactive rather than reactive, that they were very concerned about noise pollution and traffic pollution, that the entity was planning a parking garage for 1,200 cars and that would just mean more traffic in and out of the Medical Center area, that they were interested and concerned about air pollution and microbes being put in the air, that they were concerned about flooding, during Allison there were all kinds of flooding as they all knew and they would want to urge strict adherence to whatever flooding restrictions needed to apply, that they were interested in the City Council role in denying or granting construction building permits and they wanted to be very sure that any developer was familiar with and would be held to flood zone limitations, that they were interested in City Council's role in approving building permits, that they wanted them to be aware of any limitations and new requirements that may have been recently updated by the flood zone, that they also were very aware of what happened in Minneapolis with the bridge and the infrastructure, so they knew the Flood Control District had something to do with that, that they knew that the Flood Control District did not have regulatory authority over development and each municipality within Harris County and the County Engineer had some regulatory authority and the respective construction and building permits, so in conclusion they were requesting that as the City developed the policy to address neighborhood concerns related to new projects, issues of increased risk of flooding and traffic, sound pollution and to maybe revisit zoning and ideally they would like for it to be a park. Council Members Lawrence, Johnson, Garcia, Alvarado and Berry absent.

Council Member Edwards stated that as to their wanting the area to be a pocket park she would try to get that conversation with Mr. Turner and get some dialog started on it. Council Members Lawrence, Johnson, Garcia, Alvarado and Berry absent.

Mr. Matthew Tejada, 3100 Richmond, Ste. 309, Houston, Texas 77098 (713-528-3779) appeared and stated that he was the new Executive Director of the Galveston Houston Association for Smog Prevention, that they had an EPA hearing on air toxics and oil refineries coming up on the 27th and they were preparing events for that on the night of the 26th and also on the 27th, that it was very unique and important as it was going to be the only hearing in the United States on a very important rule dealing with air toxics and oil refineries, that was not the only significance of it but also the fact that it was going to be held in Hartman Park in the Manchester neighborhood in East Houston, that usually such hearings were held in parts of towns and cities where the communities most highly affected were not very accessible to those hearings, so just the fact that it was going to happen in Manchester was a big deal and they

would like for any support or involvement from the Council Members and just to thank the City of Houston and the Mayor for requesting that the EPA have the hearing, it was a really important issue and without the Mayor requesting it the hearing would not have happened at all anywhere in the United States and he thought this was the best place for it to happen. Council Members Johnson, Edwards, Holm, Garcia and Berry absent.

Council Members Noriega, Alvarado and Brown thanked Mr. Tejada for his work and the administration for helping to move the agenda along. Council Members Johnson, Edwards, Holm, Garcia and Berry absent.

Mr. Jeffrey Castro, 5120 Woodway #9004, Houston, Texas 77056 (713-524-3000) appeared and stated that the City of Houston officials and the general public had a unique opportunity to speak at the upcoming NISHEP hearing, which stood for National Emission Standards for Hazardous Air Pollutants, that there were currently 180 hazardous air pollutants registered and they were regulated through control technologies by considering health risk from exposure, that Houston did struggle with emissions from benzene and 1,3-Butadiene, which were known carcinogens, that currently the EPA standard allowed for cancerous to be 100 times greater for those living near petroleum refineries than the rest of the general public, that this posed serious threats to communities in Houston, specifically in southeast Houston, that they hoped that all of them would show support for strengthening the health standards and insuring justice for all Houstonians, that he was looking forward to seeing many more great things from the City of Houston and from Mayor White as they continued with their efforts to pursue energy efficiency, cleaning the air and improving overall environmental quality. Council Members Johnson, Khan, Holm, Garcia and Berry absent.

Ms. Rosalie Guerrero, 3100 Richmond Ste., 309, Houston, Texas 77098 (713-528-3779) had reserved time to speak but was not present when her name was called. Council Members Johnson, Khan, Holm, Garcia and Berry absent.

Mr. Brandt Mannchen, 5431 Carew, Houston, Texas 77096 (713-664-5962) appeared and stated that he was present representing the Houston Sierra Club and they would like to comment on the Greater Houston Partnership's Regional Air Quality Task Force report, that the Sierra Club found it disingenuous when the Greater Houston Partnership states that the air quality taskforce was appointed by the Greater Houston Partnership at the encouragement of Mayor White, that at the public hearing in May 2007 Mayor White stated in response to a request by the Greater Houston Partnership for more time to review and comment on the Air Toxics Nuisance Ordinance that they could have two more months, then the Greater Houston Partnership took six months to put the report together that provided absolutely zero input about the Air Toxics Nuisance Ordinance, that it appeared to the Houston Sierra Club that Mayor White had already fulfilled his pledge to trust but verify, that the Greater Houston Partnership was taking advantage of Mayor White, the Greater Houston Partnership's report was a not a serious effort to provide input about the Air Toxics Nuisance Ordinance, that it was a less than clever political attempt by the Greater Houston Partnership to divert public attention and support for better enforcement to prevent air toxic health effects on the public, that the Greater Houston Partnership wanted to delay for a year the full implementation of it's inadequate proposal, that meant that 22 months would have passed since the issue was first brought to the public in January 2007, that even the six months that Mayor White had proposed for implementation should not be given, that the Houston Sierra Club urged the City Council to pass the Air Toxics Nuisance Ordinance now, that too much time had already gone by and it was time to put the right enforcement tool in the hands of the City of Houston, that companies must be held accountable for the negative effects that citizens endure due to air toxic pollution. Council Members Johnson, Khan, Holm, Garcia and Berry absent.

Mayor White stated that he wanted to thank Mr. Mannchen for his tireless advocacy for air quality and also if he would communicate up through the State and national offices, that the emitters say that it was a regional problem and they needed to deal with it in a regional solution, so one of the things that they were exploring, that he had spent time in D. C. with the top air regulators in the United States, it was okay, if they wanted some attention by people who had the authority to enforce regionally, they would need some more EPA inspectors down here right now, and there were techniques and things that they could do under the Benzene MAC standard; that anything they could do to support the State and Federal regulators, as well as continued advocacy, would be much appreciated. Council Members Johnson, Khan, Holm, Garcia and Berry absent.

After further discussion, Mr. Mannchen stated that he had for everybody a copy and they also made comments on the task force's reports and also for the Mayor they had a copy of a format of a former report that was done under the Lanier administration that they thought would be a good idea as far as updating the public periodically as far as what progress they were making on air pollution so they were presenting that to the Mayor; that he thought the City of Houston, in conjunction with HISD and other school districts ought to make it a focus at the schools and then the civic associations that were associated in that area with the schools to really let people know what breathing bad ozone did to them and it was not theoretical, it was very real and they had realms of data or in the southeast part of the City what butadiene or benzene would do to them, they had that information now and they could go out and tell them and say that through them this was what they could do because they had a Bureau of Air Quality Control which people could go to to get assistance and a lot of people did not do that. Mayor White and Council Members Johnson, Khan, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Margaret Smith, 4610 Pinebrook Ln., Houston, Texas 77053 (713-478-2256) had reserved time to speak but was not present when her name was called. Mayor White and Council Members Johnson, Khan, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Robert Silvers, 2200 Willowick, No. 14B, Houston, Texas 77027 (713-823-8451) appeared and stated that he was present for the same problem a few months later, that this time in front of the same house there was a pile of trash sitting in the City street, not even in the yard, and he had been trying for months to get someone to pick it up, did the City own a pickup truck and have a man with a shovel, did anyone care, that he was not present to change Houston from being an industrial polluting City but how about visual and health facts, that if they could take the time to stop the Ashby High Rise or whatever it was, why could they not stop to take the time to pass laws to do something with the houses that were abandoned and sat there and grew weeds and got dumped on and the owners they could not even find because their address was listed as the same address that was abandoned, that he could not find the owner to talk to them and people did not want to sell and the City evidently was not finding them, how about \$1,000 a day fine for not taking care of their property, that he had built a lot of houses and if they went by his construction sites they did not have none of the mess that these properties had, and that was a quality of life issue, that at this point he had lived in Houston all his life and he was not going to worry about pollution that he was getting but the pollution that he saw out there that could be picked up, did anybody have any suggestions. Mayor White and Council Members Johnson, Clutterbuck, Holm, Garcia, Brown, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence asked Mr. Silvers to give them the address where the trash was sitting, and Mr. Silvers stated that it was at 1846 West Main, that he had called 3-1-1 and had called everybody and sent pictures, and Mr. Silvers asked when was the dumpster

enforcement taking effect, and Council Member Lawrence stating that was in effect, that the businesses had six months to screen their dumpsters, that all they needed to do was call the nearest substation or call 3-1-1 and report the dumpsters. Mayor White and Council Members Johnson, Clutterbuck, Holm, Garcia, Brown and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that yesterday her office called again asking why the trash was out at the Main Street address for about three or four months; that on the issue of the dumpsters they had also been turning in addresses of the small apartment complexes that they had seen in the area that had not complied in any way and still used the City sidewalk to set their dumpsters out, so they were on top of it, that they were frustrated also that it was not being done quickly. Council Members Johnson, Holm, Garcia and Berry absent.

Mayor White stated that Mr. Davis from Neighborhood Protection was in the Council Chamber and would be able to meet with him on the issue; that there were two parts, and he would address this to Chief Hurtt and Ms. Johnson and Chief Edwards, that he thought the will of the City Council and certainly the administration was that if they ran out of bodies to help then somebody needed to tell him because he was going to give it a high priority, but if people left a dumpster in the public right-of-way then they should take the dumpster and throw it away, that there was nothing that said that dumpsters could not be thrown away like any other trash; that if the Legal Department said that there was in State statute a dumpster rule then they should bring it to his attention, that if it was then they would see if the law could be changed, but if it was not right they were going to throw away dumpsters like any other trash, that he thought that would be a deterrent; and Council Member Lovell stated that if the companies could not tell their drivers to not set it on the sidewalk she would be happy to sponsor an ordinance where the driver would get a ticket for setting it there, or the company would get a violation, and Mayor White stated that he thought that was time consuming, but if they threw away the dumpsters he thought they would probably get their attention pretty quick; that he had made two points, number one, if Neighborhood Protection was to busy, and everybody had budgets, then he was taking personal responsibility but he did not know unless somebody tells him that they could not make the calls because of blank, and the second, to Ms. Stein for those various people responsible for putting budgets together and also to Mr. Fontaine, why could they not just take away the dumpsters and throw them away. Council Members Johnson, Holm, Garcia and Berry absent.

Mr. Ninghaw Chang, 13006 Hollow Brook, Houston, Texas 77082 (281-497-3673) appeared and stated that he was a professional engineer and lived inside the City, that the first issue was the Mayor's goal to make the City the most responsible and efficient and transparent and ethical local government in the Nation, that the second was that the City had a policy, 106, and he was just following the policy 106 to do his job with the City, the third one was the ICS, Incident Command System, that was the response from the federal government to the 9/11/2001 National Disaster, that he had been in Public Works and Engineering Department for 20 years and had no disciplinary action until October 23 on the 106 with a DML, Decision Making Leave, and that had accused him of 14 counts and the management had lied on the 14 counts and he got fired on July 10, 2007 and the management had also lied on that order, that he wanted to emphasize that he had been working for the City from May 11 to June 22 and he got fired, that all his effort was to put forward positive suggestions to the Director, Mr. Marcotte, and that was in accordance with City Policy 106 to straighten out a deceiving organizational chart of the office of the City engineers, of the Public Works and Engineering, but communication had gotten to Mr. Marcotte from October 24, 2006 to July 20, 2007, that the Director fired him in only three days, that he came back to work from May 11 to June 22 because he was sick, because of the Decision Making Leave it was unfair, that was a burden that he could not take, that the basis for the indefinite suspension was for insubordination and

there was no concrete evidence to show that he was insubordinate to anybody, that they should please take a look at the letters that he had hand delivered to the Mayor's office, September 11, September 26, October 9 and October 22 and October 29 and the last one November 6, that he had requested to see the Mayor or his assistant to have a meeting before November 13, and he wanted to give them evidence to support him. Mayor White and Council Members Johnson, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Lovell moved to suspend the rules to add Ms. Kathleen Ownby to the speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on personal business. Mayor White and Council Members Johnson, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2007-1126 ADOPTED.

Mr. Bryan Klein, 701 W. 43rd, Houston, Texas 77018 (713-907-5259) appeared and presented information for the Council Members and stated that his issue was that Metro was in his neighborhood and it was a major transition hub, that he had talked to Council Members Lovell, Noriega and Green's office and was trying to get somebody to coordinate he and Metro and the various districts, H, A and B, to get together and get the bus stop moved from his front and side yard so that it was in a business district where there was a business park, a CVS Pharmacy, a retail center and an apartment complex, that he used the bus occasionally but he did not need the bus in his yard during a major transition between routes 44, 50, 23 and 9, all across seven lanes of dangerous traffic, that it was a State Highway there, that Mayor White had four board members that he could influence, that if somebody wanted to save a life in the City of Houston or do something good for a neighborhood they should look at the pictures that he had given various Council Members, that typically there were only four Council Members when he had come to speak before the City Council so he had only brought four copies, that they could see needles, people in the bushes pooping and peeing, and doing everything else that they could only imagine and he had pictures, that he needed help, that he did not want his neighborhood to fall further down the precipice of just crime, and he was asking for help because the City could help, that he did not know who Metro was accountable to, were they accountable to the City Council or the police because they pass the ordinances but do not enforce them, that he wanted enforcement on Metro because Metro brings the patron to his yard, that he was not anti transit or anti Metro, there was no point having a major transition hub similar to the Heights transition hub or the transit center in the Greens area in his yard or his neighbors yard, that the neighbors on both sides of the bus stop that was directly across the street were for sale, those houses had not sold, the City had prevented him from protecting himself by making him take down a single strand of barbwire, that nobody could explain to him why owning an acre he was not allowed to fence his yard with barbwire, that it was the only way that he could keep the bad people that Metro had brought to his land out of his yard and his bushes, that the Metro police did not enforce the ordinances that the City Council passed, that they continued to pass ordinances but lacked the resolve to enforce them and he wanted somebody to get into it, to get on enforcing across the board not just to property owners, that he had red tags and threats about fines and what not and nobody was enforcing the ordinances upon the patrons of Metro, they were enforcing it upon him. Mayor White and Council Members Johnson, Clutterbuck, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence asked if Mr. Klein had any personal conversations with Mr. Russ Frank, and Mr. Klein stated yes, and Council Member Lawrence stated that Mr. Frank was the person who could make some things happen, he was the communication, that Metro was a separate entity than the City of Houston, so they did not rule over Metro, except the appointed positions, that had nothing to do with the ordinances, that she knew that his yard did get a lot of trash and whether it came from the bus company she did not know, but she thought that he had made a point and had tried to do a number of things, some of them were not necessarily safety motivated because he was more concerned about protecting his property and so she was

hoping that they could get that bus stop moved down a little bit, so that was her goal but it was a Metro decision that the board voted on and they would have to make that decision, that they did not make that decision at City Council, that she was very familiar with all of the problems he had, her office had kept her abreast of that, that she knew his problem, but it was just a lot of things going on at that corner and with a non zoned City they had businesses right across, they had a nice church, that there were a lot of problems in that area, that there was a one way street right behind the church that caused some traffic problems, but everybody should be a better neighbor and he had put up with a lot and thought that was why his across the street neighbor put up a solid fence, so at least the trash stops there, and Mr. Klein stated that by the deed restrictions that was not allowed, that he could not do the same for his property, that he would in a heartbeat but he was not allowed by deed restrictions, that his neighbor was breaking the deed restrictions, and Council Member Lawrence stated that there were some exceptions that could be made and she would urge him to go to that neighborhood board and talk to them and give them the pictures and ask if he could do it, and Mr. Klein stated that they would not, that he had offered to sell the City or deed over a foot of his property and let him put up the fence and then deed it over to the City but no one could make that happen for him, and Council Member Lawrence stated that was correct they could not, and she appreciated his trying to think outside of the box with solutions but they would continue to communicate with Metro. Mayor White and Council Members Johnson, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Kathleen Ownby appeared and stated that this was SPARK Week and they had four dedications this week, that Council Members Brown, Lovell and Lawrence had already participated and Council Member Noriega had sent a representative, and thought that Council Members Johnson and Green would be coming tomorrow and Council Member Khan was coming on Friday, that she had a brand new 2008 calendar to pass out to the Council Members, that 2008 would be their 25th year of SPARK, they had 195 schools in 8 different school districts that they worked with, so it had truly been an amazing program, that she wanted to give credit to the people who helped with the calendar, AIM Investments, the Housing and Community Development Department and printed by the HISD Print Shop, that Ms. Penny Morrison had been doing the graphics forever, and Mr. Tom Callins had done the amazing photography, that for the new coloring book she wanted to thank Mr. William Hill who over and over had pushed for having the coloring book to give to all the children and also puts money behind his idea and gives them \$5,000 each year to make the coloring book happen. Council Members Garcia and Berry absent.

Mayor White and Council Members thanked Ms. Ownby for her work on the SPARK program and her mother, former Council Member Eleanor Tinsley for starting the wonderful program. Council Members Garcia and Berry absent.

Council Member Green moved to suspend the rules to consider Item Numbers 54 and 5 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Lawrence, Garcia and Berry absent. MOTION 2007-1127 ADOPTED.

54. RECEIVE nominations for the City of Houston representative on the **HARRIS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS** – was presented. Council Members Garcia and Berry absent.

Council Member Green nominated Mr. Gary W. Stein as representative on the Harris County Appraisal District Board of Directors. Council Members Garcia and Berry absent.

Council Member Edwards asked if this was the board that Mr. Bettencourt always referred to, and asked if they could go over what they were expecting their board member to do on that

board, and Mayor White stated that the Harris County Appraisal Board should be fair, open and transparent, honest and efficient and strives for improvement; and Council Member Edwards stated that the issue of not going to communities and looking to see if the appraisal really reflected the actual reality of the property, that she knew there was a lot of property and did not know how they would fix it but thought how they were doing she thought they could at least look at how they could do it better; that the other point of how a cow on their property some kind of way changed the whole value of all the rest of their property, and she knew that was being looked at, but those were questions that she had and did not know if Mr. Stein or any of the appraisal board members could address that but there seemed to be a lot of fluidity and a lot of ambiguity in the board and asked Mayor White if he could refer her to how to find out more about what the appraisal board did and it's real power and authority, and the issues that their community talked about quite a bit was that they were appraising their value and there was not even a building on it anymore, how do they make it work, and Mayor White stated that would be a great topic for the Executive Director of the Appraisal District and City representatives to come to City Council to address, that they ought to have a hearing and he would talk to Chairman Green about it. Council Members Garcia and Berry absent.

Council Member Lawrence stated that she had talked to Ms. Teresa Terry the other day concerning flooding, floodway and floodplain and she was very interested in having Mr. Jason Spence and Mr. Andy Icken coming out to talk to people who actually made the appraisals, that she had told her that January or February would probably be a good time; and ask to Mr. Stein, did Mayor White feel he was doing a good job, and Mayor White stated yes. Council Members Garcia and Berry absent.

Council Member Green moved to close nominations, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1128 ADOPTED.

Council Member Green moved to suspend the rules to extend the meeting beyond the scheduled noon recess to complete the agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1129 ADOPTED.

5. RECOMMENDATION from City Attorney to allocate an additional \$120,000.00 to contract for litigation support services between the City of Houston and **BECK REDDEN AND SECREST, L.L.P.** - CIP Cost Recovery Fund – was presented, and tagged by Council Member Green. Council Members Garcia and Berry absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 53

MISCELLANEOUS - NUMBER 3

3. RECOMMENDATION from Fire Chief to approve the donation of outdated, used and orphan firefighting equipment and supplies to "Sister City" Tampico, Mexico – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1130 ADOPTED.

ACCEPT WORK - NUMBER 8

8. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$929,180.00 and acceptance of work on contract with **PYRAMID WATERPROOFING, INC** for Roof Replacement at Bob Lanier Public Works Building, WBS R-000268-0043-4 - .93% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1131 ADOPTED.

PROPERTY - NUMBERS 9 through 11

9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Diane Allen of Johnson Radcliffe Petrov & Bobbitt PLLC, on behalf of Inverness Forest Improvement District (Chuck Sprague, President, declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide water line easement and a 15-foot-wide sanitary sewer line easement, both out of the Ben Barrow Survey, A-126, Parcels SY8-042A and SY8-042B – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1132 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY3-063, located in the 10200 block of Emerald Drive, owned by Robert E. Allison, Jr. and William Sidney Allison, for the **KEEGAN'S BAYOU HIKE AND BIKE TRAIL PROJECT from Brays Bayou to Kirkwood**, N-000420-0025-2-01 - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1133 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 21

12. **TYMCO, INC** for Street Sweepers through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Airport System - \$298,602.85 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1134 ADOPTED.
13. ORDINANCE appropriating \$370,733.28 out of Equipment Acquisition Consolidated Fund for Purchase of Heavy-Duty Trucks for the Public Works & Engineering Department – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1263 ADOPTED.
- 13a. **HOUSTON FREIGHTLINER, INC** - \$71,870.00 and **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$2,154,114.90 for Heavy-Duty Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Airport System and the Department of Public Works & Engineering - Equipment Acquisition Consolidated, Stormwater and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1135 ADOPTED.

15. ORDINANCE appropriating \$99,335.72 out of General Improvements Consolidated Construction Fund and \$125,219.23 out of Health Special Revenue Fund for Purchase of Office Furniture for Department of Health and Human Services, WBS D-000077-0001-5 – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1264 ADOPTED.
- 15a. **CONTRACT RESOURCE GROUP, LLC** for Office Furniture from the State of Texas Building and Procurement Commission’s Contract for Department of Health & Human Services - \$199,553.80 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1136 ADOPTED.
19. **HARRIS CORPORATION** for Communications Tracking Software and Hardware for Houston Police Department - \$271,430.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1137 ADOPTED.
21. **AMEND MOTION #2005-676, 7/13/05, TO INCREASE** award amount from \$729,344.72 to \$911,680.90 for Electrical Lighting, Parts and Fixtures for Various Departments, awarded to **TURTLE AND HUGHES, INC** - \$182,336.18 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1138 ADOPTED.

ORDINANCES - NUMBERS 25 through 53

25. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a public street easement in a 0.287 acre portion of Oakdale Avenue, between Fannin Street and San Jacinto Street (Parcel SY7-041); vacating and abandoning same 0.287 acre tract of land to Grayco Lui Museum Investment 2006 LP, a Texas limited partnership, abutting owner, in consideration of said owners dedication of a utility easement in a 0.287 acre parcel of land (Parcel VY7-032), out of the Obediance Smith Survey, A-696, and J. Christy Survey, A-212, Houston, Harris County, Texas, and the payment of \$268,750 and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1265 ADOPTED.
26. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of O’Neil Street right of way between Cushing Street and Valentine Street, containing 0.0961 acre (4,186 square feet) of land, more or less, Parcel S99-077, located in the Runnels Addition, Obediance Smith Survey, A-696, Houston, Harris County, Texas; vacating and abandoning said tract of land to Post Midtown Square, L.P., abutting owner, in consideration of owner’s payment of \$154,882.00 and other consideration to the City - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1266 ADOPTED.

28. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Willowbend Boulevard right of way adjacent to 4086 Willowbend Boulevard, containing 0.3539 acre (15,415 square feet) of land, more or less, Parcel SY7-044, located in the B.B.B.&C.R.R. Survey, A-173, Harris County, Texas; vacating and abandoning said tract of land to T.I.P.I.T.S., Inc, abutting owner, in consideration of owner's payment of \$18,205.00 and other consideration to the City - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1267 ADOPTED.
29. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (i) a 10-foot-wide water line easement (Parcel SY6-060A, (ii-iii) two 10-foot-wide sanitary sewer easements (Parcels SY6-060B and SY6-060C) and (iv) a 16-foot-wide utility easement (Parcel SY6-060D) all located within the Unrestricted Reserves B and C, Monroe Crossing Subdivision; vacating and abandoning said easements to William A. Gray Real Estate Investments, Ltd., LLP, the abutting owner, in consideration of its payment of \$55,016.00 and other consideration to the City - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1268 ADOPTED.
31. ORDINANCE consenting to the addition of 1.34 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1269 ADOPTED.
32. ORDINANCE consenting to the addition of 43.217 acres of land to **NORTHEAST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1270 ADOPTED.
33. ORDINANCE consenting to the addition of 46.48 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 365**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1271 ADOPTED.
39. ORDINANCE approving Amendment No. 2 to Credit Agreement relating to City of Houston, Texas, Subordinate Lien Hotel Occupancy Tax and Parking Revenue Commercial Paper Notes, Series A; resolving other matters incident and related thereto, approving the use of an Updated Offering Memorandum in connection with the sale of such Commercial Paper Notes; authorizing a Co-Bond Counsel Agreement; authorizing a Co-Dealer Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1272 ADOPTED.
40. ORDINANCE authorizing the Mayor to accept the FY2007 Technology Program Grant from the US Department of Justice's Community Oriented Policing Services (COPS) Technology Program; declaring the City's eligibility for such grant; authorizing and approving a cash match; authorizing the Director of the Mayor's Office of Public Safety and Homeland Security to request and/or accept any amendments or modifications to this agreement or any subsequent agreements necessary to secure the City's allocations through these grant programs – was presented. All voting aye. Nays none. Council

Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1273 ADOPTED.

42. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for city-wide art consulting services on behalf of the General Services Department; providing a maximum contract amount - \$51,458.00 - General Fund - had been pulled from the Agenda by the Administration, and was not considered. Council Members Garcia and Berry absent.
43. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for civic art and conservation administration services on behalf of the General Services Department; providing a maximum contract amount \$1,756,550.04 - Civic Art Funds – had been pulled from the Agenda by the Administration, and was not considered. Council Members Garcia and Berry absent.
44. ORDINANCE appropriating \$24,831.97 out of Reimbursement of Equipment/Projects Fund for the Purchase of a Broom Street Sweeper for Solid Waste Management Department – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1274 ADOPTED.
45. ORDINANCE awarding contract to **SURE-WAY SYSTEMS, INC** for Bio-hazardous Waste Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$769,472.50 - General and Enterprise Funds – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1275 ADOPTED.
46. ORDINANCE approving and authorizing second amendment to agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** (approved by Ordinance No. 95-1290) for the Construction of Buffalo Bayou Trail - Shepherd to Sabine, WBS N-000420-0018-3 - **DISTRICTS D - EDWARDS; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1276 ADOPTED.
49. ORDINANCE appropriating \$651,706.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **WASHINGTON GROUP INTERNATIONAL, INC** for Cambridge Bridge and Paving Project, WBS N-000720-0001-4 **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1277 ADOPTED.
50. ORDINANCE appropriating \$1,015,573.00 out of Parks Consolidated Construction Fund and approving and authorizing first amendment to Professional Architectural Services Contract (approved by Ord No. 2006-0086) between the City of Houston and **HARRISON KORNBERG ARCHITECTS, LLC** for Design of the Renovation to the Parks and Recreation Department Administration Building and the Wheeler Warehouse Building, WBS F-0504D1-0001-3; providing funding for Civic Art Program and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1278 ADOPTED.

51. ORDINANCE No. 2007-1256, passed first reading November 7, 2007
ORDINANCE granting to **FOWLER'S TRANSFER, a Texas sole proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1256 PASSED SECOND READING IN FULL.
52. ORDINANCE No. 2007-1257, passed first reading November 7, 2007
ORDINANCE granting to **COOPERS-SANITECH, INC, a Texas 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 - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1257 PASSED SECOND READING IN FULL.
53. ORDINANCE No. 2007-1258, passed first reading November 7, 2007
ORDINANCE granting to **RUSTIN TRANSPORTATION COMPANY, 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 - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1258 PASSED SECOND READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. RECOMMENDATION from Information Technology Department for funding for software licenses and software/hardware maintenance contracts for FY-2008 - \$163,734.00 - General Fund:
IBM CORPORATION
SOFTWARE ENGINEERING OF AMERICA
SUN MICROSYSTEMS, INC (Formerly STORAGETEK)
– was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1139 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) CONSOLIDATED WATER QUALITY (CWQ)** fees for TCEQ's FY08 - \$1,183,690.20 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1140 ADOPTED.

7. RECOMMENDATION from the Mayor's Office of Government Affairs for renewal of membership in the **TEXAS MUNICIPAL LEAGUE** - 1 Year - \$72,558.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Garcia and Berry absent.

Council Member Lawrence stated that she would tag the item and asked what was TML willing to do for the contract. Council Members Garcia and Berry absent.

After further discussion by Council Members, Mayor White stated that Item No. 7 had been tagged. Council Members Garcia and Berry absent.

PROPERTY

10. RECOMMENDATION from Director General Services Department to declare the following properties surplus - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; E - WISEMAN; F - KHAN; H - GARCIA and I - ALVARADO** - was presented. Council Members Garcia and Berry absent.

6000 Block of Yale Street	Former Water Facility
8600 Block of West Airport	Former Water Facility
9002 Stella Link	Former Water Facility
12500 Block of Frazier River	Former Water Facility
11451 New Brook Drive	Former Water Facility
1400 Block of Hussion (east)	Former Water Facility
1400 Block of Hussion (west)	Former Water Facility
1400 Block of Milby	Former Water Facility
1400 Block of Miller	Former Water Facility
Edwards Drive	Former Wastewater Facility
6331 Micollet	Former Water Facility
7800 Block of Tidwell Road	Unused Remaining Right of Way
5000 Block of Hirsch	Unused Remaining Right of Way
5000 Block of Hirsch	Unused Remaining Right of Way
Old Galveston Road/Beltway 8	Former Public Utility Site
803 Ennis	Former Maintenance Facility

The City Secretary stated that this was the item to declare various properties surplus and they sent the Council Members a revised Exhibit A as the 6000 Block of Yale Street had been deleted from the list.

Council Member Brown stated that he had requested from General Services an evaluation of the properties and which one had potential to be retained by the City for parks or retention and he never received anything from General Services, that he had done an analysis and there were five of the projects that had real economic value that could be developed primarily as residential, there were a couple that could work as commercial, that there was one in the group where part of the property should be retained as a park in a neighborhood that needed it, that the balance of ten properties he would call marginally developable, that one, for example, included part of Harris County Flood Control drainage ditch, that there were some real opportunities if they were not developable and if the City was not going to get much money for them to set them aside as parks, that a couple of them were actually adjacent to existing parks and could be used to expand the acreage of existing parks, that a number of them were contiguous with drainage ditches, that one of them did not even have any road or utility access, but could be retained in Council Member Johnson district as a future pocket park, that he thought they were missing a huge opportunity to improve their quality of life; that he would like

to sent it back to the administration and get a report on what made sense for the City in terms of improving drainage; that he would tag the item. Council Members Garcia and Berry absent.

Mayor White stated that in 2004, and it took a long period of time, they inventoried City properties and then the next process was to circulate, and it had been on more than one occasion to various City departments, the list including the Parks Department, that he knew Mr. Turner was very shrewd about real estate and the cost of maintaining it's location, that they would get a report back to him; that the recommendation and declaration of something that was surplus did precede the process at this position, and Mr. Michel stated that was how they typically began it, it was a condition of selling the property, and Mayor White stated to Ms. Stein that they may want to check with Council Member Brown on the issue that the Council Member would not know until the bids were open or something like that, that they would get an answer and dialog back and forth on the question. Council Members Garcia and Berry absent.

After further discussion by Council Members, Mayor White stated that Item No. 10 had been tagged. Council Members Garcia and Berry absent.

PURCHASING AND TABULATION OF BIDS

14. **HARVEST PRODUCTIONS, INC** for Audio and Sound System Equipment for Convention & Entertainment Facilities Department - \$170,101.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1141 ADOPTED.

16. ORDINANCE appropriating \$500,000.00 out of Equipment Acquisition Consolidated Fund for Purchase of Technology Upgrade of the AVVID System to a Unified Communication System for Information Technology Department – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1279 ADOPTED.

- 16a. **COLEMAN TECHNOLOGIES, INC** for Technology Upgrade of the AVVID System to a Unified Communication System through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Information Technology Department - \$1,019,616.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1142 ADOPTED.

17. **WILDCAT ELECTRIC SUPPLY** for Replacement Light Fixtures for Mecom Fountain for Parks & Recreation Department - \$76,848.00 - Parks Special Revenue Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1143 ADOPTED.

18. **AMEND MOTION #2005-284, 3/30/05, TO INCREASE** award amount from \$326,360.58 to \$407,950.72 for Lawn Mower and Edger Replacement Parts and Repair for Parks & Recreation Department, awarded to **TURF EQUIPMENT & SUPPLIES, INC** - \$81,590.14 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1144 ADOPTED.

20. ORDINANCE appropriating \$2,780,642.00 out of Equipment Acquisition Consolidated Fund for Purchase of Desktops, Laptops, and Ancillary Equipment for City Departments – was presented. Council Members Garcia and Berry absent.

After discussion by Council Members, a vote was called on Item No. 20. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1280 ADOPTED.

- 20a. **HEWLETT-PACKARD COMPANY** for spending authority in the amount of \$17,000,000.00 for Desktops, Laptops, and Ancillary Equipment for City Departments from the Texas Department of Information Resources' Statewide Master Contract - Enterprise and Equipment Acquisition Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1145 ADOPTED.

22. **RCC CONSULTANTS, INC** for Purchase of Consulting Services through the Houston-Galveston Area Council in the amount of \$305,981.90 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1146 ADOPTED.

ORDINANCES

23. ORDINANCE **AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to fire alarm systems and various fees; containing findings and other provisions relating to the foregoing subject; providing for a collection fee; providing an effective date; providing for severability – was presented, and tagged by Council Member Lawrence. Council Members Garcia and Berry absent.

Council Member Lawrence stated that she wanted to talk to somebody about a little bigger picture, that they had alarm companies that may be in Anchorage, Alaska that serviced alarms in Houston, they did not really service them, they just got their monthly payment, so if they took alarm companies and they had to have on staff law enforcement, when the alarm went off the law enforcement would go to that alarm address first and then would call the fire or police, which ever one needed to be made, he would be accountable, he would do the wiring and do all the corrections, so they would now have alarm companies that would actually do something, that way it would be more accountable. Council Members Garcia and Berry absent.

Mayor White stated that they had spent a lot of time on the revisions of the repetitive alarm ordinance, and asked Mr. Michel if it was just applicable to HPD or was it residential, what was the relationship between this and what they went through the other day, and Mr. Michel stated that they were really separate ordinances. Council Members Garcia and Berry absent.

Council Member Lawrence stated that she would tag the item and would talk to Legal and the Fire Department about what were they really trying to achieve. Council Members Garcia and Berry absent.

24. ORDINANCE amending Exhibit "A" of the City of Houston Ordinance No. 2007-47 by adding Four (4) Captain Positions, Eight (8) Engineering/Operator Positions and Twelve (12) Fire Fighter Positions; substituting the amended Exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented.

All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1281 ADOPTED.

27. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of excess fee-owned property located within the Texas Avenue Lift Station and York Relief Sewer Site (Parcel SY8-002), being out of Lots 9 and 10, Block 620 of the Rangers Extension, S. M. Williams Survey, A-87, Houston, Harris County, Texas, containing 313 square feet of land out of 4,621 square feet of land, more or less; vacating and abandoning said tract of land to CDAB III GP, LLC, abutting owner, in consideration of the owner's payment of \$4,069.00 and other consideration to the City - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1282 ADOPTED.
30. ORDINANCE approving and authorizing sale to Shell Oil Company of a temporary subsurface non-producing well bore easement approximately 150-foot-wide at a depth of approximately 1,400 feet below the surface of the ground, being out of the George Allen Survey, Abstract No. 96, and being under the surface of the City's Solid Waste Department's Gasmer Recycling Facility, Houston, Harris County, Texas, in consideration of Shell's payment of \$4,000.00 and other consideration to the City - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1283 ADOPTED.
34. ORDINANCE establishing the north and south sides of the 2400-2500 block of Prospect Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1284 ADOPTED.
35. ORDINANCE amending Ordinance No. 2000-395, passed on May 17, 2000; Ordinance No. 2001-555, passed on June 13, 2001; Ordinance No. 2002-512, passed on June 12, 2002; Ordinance No. 2003-620, passed on June 25, 2003; Ordinance No. 2004-685, passed on June 30, 2004; Ordinance No. 2005-607, passed on May 11, 2005; and 2006-628, passed on June 14, 2006, which approved and authorized the submission of the 2000, 2001, 2002, 2003, 2004, 2005 and 2006 Consolidated Plans, respectively, including grant applications for the Home Investment Partnerships ("HOME") Program, to the United States Department of Housing and Urban Development (_HUD_) under the authority of Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1285 ADOPTED.
36. ORDINANCE approving and authorizing agreement between the City of Houston and **HOUSTON SHIFA SERVICES FOUNDATION, INC** to provide \$1,500,000.00 Performance-Based Loan of Federal "HOME" Funds for costs to construct a Senior Living Community at 10888 Huntington Estates Drive, Houston, Texas, to be known as Hometowne on Bellfort to house low income residents - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1286 ADOPTED.

37. ORDINANCE approving and authorizing five Single Family Home Repair Contracts between the City as the Repair Agency, acting on behalf of various home owners, and **GENERAL CONTRACTOR SERVICES, INC** providing \$489,553.90 (including a 10% contingency of \$44,504.90) in Community Development Block Grant Funds for the reconstruction of five homes under the Single Family Home Repair Program - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1287 ADOPTED.
38. ORDINANCE approving and authorizing contracts between the City and (1) **CAREER & RECOVERY RESOURCES, INC** (2) **NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, INC - HOUSTON BRANCH**, (3) **POSITIVE EFFORTS, INC** and (4) **THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for HIV/STD Services; providing maximum contract amounts - \$3,050,000.00 - General and Grant Funds – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1288 ADOPTED.
41. ORDINANCE approving and authorizing contract between the City and **CRAIG T. MASON** for Consulting Services related to the City's three pension systems; providing a maximum contract amount - 2 Years - \$201,800.00 - General Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1289 ADOPTED.
47. ORDINANCE appropriating \$244,049.49 out of Water & Sewer System Consolidated Construction Fund and \$186,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Milby Park Subdivision, WBS S-000800-0109-4, R-000800-0109-4 & M-000800-0109-4 **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1290 ADOPTED.
48. ORDINANCE approving and authorizing amendment to Contract No. C54691 between the City and the **KINGDOM COME COMMUNITY DEVELOPMENT CORPORATION** for the Construction of Water, Sanitary Sewer and Storm Sewer Lines serving Section Two of the Kingdom Come Place Subdivision - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1291 ADOPTED.

NON CONSENT AGENDA - NUMBER 54

MISCELLANEOUS

MATTERS HELD - NUMBERS 55 through 58

55. MOTION by Council Member Garcia/Seconded by Council Member Green to adopt recommendation from Finance & Administration Department to award to **GRAYBAR ELECTRIC COMPANY** - \$1,589,956.70, **COMMUNICATION SUPPLY CORPORATION** - \$115,816.60 and **ANIXTER, INC** - \$80,577.00 for Communication Cables and Supplies for the Information Technology Department - Central Service Revolving Fund – (**This was Item 12 on Agenda of November 7, 2007, TAGGED BY COUNCIL MEMBER LAWRENCE**) – was presented. All voting aye. Nays none. Council Member Wiseman

absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1147 ADOPTED.

56. RECOMMENDATION from Finance & Administration Department to award to **DALLAS DODGE CHRYSLER JEEP** for Cargo Vans through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Police Department \$249,312.00 - Asset Forfeiture and Police Special Services Funds – **(This was Item 13 on Agenda of November 7, 2007, TAGGED BY COUNCIL MEMBER HOLM and JOHNSON)** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. MOTION 2007-1148 ADOPTED.
57. ORDINANCE approving and authorizing contract between the City of Houston and **GUADALUPE C. QUINTANILLA, dba CROSS CULTURAL COMMUNICATION CENTER**, for Foreign Language Teaching Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$363,790.00 - General Fund – **(This was Item 36 on Agenda of November 7, 2007, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. Council Members Garcia and Berry absent.

After discussion a vote was called on Item No. 57. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia and Berry absent. ORDINANCE 2007-1292 ADOPTED.

58. ORDINANCE approving and authorizing agreement between the City of Houston, **THE LELAND WOODS REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER TWENTY-TWO**, City of Houston, Texas (Leland Woods Zone) in connection with the City's Reinvestment Zone Number Twenty-two over the Leland Woods Area - **DISTRICT B – JOHNSON** – **(This was Item 52 on Agenda of November 7, 2007, POSTPONED BY MOTION #2007-1116)** – was presented.

After discussion a vote was called on Item No. 57. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Holm, Garcia and Berry absent. ORDINANCE 2007-1293 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Noriega stated that she wanted to welcome a visitor they had in the Council Chamber, that she was the granddaughter of Ms. Jo Griffin, Mr. Michel's assistant, and her name was Gabriel Griffin, that she was 10 years old and lived in Alaska, and her father was in the U. S. Coast Guard and was a search and rescue helicopter pilot. Council Members Holm, Garcia, Green and Berry absent.

Council Member Noriega stated that earlier in the month they talked about tax cuts and tax rates and she had gotten several calls in her office and several of them asked why did they not cut the taxes more and why were they not responding to the hundreds of thousands of people that had called, that they had not gotten hundreds and thousands of calls, they had gotten a few calls from folks who were concerned about taxes and in the interest of full disclosure she would tell them that she had gone to the Mayor and asked him for help because she was going out and talking to folks about their neighborhoods and their feeling safe and having enough police protection and they were asking for more services from the City and the Mayor stepped up and found money to put more officers on their streets, that recently Channel 13 did an article about

response time on 9-1-1, that there was nothing more important than keeping their citizens safe, that some folks in her office did a little comparison and they looked at New York, Los Angeles, Chicago and Philadelphia, that New York had 309 square miles as opposed to Houston's 600 square miles and they had 37,838 police officers, that Los Angeles had about 9,022 officers and they had an area that was 498 square miles compared to Houston's 600 square miles, that Chicago had 234 square miles and they had 13,600 officers, and Philadelphia had 6,600 officers for 142 square miles, that they were talking about one policeman per 227 for Philadelphia, one for 205 for Chicago, that Los Angeles was more like Houston with 1 per 421 people and New York was one officer for 214, while Houston was one officer for 429 citizens, that when they were trying to provide services for their citizens to keep them safe and keep their property safe they had got to step up and do that and she thought that was the priority, that with appraisals and all those issues those were all valid issues and a concern and she thought they needed to deal with them, that the discussion about the appraisal board was very well taken but when they were dealing with issues about public safety they had to address that first, that she just wanted to suggest to the folks that had called that they were working very hard to take care of what they saw were the priorities, and if they changed then they would have the opportunity to do it differently in the future. Council Members Johnson, Garcia, Alvarado, Green and Berry absent.

Council Member Noriega stated that Sunday she went to the Veterans' Day activities in front of City Hall and found it a wonderful event, that her husband participated, and it was a wonderful experience, and she thought it was very important that they as Houstonians honor the men and women who defend liberty in their military service, that one of the gentlemen who helped arrange it told her they were broadcasting it on the military channel all over the world as a model for respecting and valuing the military. Council Members Johnson, Garcia, Alvarado, Green and Berry absent.

Council Member Edwards stated she wanted to commend Susan Christian and her group for what she thought was a great day on Sunday for the veterans, that she wanted to thank Mayor White and his leadership in realizing that they had to do something with his returning veteran's initiative and she would encourage her colleagues to get involved. Council Members Johnson, Brown, Alvarado, Noriega, Green and Berry absent.

Council Member Edwards stated that because the sculptor who they commissioned to do the MLK statue had eye surgery they were going to have to move the day of the unveiling to December 9, 2007, Sunday, at 3:00 p.m., that hopefully everyone could rearrange their schedule so that he could be present to be a part of the unveiling, that it would be on Sunday, at Hermann Park in the Garden Center at 3:00 p.m. Council Members Johnson, Brown, Alvarado, Noriega, Green and Berry absent.

Council Member Edwards stated that she wanted to thank the Houston partners who were already on board for "Nothing But Net", that if they were interested in finding out more information they had some press packages that they could get. Council Members Johnson, Brown, Alvarado, Noriega, Green and Berry absent.

Council Member Edwards stated that last night she, Linda Clarke and Karen Heller went to Rice University and heard Dr. Shirley Jackson speak, that one of the most salient points that she heard Ms. Jackson say was that they had the technology and challenges to have the human capitol to make it work, and that they had to really challenge themselves on the education of their children. Council Members Johnson, Brown, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would really like to know what was going on with the Crime Lab and not just what she was seeing on television, so if they could have some kind of briefing as to what was happening. Council Members Johnson, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to commend Mayor White for an outstanding Veterans Day. Council Members Johnson, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that as to the taxes that Council Member Noriega spoke of, they had the same reaction in their office, they had gotten very little push back even though a massive email was sent out telling people to contact Council Members. Council Members Johnson, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that today on the agenda they approved a number of sweepers and she hoped that they could hear from the different departments of a schedule, where were they going to be using the sweepers and how often were they going to be using the sweepers. Council Members Johnson, Clutterbuck, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that they had a hearing on the free port item and no one had come to talk about it, that she wanted to hear from the Greater Houston Partnership and the Port, that they talk about it as taxes being gained but they were paying the partnership to guide them but she thought they could let the City know of how it could affect if they did not pass the super free port ordinance and how it would affect Houston, and what companies would it involve, that she was very much in favor of the free port but did they need the super free port, that she welcomed their feedback either in a memo, an email or at Council, so when it did come on the agenda they could make an intelligent vote. Council Members Johnson, Clutterbuck, Khan, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that as to Item No. 43, the work that they would continue to do for outdoor sculpture, that one of those sculptures was Dick Dowling, that he was a distant relative of her's, that he put in the first gas lights in Houston in Market Square, that it was in front of City Hall, that he died at 29 years old and had a great history of what he did for the City. Council Members Johnson, Clutterbuck, Khan, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to commend Mayor White and his administration, especially the office of Special Events for the Veterans Day events; that he thought it spoke volumes of how much more Houstonians were turning out to respect and appreciate their veterans; that a couple of people from District H were highlighted in Tuesday's paper, Mr. Ernest Aquia was a World War II Veteran and part of Take a Veteran to School Day, that he was sharing some of the history of his time to the young people; that in the parade was Mr. George Salmarron, who was one of the few survivors of the Battle of Guadalcanal Canal, that he was very interested in sharing some of his history, that he wanted to thank all of the veterans for their services. Council Members Lawrence, Johnson, Clutterbuck, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to ask for a moment of silence, that any time they had a crime victim in their City it was always a tragedy, but it was even a much more tragedy when the community as a whole felt the vacuum that had been left, that Mr. Kim was recently murdered in a store in District H, near the Fulton and Tidwell area, and his funeral services would be held tomorrow at 10:00 a.m. at the Garden Oaks Funeral Home at 13430

Bellaire Boulevard, with the burial being followed at the Memorial Oaks Cemetery, but if they looked at his store, and it had been seen in the newspaper, just how much he meant to the community and how well people were fond of him, and would like to ask for a moment of silence on Mr. Kim's behalf and of his family. Council Members Lawrence, Johnson, Clutterbuck, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that tomorrow would be the dedication at Davis High School for the Emily Cole Wing at Davis High School, that Ms. Cole was one of the long reigning principals at Jeff Davis and was part of the turn around of Davis High School and did so much in that community and for those kids, that she was being recognized and would encourage people to participate in the dedication of the hall for Ms. Cole, that she was also a District H resident; that today was also the 80th birthday of Harold Wisenthal, that "Harold's in the Heights" had been in business for 57 years, that they wanted to wish him a happy 80th birthday; that he had gotten an email from a City employee, Cynthia Cerda Perez, who's daddy was celebrating his 105th birthday and had been a resident of Magnolia since 1930, so they wanted to wish him a happy birthday as well. Council Members Lawrence, Johnson, Clutterbuck, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to make the scrap metal industry aware that they would be having a wrap up industry meeting tomorrow, that it would be held in the City Hall Annex, so folks could be caught up on the latest changes to the ordinance and make sure that everybody knew what the law was and that they needed to fall in line with it; that he wanted to commend Captain Cesar Moore in the Burglary and Theft Division, Chief Hurtt and all of HPD for all of their good work in catching a lot of the copper thieves, that the meeting would be at 6:00 p.m. Council Members Lawrence, Johnson, Clutterbuck, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to say "Go Orange, Go Dynamos" and wanted to encourage folks to support the Houston Dynamos; that he, Council Member Clutterbuck and the rest of their colleagues were going to be issuing a City Council challenge to the Washington, D.C. City Council; that as to the Houston Texans he thought they were going to be celebrating another wonderful sporting event in town, that Coach Kubiak was a hometown boy who knew how to play hometown football, that they were looking forward to an exciting weekend. Council Members Lawrence, Johnson, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that when they only had deed restrictions and was the only protection their citizens had they had to value any process they could set forward that helped their citizens; that her question was what were those processes that helped them to recognize their values in the permitting process and to take the responsibility for that, that far to often they continue to react after they find out a developer had done something or had gotten caught, that there had to be ways that they invest and take and assume some responsibilities and Planning was working so much harder and were really addressing those issues and situations. Council Members Lawrence, Johnson, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that many of them on Council had and did strongly support a transit system that was viable and fiscally responsible; that she had questions and would hand Mayor White a copy, that it was a part of coming up with policy decisions that really provided the best option for them; what was the plan to address improving mobility when they knew that it was projected that one minute out of six the arms would be down on critical intersections, and what were on those at grade intersections, which were already at gridlock, what could they do to mitigate that if it was the chosen route; what information or plans could be provided that showed

that provisions were being made and that there were plans that allowed for the coexistence of the automobile, rail and transit traffic, as well as pedestrian traffic; and specifically what was the projected ridership of the system, how many people and who was using it as their primary means of transportation and how would they predict who the riders were and where they were coming from and where they were going; that additionally they would be considering a consent agreement that would allow Metro to use the City's right-of-way to provide the transit lines and it was her understanding that the City submitted to Metro about 18 months ago a draft of the agreement, that she understood they had not returned it and wondered what that process was; would the City Council have an opportunity to discuss or talk about the terms proposed before it was brought to the Council table for discussion; that there had been an issue raised about the waterline with the transit routes and the part that she thought was critical to address was clearly defining what that meant and whose responsibility it would be should necessary repairs come due or should there be a disruption of service because of that and how would it be addressed and would there be a study or how would they determine the responsibility to review the decisions made by Council, that those were the kind of things that she thought would help all of them. Council Members Lawrence, Johnson, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that as to the waterline, in general there would be a vehicle, which was a consent agreement, and he knew they had talked about a committee as a whole as a vehicle, that they wanted to have an open public discussion as quickly as possible and make it available to everybody. Council Members Lawrence, Johnson, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that Mayor White was listed as one of nine outstanding public officials of the year in Governing Magazine. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to tell them about a new project in Houston called Fulton Court, which was in the near Northside and was unique among the affordable housing CDC lead projects, that it was a mixed income community and what the Avenue CDC had done there was build six affordable homes, three bedroom, which sold for around \$110,000 and paired that in the same neighborhood and block with six market rate cottage homes selling for \$135,000 to \$145,000, and what the Avenue CDC had done was to take some of the profits from the market rate homes and use them to write down the price of the affordable home, so the net result was that they got a mixed income community where they could not tell the difference visually between the lower priced homes and the market rate homes, that he thought that was a really good model. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he was called out to Oak Tree Manor Apartments, a tax credit senior project, because they had some problems out there, that the project was assisted financially by CDBG funds and perhaps other funds and the developer had not finished the project, there was a 100 feet of sidewalk missing, there had been a drainage ditch filled in with no drainage substituted for the filled in drainage ditch, that they were missing ADA handicap rails and ramps, and he thought they needed to have a way to not let the developers get their final payment until they really finished the project. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he had a great experience by getting inside of Houston's first hybrid taxicab; that there was one in Houston, that he believed they had an opportunity to move forward with a fuel efficient taxicab fleet and would love to be part of that.

Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to mention the Beast on Buffalo Bayou, that as most of them knew the new County jail, which he was referring to as the Beast on the Bayou, the bond issue for that jail did not pass and there was a lot of concern by the Buffalo Bayou Partnership and environmentalists and quality of life people that here they were going to put a large County facility 30 feet from the banks, along a major walkway, of Buffalo Bayou, that putting that jail there he would say was a flagrant slap in the face to the Buffalo Bayou Master Plan and he would like to see the City do a better job of communicating the kind of values and standards that they had, particularly along their important bayous and hopefully as the project was revised they could have a different kind of use on that very critical piece of bayou frontage. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank all of her colleagues who joined them last Friday night at the Palace Bowling Lanes. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to congratulate Mayor White for the outstanding honor in Governing Magazine. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that they had a great weekend with the Veterans Day Parade and the exciting salute to their veterans, that the most sobering part was looking at the Gold Star Moms, that no one should have to sacrifice what they did, those were the mothers of the military fallen soldiers, that she was especially grateful that they provided them with a position of honor both at the ceremony as well as at the parade; that she wanted to thank Ms. Maria Salgado, who shared with her the wonderful story of her son Benjamin, that she would be forever changed because of that discussion. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated they had a really fun and exciting opportunity in District C and the Houston Intown Chamber who sponsored their first annual Wine Festival, surrounding and saluting the veterans, that the money raised from the Red, White and Blue Festival that was held in Houston's Levy Park would go to fund the Veterans Memorial. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

At 2:00 p.m. City Council recessed until 1:30 p.m., Thursday, November 15, 2007. Council Member Wiseman absent on personal business. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 1:30 p.m. Thursday, November 15, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm and Sue Lovell; Mr. Don Cheatham, Senior Assistant City Attorney-Division Chief, Mr. Larry Schenk, Assistant City Attorney, Legal Department; Ms. Marty Stein, Agenda Director present. Council Member Addie Wiseman absent on city business. Council Members Adrian Garcia, Carol Alvarado, Peter Brown, Melissa Noriega, Ronald C. Green and Michael Berry absent.

RECONVENE - THURSDAY - NOVEMBER 15, 2007, 1:30 P.M. - for purpose of canvassing returns of General Election held on November 6, 2007

At 1:37 p.m. Mayor White reconvened the meeting of the City Council.

MATTER RELATING TO GENERAL ELECTION - NUMBER 59

59. ORDINANCE canvassing the returns of the City of Houston General Election held on November 6, 2007; making various findings and provisions related to the subject; declaring the Official Results of the General Election – was presented. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Garcia, Alvarado, Brown, Noriega, Green and Berry absent. ORDINANCE 2007-1294 ADOPTED.

There being no further business before Council, the City Council adjourned at 1:38 p.m. Council Member Wiseman absent on personal business. Council Members Garcia, Alvarado, Brown, Noriega, Green and Berry absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary