

City Council Chamber, City Hall, Tuesday, June 3, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 3, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Xavier Herrera Citizens Assistance Office; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director present. Council Member Pam Holm absent on personal business.

At 1:58 p.m. Mayor White called the meeting to order and stated that Council Member Jones would begin presentations. Council Members Clutterbuck, Sullivan, Garcia, Rodriguez, Brown, Lovell and Green absent.

Council Member Jones invited Dr. Richard Murray with the University of Houston to the podium and stated that Dr. Murray had taught at the U of H since 1966 and was now director of the survey research institute and had consulted in more than 200 political campaigns and conducted polls for many; and today they were saluting Dr. Murray on his many outstanding contributions and extending him best wishes for continued success and presented him a Proclamation proclaiming today as "Dr. Richard Murray Day" in Houston, Texas. Council Members Clutterbuck and Sullivan absent.

Council Member Jones invited Dr. Murray's wife and Mr. and Mrs. Bob Lanier to the podium. Dr. Murray stated that he was honored to receive the recognition and one of his best decisions was in coming to Houston, Texas; and he urged others to do the same. Mr. Lanier stated that it was a pleasure for him and his wife to be present for the recognition of Dr. Murray which was richly deserved; and Ms. Lanier stated that Dr. Murray was an incredible teacher and very deserving and she congratulated him. Council Members Sullivan and Lovell absent,

Council Members congratulated and applauded Dr. Murray on his work and his recognition. Council Members Sullivan and Lovell absent,

Council Member Johnson invited Coach Walter Yates to the podium and stated that Coach Yates held the distinction of being the first African American to graduate from UT Pan America and he had coached basketball in the Houston Independent School District for 42 years and nominated to the Texas High School Coaching Association All Star Basketball Team and named to the UT Hall of Fame and the Prairie View Interscholastic League Coaches Association Hall of Fame; and instilled in players good values with his fair play and good sportsmanship; and presented him a Proclamation proclaiming today as "Coach W. Yates, Sr. Day" in Houston, Texas. Council Members Khan, Rodriguez, Brown and Lovell absent.

Coach Yates stated that he remembered Council Member Johnson when he was born as he was close to his family; that if he had to name all of those whose shoulders he stood on he would be here a couple of days as he owed much gratitude to many; and introduced his wife of 43 years, Mrs. Mary Yates. Council Members Adams, Khan, Rodriguez, Lovell and Green absent.

Council Members thanked Coach Yates for all his good works and congratulated him and his wife on his accomplishments. Council Members Rodriguez, Brown, Lovell and Green absent.

Council Member Johnson invited students with the University of Houston to the podium and stated that AIDS was still an epidemic and continued wiping out whole societies; that

December 15 through 23, 2008, the University of Houston Keep a Child Alive College Chapter would host the Dreams Come True Campaign Benefit which would help raise awareness of the AIDS epidemic; and presented them a Proclamation proclaiming today as "University of Houston Keep a Child Alive College Chapter Day" in Houston, Texas. Council Members Rodriguez, Brown, Lovell and Green absent.

Mayor White stated that today they did honor them. The University of Houston Chapter Leader for Keep a Child Alive Chapter thanked all for bringing attention to their issue; and Council Members expressed appreciation to all for being involved and for their good works.

At 2:32 p.m. Council Member Lovell led all in the prayer and pledge.

At 2:33 p.m. the City Secretary called the roll. Council Member Holm absent on personal business.

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

At 2:34 p.m. the City Secretary began calling the public speakers. Council Member Johnson absent.

Ms. Pat Hammit, 1210 Bonnie Brae, Houston, Texas 77006 (713-529-0753) appeared and spoke in favor of Agenda Item 28 and stated that she appreciated Council's consideration of their parking application for the 1200 block of Bonnie Brae; that her family owned the property since 1943 and now frequently she had to park away from home and that was a concern at night. Council Member Johnson absent.

Ms. Nita Lindley, 1214 Bonnie Brae, Houston, Texas 77006 (no phone) appeared and spoke in favor of Agenda Item 28 and stated that she respectfully asked the Council to honor the recommendations of the Traffic and Transportation evaluation for the off street parking permit for Bonnie Brae; that with the apartments, businesses, etc., now surrounding them it was impossible to park on their street and the permit would increase their safety and quality of life. Council Members Johnson, Sullivan and Garcia absent.

Mr. Louis Fry, 1217 Bonnie Brae, Houston, Texas 77006 (713-522-8400) appeared and spoke in favor of Agenda Item 28 and stated that their neighborhood had been inundated by cars because of nearby apartments, St. Thomas students, etc., some even leave their car over the weekend; that residents were getting parking tickets for illegal parking, but that was the only spots left to park and his solution would be for the apartments to stop charging extra money for the tenants second car to park on site and also there was a large empty lot on the corner which would accommodate 16 to 20 cars and it would more than solve the problem and those solutions were there over 20 years. Council Members Johnson, Sullivan and Garcia absent.

Council Member Adams thanked Ms. Hammit, Ms. Lindley and Mr. Fry for working closely with her office and for their dedication and commitment to protect the quality of life on their street. Council Members Johnson, Sullivan and Garcia absent.

Council Member Jones thanked all for coming and stated that she had previously tagged the item to allow someone else to be heard, but now it made sense and she did intend to support the permit request. Council Members Johnson, Sullivan, Garcia and Lovell absent.

Council Member Brown thanked all for coming and stated that he was supporting the item and he would appreciate their feedback once it was enacted. Council Members Johnson,

Sullivan, Garcia and Lovell absent.

Ms. Diane Schenke, 3015 Richmond #210, Houston, Texas 77098 (713-942-7275) appeared and stated that she was president and executive director of the Park People, a nonprofit citizens group who worked to preserve, restore and expand Houston's parks and greenspaces, and present to urge Council to enhance its commitment to the multipurpose use of the MKT Railroad corridor owned by the City of Houston and urge them to create a drainage channel and linear park in the 17 acres west of T C Jester to Hempstead Highway; that they were going to use it as a trail and the multipurpose usage would greatly increase its usability and connectivity. Council Members Johnson, Sullivan and Garcia absent.

Mr. Paul Foster, 3915 Golf Drive, Houston, Texas 77018 (713-291-4164) appeared, presented information and stated that he was present requesting assistance with the issue of public land use, a developer, Facundo Artisan Builders, Inc., he was proposing development next to his property which encroached on the alleyway that provided the only entrance and exit to his garage; that the builder of his home had applied for and received permission to access and pave an alley to the north of his property and it was his only access, but Mr. Facundo's planned encroachment could partially or completely impede his access to his garage. Council Members Johnson, Sullivan and Garcia absent.

Council Member Lawrence stated that she was surprised more people in Garden Oaks had not had the problem, when she lived there she thought she had an alley behind her house but found out it was an easement; that they did an inventory of alleys and wrote an ordinance; that they were now working with Center Point trying to figure out what to do with an easement as Legal said it was not an alley; and Mr. Foster stated that the problem was in the designation of this strip of land as an alley and two land surveys and its approval in Planning and Development, the time to say you could not build an exclusive paved surface was in 1999 and 2000 and not in 2008 after his garage access was limited to it; and Council Member Lawrence stated that they were working with Planning to see how they interpreted law and hopefully this would come out in his favor. Council Members Johnson, Khan and Jones absent.

Council Member Clutterbuck thanked Mr. Foster for his presentation and stated that she ran for office because of issues like his, wanting to preserve easements, they recently passed an ordinance which would prohibit actions of these types when the alley was recognized by the city and it was an easy process; that Planning should not have issued permits and she felt this was just an error. Council Member Jones absent.

Mayor White stated that he spoke to the City Attorney about this and they discussed various features of it so he was getting attention; that the role they played should be based on what they perceived to be the law and it would be nice if all was clear on the deeds; and upon questions, Mr. Foster stated that on page 17 of his presentation he was Parcel A and the only house which used the alley and had for over 8 years now; that the developer planning the encroachment said the city told him he had the right to encroach. Council Members Garcia and Jones absent.

Upon questions by Mayor White, Mr. Heilman stated that they were following up on this and would review all real property records and they would give him a report; and Mayor White thanked Mr. Foster for bringing it to their attention and stated that to the Legal Department the issue should be for them to look at the totality of the law and they should act in accordance, what made a simple answer was not always the right answer. Council Members Garcia and Jones absent.

Upon questions by Council Member Brown, Mr. Foster stated that the construction had not begun; and Council Member Brown stated that the city had a process to certify the alley and

they were in a process of documenting all alleys and it seemed this would conform; that he should immediately make application to certify this alley and it would clear up the problem and if the procedure was in process he thought it would preclude any encroachment until his application was resolved; and Mr. Foster stated that he had not heard of the process; and Council Member Brown stated that he should contact Council Member Lawrence's office. Council Members Garcia and Jones absent.

Mayor White stated that on a final note on this one point, maybe Council could assist on something he was reading, if something was recorded as an easement why would it be some lesser degree of an easement for ingress and egress; why would someone be able to fence in an easement; and Mr. Heilman stated that was what they were trying to resolve; that he saw what he was referring to, they were with him on it; and Mayor White stated that he did not understand why if something was an easement it was not protected; and Mr. Heilman stated that he did not disagree; and upon questions to Council Member Clutterbuck, Council Member Clutterbuck stated that she understood his question and it absolutely should be protected and it was platted and recorded. Council Member Jones absent.

Mr. Tyson Prather, 4914 Wayne, Houston, Texas 77026 (281-436-0453) reserved time to speak but was not present when his name was called. Council Member Jones absent.

Ms. Myrna Schaffer, 510 Bolton Place, Houston, Texas 77024 (713-681-4365) appeared and stated that she and her family had property on Will Clayton Parkway, there was talk of airport expansion and this property they owned approximately 45 years; that the property was now affected by the new flood guidelines, the frontage on Will Clayton was in the floodway and the rear was not accessible because of the bayou, it seemed the city was taking the property without compensation and she was asking them to consider that was what was happening; that they had a sale on the property and it fell through at the closing table and she had not even known it was or that you could not build on it which brought up another issue of why did she not know it, it seemed the city would have informed landowners, neither realtor knew of this until the land was surveyed and the sale fell through; that this was property rights and she hoped they would reconsider. Council Members Lawrence and Khan absent.

Upon questions by Council Member Noriega, Ms. Schafer stated that it seemed people should be notified of changes and have them interface and interact with Council; and it was fine if the city wanted her property for the airport, but they should buy it and not take it; that if they were not allowing anything to be built on it they rendered it useless; and Council Member Noriega stated that they spoke of this earlier this morning and she remembered them speaking of compensation; that they said an environmental study was going on; and upon questions, Mayor White stated that there were two different issues, one was to do with unimproved property which would be in a floodway and they were diligently working and would be coming up with alternatives for those with undeveloped properties; that they wanted to act and did not apologize for acting boldly to make sure water could get downstream without flooding neighbors and by the same token a combination of building standards such as pier and beam could be used to offset retention may allow them to accomplish the goal with respect to unimproved property; and secondly the legislature did allow the city to do what the FAA required which was to have some overall landuse designation plan where people could have fair notice of what could be done; that the FAA was going to refuse to be paying for properties built in planned expansion routes so the idea was to keep way ahead and designate certain areas; and he did not remember that no one would be able to build; that Ms. Kathy Elek with the Airport system was present and one issue had to do with the impact of the proposed expansion and the next one had to do with the floodway issue. Council Members Lawrence and Green absent.

Council Member Khan stated that there were two separate issues and both had to be dealt with and he was glad she was present and Kathy would either now or follow-up with her as to

what to do with FAA issues, but regarding flooding they had a joint meeting coming up with Council Member Clutterbuck next week and they would be discussing suggestions for improved property and unimproved property and if she would give them her email address they would put her on the list of meeting notifications. Council Members Lawrence, Sullivan and Green absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (832-264-1816) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Sullivan, Rodriguez and Green absent.

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

Ms. Marla Turner, 2323 S. Shepherd #1108, Houston, Texas 77019 (832-235-2236) appeared, presented a booklet titled "Aging Agenda for Houston-Harris County-Moving Toward an Elder Friendly Future" and stated that she was representing two wonderful organizations, she was the associate state director for AARP Texas in the Houston area and also the chairperson for the Harris County Area Agency on Aging Advisory Council, and wanted to thank the Mayor and Council for support on aging issues; that the Aging Agenda she presented was from one year of hard work by several social service agencies; and thanked Council Member Johnson for being present at the expo they had where they unveiled this for seniors and Mr. Williams and his entire staff in the Health Department devoted many hours and now the city could be proud of their product. Mayor White, Council Members Lawrence, Sullivan, Rodriguez, Lovell and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia thanked Ms. Turner for the important work she did. Mayor White, Council Members Lawrence, Sullivan, Rodriguez, Lovell and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Jones stated that she wanted to brag on Ms. Turner and what she and AARP did, they also helped children and all they did was great, there was an obligation to take care of seniors and youth. Mayor White, Council Members Lawrence, Sullivan, Rodriguez, Lovell and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Johnson stated that it was a pleasure to be at the fair and many turned out; that yesterday they held a committee meeting where they spoke of an RFP which would be coming out to provide services over the entire gambit. Mayor White, Council Members Lawrence, Sullivan, Rodriguez, Lovell and Green absent. Mayor Pro Tem Garcia presiding.

Ms. Kathy Wilson, 8000 Greens Road, Houston, Texas 77067 (281-877-9841) appeared and stated that she was present concerning apartment crime at 832 West Greens, it had been going on since 1983, it took place yearly and hoped Council would contact the owners about tenants harassing tenants and some are not mentally stable, and it seemed as though they wanted the lowest or worst Blacks in the country to stay here in Houston, Council knew they were mentally unstable and could not work, but they had them here for something; that other states did not want such unstable people and would not accept them. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Brown, Lovell and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Teresa Poppe, 8270 Osprey, Katy, Texas 77494 (281-392-4784) reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Brown, Lovell and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Shantell Roberson, homeless (713-283-4161) appeared and stated that she was homeless and present to speak on that subject; that she just became homeless one month ago, she had been on Section 8 housing and she had problems with the Houston Housing Authority leaving her to live in her storage; that she had a housing package and knew it was a privilege and not a right, she was living in a place that did not pass inspection and the Housing Department did not give her a packet to leave, but instead said they had to re-inspect it and wasted money inspecting a property they knew would fail, and they drug it out and gave her an eviction and not a packet, it failed three times before they gave her a packet and when she went and asked them to extend hers until she found a place to live they ignored her and she had them on tape, Officer Lindsey who was over their department ...; that they instead of extending her to find somewhere to live they just basically said she needed to go away, they laughed, talked on their phones, etc., but no help. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Lovell and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia thanked Ms. Roberson for coming and stated that Ms. Regina Woodfolk with the Houston Housing Authority was present and many others who watched the program were aware now of her situation and frustration and Council Member Jones wanted to speak with her next and he would ask if she would have a staff member sit in on the conversation between her and Ms. Woodfolk to see how they could assist; and Ms. Roberson stated that they needed to because they spoke to people like they were uneducated poor and had tails and before 9/11 she was a flight attendant. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Lovell and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Jones stated that a staff member would sit in on the conversation, but she would be interested in any audio she had as to how she was spoken to, all needed a certain dignity and respect. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Lovell and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Khan moved the rules be suspended for the purpose of hearing Ms. Jennifer Garcia, Ms. Joanna Garcia and Ms. Yessenia Garcia after Mr. Aaron Wilczewski, seconded by Council Member Jones. All voting aye. Nays none. Council Member Holm absent on personal business. Mayor White, Council Members Adams and Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0364 ADOPTED.

Ms. Robin Harrison, 4608 Jetty Lane, Houston, Texas 77070 (281-323-3577) appeared, presented information and stated that she lived in Alief and the "Y" was doing their summer program at the Alief Community Center and it cost \$95.00 a week and it was rather expensive, many could not afford it and there was no where else for them to go; that many children in the area already had records and being out in the community with nothing to do only gave them more time to get into trouble; that seniors also wanted activities such as crafts, health related, etc., and one program in the city was only \$30.00 but if not a member of the "Y" the program was \$90.00 and they were requesting funding for the center. Mayor White, Council Members Adams and Green absent. Mayor Pro Tem Garcia presiding.

Mr. William Sanders, 411 Cavalcade, Houston, Texas 77009 (713-782-8833) appeared, presented information and stated that he worked for Texans Together and also with Unified HOODS (Helping Out Others During Struggles) and they had been going through Alief and getting petitions signed and seeing what the community of Alief wanted changed, they wanted less crime and violence and youth just hanging out and did want to see after school programs, vocational training and computer labs set up to extend the minds of youth; that they did have a layout plan and surrounding businesses were willing to support their issues and he would like to see something done and wondered how to establish it. Mayor White, Council Members Adams,

Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia thanked Mr. Sanders and stated that he had one of the single most powerful Council Members representing his area and called on Council Member Khan. Mayor White, Council Members Adams, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Khan stated that it was great they were present today, what they were doing needed to be shared with all of Houston and that was being done now; that he wanted to share with his colleagues Texans Together knocked on over 10,000 doors in the Alief area and spoke to 3,000 residents surveying needs of the community; and upon questions, Mr. Sanders stated that the community center right now had empty classrooms and that was empty resources not being used and youth were being charged for activities which youth could not afford and many parents could not afford, he was looking for something to be opened up to them and free such as a computer lab set up, vocational training, after school programs, etc., in Texans Together they had approximately 12 people working and with Unified HOODS they had approximately 15 to 17 people; and Council Member Khan stated that computer resources were available at the Alief Library less than 1-1/2 miles from the community center, but he had a staff member meet with some of them already and they were going to explore possibilities of getting the private sector involved and the Alief School District and the HCC to see how they could partner; that all they were doing was wonderful and needed in the community and he appreciated them; and Mr. Sanders stated that he looked forward to getting the resources and thanked all of Council for their support. Mayor White, Council Members Clutterbuck, Adams, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that the issues of Council Member Khan's district did not fall on deaf ears. Mayor White, Council Members Clutterbuck, Adams, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Jones stated that she would absolutely support giving money to the Alief Community Center if they could find it; that her brother and a friend were murdered near there, much crime was there, she had gone out to the Alief Community Center and there were empty rooms and people were trying to find where to send their children; that this group helped youth but also their struggling families, when you struggled to pay bills you did not have money for other things and without supervision there was much for youth to get into and kids were a product of their surroundings. Mayor White, Council Members Lawrence, Adams, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that he hoped this dialogue helped Mr. Sanders and his colleagues understand there was a tremendous amount of agreement with the interest to do more for the community and Ms. Patricia Harrington with the Mayor's Anti Gang Office was present and he would ask they visit to see where there were more computer services. Mayor White, Council Members Lawrence, Johnson, Adams, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Francisco Garcia, 3530 Greens Crest Drive, Houston, Texas 77082 (832-245-3898) appeared and stated that he was also resident in the Alief Community and a high school drop out; that he had found a way to move forward and graduate high school; that they were working on a petition drive and their presentation had a power point lay out of what they had been doing and Texans Together had been working in the Alief Community since last year and they collected information on issues which affected their community residents, all ages, he was also affiliated with Unified HOODS, a group of young adolescents who got together in the community to speak out on issues of the community and receive help, resources and guidance from those higher up to help them make the community a better place; that wrong doings seen should be acknowledged and ways should be found to empower communities; that they focused on the

Alief Community as it was in the heart of Alief and it was one block from alternative schools and from five different campuses ranging from elementary to high school. Mayor White, Council Members Lawrence, Johnson, Adams, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Khan stated that Mr. Garcia's teacher would be proud of him just as he and everyone here was; that he was very impressive and he was doing something about this and he saluted him and all those with him; that they could count on their support and his staff was already looking into ways to help and not just government, they were looking for private sector help as all would benefit from what they were doing. Mayor White, Council Members Lawrence, Johnson, Adams, Rodriguez, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she and Council Member Khan would work on private sector money, but with the special needs of Alief they also needed to find public sector money; that these people present could be foot soldiers and change things around, they cared and were there daily and responsible and such organizations needed to be supported. Mayor White, Council Members Lawrence, Johnson, Adams, Rodriguez, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia asked all those present with Alief today to stand to be recognized; and stated that young people throughout the Houston Community should take notes about what was commonly referred to as grass roots mobilization, this was what the term "pulling yourself up by your bootstraps" meant and they were a living example of what it was all about, not just feeling sorry and saying nothing could be done, but rather challenging the systems and demonstrating interests and they reminded him of where many at the Council table had been and urged they keep the heart and not give up on the process; and Mr. Garcia thanked all for their support. Mayor White, Council Members Lawrence, Johnson, Adams, Rodriguez, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Maureen Haver, 339 Surratt, Houston, Texas 77091 (832-641-2882) appeared and stated that she was director of Texans Together which started one year ago; that she was very excited to hear the responsive nature of the Council Members but also wanted to emphasize the urgency of the situation; that Alief had the second highest crime rate and information previously presented showed a university study, researchers at Johns Hopkins University conducted a study in 2007 referred to schools as drop out factories, this was urgent; that the Alief Library had computer labs, but it was the most frequented library in the Houston area and there were lines at the computer lab and that divide needed to be bridged; that when they knocked on doors people came to the doors with a gun in their waistband, they were living in fear; that Thursday the Parks and Recreation Budget Committee would be meeting and on June 10<sup>th</sup> they would be there as well and this was not a question if it should be or could be done, it was a question of whether it would be done; that also the Alief Community Center was charging \$95.00 a week for after school activities and present she had a flyer from Burnett Bayland Community Center offering summer programs for \$30.00 a week and it was ridiculous every community center did not offer that and in the Park Services Guide they had teen programs and a few community centers offered services exclusively for teens so it could be done, it was already set up as a part of the infrastructure. Mayor White, Council Members Lawrence, Johnson, Adams, Rodriguez, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Haver stated that their next meeting would be June 17<sup>th</sup>; and Council Member Khan stated that they did need action and they had Council's commitment to work with them; and Ms. Haver stated that as they worked together they wanted timelines as it would be the only way to hold them accountable. Mayor White,

Council Members Lawrence, Johnson, Adams, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that some things had been built and people did not come and they wanted to be sure tax dollars were invested right and they needed help to be sure folks would come in. Mayor White, Council Members Lawrence, Johnson, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Jones stated that she was surprised to see young families in Texans Together, this group was different, it was unique to have people struggling and trying to do the right thing and they did need to support them. Mayor White, Council Members Lawrence, Johnson, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Ian Fitch, 7964 Hammerly Blvd., Houston, Texas 77055 (512-799-3024) appeared and stated that he was fairly new to Texans Together and most people believed everyone now was computer literate but it was not true and this was a very important initiative to support as without the knowledge people could not go to college and he would volunteer and teach classes and hopefully in Spanish as well; that he would be lending support and hoped Council would as well. Mayor White, Council Members Lawrence, Johnson, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that this was a good day in Houston; that talk was cheap but with action it was extremely valuable and he thanked them. Mayor White, Council Members Lawrence, Johnson, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Aaron Wilczewski, 2500 Woodland Park Drive, Houston, Texas 77077 (713-822-7542) appeared and stated that he was from Louisiana and moved to Houston which made a big change in his life and opened his eyes and he described a crime which happened when he was young after he moved here; that it was just an incident but crime was getting worse and teens were killing teens, they needed something to do, to keep them busy, maybe setup an art center and allow them to learn something they wanted to learn such as music, dance, skateboarding, etc., to allow people a future. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that his incident was not just an incident; that they did not like it and he was part of a drop of water which could turn into a tremendous tide and move a community in a great direction. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Adams moved that the rules be suspended for the purpose of hearing Ms. Elizabeth Wilkinson, Mr. Andy Porter, Ms. Lorna Ball and Rev. Elbert R. Curvey after the last speaker on the Alief issues, seconded by Council Member Khan; and Mayor Pro Tem Garcia stated that with no quorum present it would be done on consensus. Council Member Holm absent on personal business. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Jennifer Garcia, 3500 Woodchase, Houston, Texas 77042 (713-784-0583) appeared and stated that she was affiliated with Unified HOOD and was born and raised in Alief and was present today to say to Council if they would go to any high school they would see distribution of

drugs, gangs and young teens getting pregnant; that sidewalks, roads, etc., were needed, but a focus on education and a future for the next generation was also needed. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that this was a great day when young Houstonians knew how to engage the system and were articulate and factual. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Joanna Garcia, 3500 Woodchase, Houston, Texas 77042 (713-784-0583) appeared and stated that she was born and raised in Alief and their community needed help, they needed change, and today they came to say what was needed and get a response; that youth now in middle school were at risk and dropouts were also there now; that she looked forward to their community improvement along with Council's help. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Brown, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to thank them for coming and stated that apparently in public schools those who started in elementary only had 50% graduate; and upon questions, Ms. Garcia stated that youth with bad behavior were placed in certain classes and teachers did not pay as much attention, they did not give them what was needed and they gave up; and Council Member Brown stated that he wondered where their parents were in this. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Brown, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Jones stated that Council Member Brown asked about the parents and sometimes they were locked up, sometimes they were just tired and sometimes they just had kids sick and tired of being sick and tired and figured there had to be a different way and they asked questions and tried to do positive things like this group; that she was probably their biggest fan, it was so rare to have young people put up and if she could find money to help them she would. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Rodriguez, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Brown stated that they did deserve a response and Council needed to take action; and he would like to know how to sign onto their program; and Council Member Khan stated that they had information they could pass on to his office. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Rodriguez, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Yessenia Garcia, 3530 Greencrest Drive #822, Houston, Texas 77082 (713-679-3090) appeared and stated that she was present on behalf of Unified HOOD and her main concern in the Alief community was for the need of programs and resources for young ladies, a baby raising a baby was not what they wanted to see, but times had changed and it was a reality and for those who did have babies there were no programs, young ladies needed persistent programs and bring to them a brighter and broader image on what it took to be a parent. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Rodriguez, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that their group was to be applauded, she was the last speaker on this issue and he had seen Ms. Patricia Harrington with the Anti Gang Office speaking with them and he thanked them all for coming and articulating their message and now

the real work began; and thanked all for coming. Mayor White, Council Members Lawrence, Johnson, Sullivan, Rodriguez, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Elizabeth Wilkinson, 1000 Oaks Blvd., Magnolia, Texas 77354 (832-492-1417) appeared and stated that she was a member of the Church of Jesus Christ of Latter Day Saints, they were commonly known as Mormons, and recently youth from the Kline Area held a youth conference and did a service project in the Sunnyside Area, they painted the Sunnyside Missionary Baptist Church, restriping and cleaning of their parking lot, they painted six homes and did all yard work for the homes and cleaned several vacant lots; that today she wanted to thank and recognize Council Member Adams for her efforts in helping their committee make their project possible and her staff was very helpful also; and as a token of appreciation they presented her with a scrapbook of the event for her and her staff. Council Members Lawrence, Johnson, Sullivan, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Wilkinson for her leadership of 200 students and for the scrapbook; and stated that anytime her office could be of assistance they should contact her. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he was blown away by the power of the young people demonstrated here today in Council; and thanked the group for coming today and for what they did. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that when you served you learned something and when looking back on such an experience you usually felt you received more than you gave. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Andy Porter, 17517 Memorial Pass, Spring, Texas 77379 (281-251-9031) appeared and stated that he was also with the Church of Latter Day Saints and he was raised to be grateful and today wanted to thank Council Member Adams for her help; that her role in the Sunnyside Baptist Church cleanup was he was the co-chairperson and he and another young lady headed up the council of 12 people and they met up with many obstacles finding something youth 12 and up could do and they met with Rev. Curvey and Council Member Adams and were able to accomplish much there and you could see it in the congregation of the Sunnyside Baptist Church. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that the thanks went to them; that they let their light shine that day by choosing the Sunnyside community and working closely with Pastor Curvey; that they were thanking her, but she thanked each of them. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she wanted to thank young people for going out and helping; that today was a good day where young people came and helped their and other communities and they were shining examples of what young people could do. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Lorna Ball, 8006 Bent Oak Lane, Spring, Texas 77379 (281-655-0929) appeared and stated that she was president of the Young Women Organization of the Kline Texas Church of Jesus Christ of Latter Day Saints; that they had eleven congregations and the youth program

consisted of approximately 325 youth ages 12 to 18 and they were very grateful for help through Council Member Adams office and from the city generally; that as adult advisors they did guide them through the leadership process and Ms. Johnson on Council Member Adams staff and Rev. Curvey provided expert guidance to help the youth be successful and they were thankful they found good role models; and presented the Mayor and Council Members with a booklet "The Strength of Youth" which allowed youth to do jobs with greater skill and wisdom. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Ball for allowing her to participate and choosing the Sunnyside area; and the scrapbook was beautiful and would be cherished. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Garcia thanked Ms. Ball for being a role model to the youth and stated that one of the most important ministries was to youth, in making sure their hearts and minds were filled with what was good in this world. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Reverend Elbert R. Curvey, 3421 Wichita, Houston, Texas 77004 (713-523-1051) appeared and stated that he served as pastor to the Sunnyside Baptist Church since 1960 and he wanted to express gratitude to the City of Houston, especially Council Member Adams and Mayor White for their extended support in the neighborhood cleanup effort; that he was so impressed with the youth who worked in their community, he had never seen a group so organized and efficient and they accomplished an enormous amount of work in a short time; that it was a very wholesome endeavor and he was grateful for all their work and wanted them to remember how it felt as they served their fellow man so they could stay focused through their lives on doing God's work, reaching out to less fortunate and showing true compassion. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White thanked Rev. Curvey for his public service in many capacities over a long period of time. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams thanked Pastor Curvey for all his dedication and leadership and thanked the church of Latter Day Saints for what they did; and as long as she was present she would be there for them. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones thanked Pastor Curvey for coming and for what he did and he said he wanted to thank the young people for serving their fellow man and she hoped they would never forget that, they were teaching adults what it was all about. Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Birgit Green, 1532 W. 21st, Houston, Texas 77008 (832-647-3047) appeared and stated that this was a great and positive afternoon and felt bad to bring up her subject, but they had been fighting on this 18 months and frustration was in and then read to the Mayor and Council the oath they accepted when coming into their positions; and continued that part of the Fifth Amendment of the U. S. Constitution was, "no person should be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation" but the City of Houston was using the floodway ordinance Chapter 19-43, as a tool to take private property without just compensation; that if the city wanted to purchase their

land they could do so at fair market value prior to the enactment of the amendment in October 2006, it was clearly unconstitutional and they asked the ordinance be reversed back prior to October 1, 2006. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Garcia thanked Ms. Green for coming and stated that they had been working to try and do what was right by the homeowners affected by the ordinance and he thanked her for being respectful and continuing to engage in the process. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he did take the oath and the idea very seriously; that for many years in Houston you could not build in floodways and they then had a variance from that; and if they said there was a modest and reasonable impact fee which contributed to some detention that would more than offset any obstruction from a flow on the models he wanted to make sure the money was the right amount and it did not go into a black hole and it meant he needed to know where would that detention be; and Ms. Green stated that the drainage issue was a bigger issue than the overflow from the actual bayou bank, when they had a regular rainfall people would flood because the water did not go into the pipe and not because the bayou flooded; and Mayor White stated that you could not change rules in the middle of the game so drastically that people would not have options with their property; and thanked her for coming. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Rodriguez and Green absent. (NO QUORUM PRESENT)

Ms. Diana Lerma, 604 Joyce, Houston, Texas 77009 (713-695-8429) reserved time to speak but was not present when her name was called Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Rodriguez and Green absent. (NO QUORUM PRESENT)

Council Member Garcia stated that Ms. Lerma was not present, she and her neighbors met with Ms. Susan Christian prior and worked through their issues; and he thanked the administration for working through what could be. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Rodriguez and Green absent. (NO QUORUM PRESENT)

Ms. Margaret Smith, 4610 Pinebrook Lane, Houston, Texas 77053 (713-478-2256) reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Rodriguez and Green absent. (NO QUORUM PRESENT)

Mr. Mark Money, 10600 Hempstead, Houston, Texas 77092 (713-682-1889) appeared, presented information and stated that his issue was ongoing, flooding at the area of the 2300 block of Fairway Park, it was a simple matter of storm sewers not being repaired; that anytime it rained, even a quarter of an inch, caused the street to flood and so did parking lots to businesses; that they brought it to the city's attention back in 2003 and they continued calling 311 with no results; that they called the Mayor and he got Public Works involved and it was sent to engineering and they said it was too expensive and were talking two more years, but this had been going on over six years, once a problem was identified why should it take so long to get resolution. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Garcia, Rodriguez and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he said the problem was identified and why could it not be fixed and he would not say it could not be, the way it was handled was someone wanted to build an industrial warehouse district and at the time the street and drain was built and engineers designed and signed off on it; that between the 1950's and about 2004 or 2005 they had standards on how big the inlet was and pipe was and it was too small and he felt it was to

promote development; that it had been tightened up and caused bigger inlets and bigger pipes, also trees were planted and roots went into the drainage pipes and that was where they now were; that to Mr. Norman it would be probably too expensive to dig out culverts and put new pipes in and he could not say they would be able to fix it that he got some idea of cost estimate and they were trying to make some progress but it was slow, but he got a report from Mr. Norman. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Garcia, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Upon questions by Council Member Noriega, Mr. Money stated that he was speaking of the northwest part of Houston, off 290 and 610, Hempstead and Dacoma; and Council Member Noriega stated that she just wanted to be clear. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Garcia, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Ms. Jorgetta Williams, P. O. Box 77242, Houston, Texas 77242 (713-314-7546) reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Garcia, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Doug Goerner, 1111 McIlhenny #1, Houston, Texas 77002 (713-658-0301) reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Garcia, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Richard Freeman, 121 Riggs, Houston, Texas 77022 (no phone) appeared and stated that he worked for years and was misled by a sheepskin and a year ago misled by an Eastern Star; that a generator was taken and he took his solar thing; and he got injured on the monorail about February and he had two hernias; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Garcia, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Garcia, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, P. O. Box 263252, Houston, Texas 77207-3052 (832-292-5203) appeared and stated that the millennium year Y2K President George Bush, Jr., there was a crank call about the traffic lights and computers going out and food shortage and everyone was buying all the food and it was his undercover way of not wanting the people to know he tampered with food and made people thoughtless, unaware, etc., and continued expressing her personal opinions until her time expired. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Lovell and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Ms. Cindy Case, 1219 Miramar, Houston, Texas 77006 (713-899-4010) appeared, presented information and stated that she represented more than fifteen neighboring residences which opposed Council awarding parking permits to Bonnie Brae Street, however, she was fighting the wrong battle, because the residents on Bonnie Brae agreed 100% they would automatically be awarded the permit regardless of the burden on neighboring streets; that permitting was flawed because it could not be applied across the city equally, the street parking was public and the five residents should not be allowed a public street. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

PRESENT)

Council Member Adams thanked Ms. Case for her patience and hard work, but according to Houston policy when you had the majority sign petition and they received 100% even if there was only five homes there; that other streets could also apply; and Ms. Case stated that they could not all be awarded as there was not enough street parking, there was over 150 other residents which showed on her map and it was not right to favor one street over another; and Council Member Adams stated that it was not favored, but there were five homeowners on the street who all requested it; and upon questions, Ms. Case stated that her recommendation would be to have further engineering studies on how if permits were awarded how they affected neighboring streets and whether it was a true solution or not and she would like to know how to further pursue this because she felt the policy did need to be changed. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she felt she should go ahead and apply and the person needed in Parking Management was Mr. Derrick Williams; and to try and change policy she would begin in Parking Management. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she was going to say Mr. Williams was present and when it came to policy changes you did start with that department, this was her quality of life and they should begin with her street; and Ms. Case stated that they cared about their neighbors and would not choose that option, they all shared the same burden. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she tagged this item previously and though she would now support the permitting it was not giving a street private parking to her, she felt they had allowed development without completely thinking and now present rules had to be taken advantage of and she would suggest they also get a permit, the permit did not preserve a parking space but did allow them to legally park. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that it may be the ordinance needed now to be tweaked and she would be willing and they appreciated her bringing this to Council's attention, her points were well taken. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

At 5:28 p.m. City Council recessed until 9:00 a.m., Wednesday, June 4, 2008. Council Member Holm absent on personal business. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell and Green absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, June 4, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office;

Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Pam Holm absent on personal business.

At 9:26 a.m. Mayor White called the meeting to order. Council Members Johnson, Sullivan, Khan, Brown, Green and Jones absent.

Council Member Holm moved to suspend the rules to consider the Monthly Financial Report out of order at this time, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. Council Members Sullivan, Khan, Brown, Green and Jones absent. 2008-0365 ADOPTED.

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds - was presented.

Mayor White recognized Ms. Annise Parker, City Controller and Ms. Michel Mitchell, Director of Finance for the Monthly Financial Report. Council Members Sullivan, Khan, Brown, Green and Jones absent.

Ms. Parker stated that this was the Monthly Financial Report for the period ending April 30, 2008, that as they knew when they got to the end of the year the numbers did not move as much and there was an extensive list of different items that had changed in the Monthly Report that they had in front of them; that they were projecting an end of year budget surplus of \$4.1 million, down \$3.5 million from last month's report, that the change was attributed to a combination of a \$5.2 million increase in projected departmental expenditures and a \$1.7 million increase in their overall revenue projection, that based on the latest property data from HCAD they were increasing their projection for property taxes by just under \$300,000, there was a million dollar increase in their projection for Interest Revenue due to a higher than anticipated cash balances; that they were also increasing their projections for sale of Capital Assets by just under a million dollars to reflect funds received from the sale of portions of Shearn and Calumet Streets; that on the Expenditure side the projection for the Finance Department was up by a little more than half a million from last month to reflect the transfer of administrative costs associated with the TIRZ group which had previously been spread among three departments; that there was also an anticipated increase of \$400,000 in Police spending to cover increased fuel costs, that rising fuel costs were also impacting other City departments, prompting an increase of just under \$4 million in the General Government line item and that was something they were going to have to be watching in the next months, that it looks like it would only go up; that in the Enterprise Funds there were several minor changes including another decline in the Combined Utility System Operating Reserves due to lower water and sewer sales, that she did not know whether it was rainfall or what, but they were just down, that for information on the other changes in the Enterprise Funds she would refer them to the report; that she also wanted to remind Council that they did publish and discuss the Controller's Office Trends Report at the Fiscal Affairs meeting, that it was not intended as an analysis of the administration's budget all it did was take the current trends in property taxes, sales taxes and other revenue and put them in a historical context so she would encourage them to take a look at that; and finally she wanted to thank Mr. Anthony Hall for participating in the year end planning session for all the City departments that they held last week, that as they knew they were finally wrapping up the Comprehensive Annual Financial Report for 2007, the year end close for 2008 was about to begin so folks were continuing to do double duty but they had a citywide meeting to explain the procedures and she felt confident that the departments knew what had to be done and she really appreciated Mr. Hall being there and helping to convey the administration's position, and that concluded her report. Council Member Green absent.

Ms. Mitchell stated that their projection for the General Fund Revenue increased by \$6.6 million as a result of higher Property Tax Revenue projection of \$3 million and it was due to their higher collection rate, they went from 96.5 to 97.16, they had increased the Sales Tax projection by \$2.3 million which was based on their higher collection rate over the last 3 months, which was based on a 5.4% increase; their Interest Revenue was projected to increase by \$1 million and that was due to high cash balances; that License and Permits were projected to increase by \$760,000, mainly due to an increase number of special Fire and Burglar Alarm Permits; and the revenue, as the Controller mentioned, of \$1 million was projected for the sale of assets due to street abandonment; that she did not want to waste the Council's time by going over information that the Controller covered, which the Finance Department was in agreement with on expenditures and Enterprise Funds; that to Fleet and Equipment and Internal Service Fund, the sale of property and interest revenue was projected to be \$1 million; that Katrina Aid and Recover, the audit was totaling \$37 million for the furniture segment of the Interim Houston Program was near it's completion; that they would begin the audit for the \$1.7 million shortly on the household goods segment, the City did receive the notice on April 28, 2008 that the first level appeal to FEMA Regional Director in the amount of \$1.8 million was denied and they were in the process of preparing a second level appeal, and that concluded her report. Council Members Lovell and Green absent.

Upon questions by Council Member Brown, Ms. Mitchell stated that they had two appeals going and they were waiting what the outcome of those appeals would be, that would generate the \$1.9 million, and Mayor White stated that there were tremendous amounts of administrative requirements that were imposed by FEMA on the administration of the program and much of the cost of the program was directly a result of those very specific and frankly onerous administrative requirements, that if they say to somebody they had to keep every invoice in order by recipient, well a normal business would do it by vendor order and they had to keep an office building in west Houston with floor after floor of temporary workers reshuffling records at FEMA's request then their administrative costs go up and these particular costs were, as his recollection, approved by FEMA at a local level and then they got held up in Washington, but he believed they met with FEMA in early 2007 regarding just these costs, and they had all indications that FEMA was going to pay these costs, they were costs associated principally with Jefferson Wells and their administration and really preserving the records, because at the time of the project worksheet these were audited and then they had FEMA OIG teams come in; that the State of Texas was auditing them again after the Federal Government, from where the money came, had already audited them. Council Members Lovell and Green absent.

Upon questions by Council Member Khan, Ms. Mitchell stated that as the Controller had mentioned they were clearly monitoring the cost of fuel, she had conversations with the Mayor recently and they had reached out to some banking firms to look at ways that they could hedge the fuel, and in fact she would be trying to present to the Mayor a presentation on that very shortly, that she thought that was the best way that they needed to go, they had to realize that it was just going to keep going up, that her plan was not to increase the budget any more than they did for FY09 until they saw what they could do on the hedging side of their fuel. Council Members Adams, Lovell, Green and Jones absent.

Upon questions by Council Member Khan, Ms. Parker stated that she would refer Council Member Khan to the Trends Report, the Fund Balance was very healthy now and had been growing under Mayor White's administration, the current budget did project a draw down of fund balance but it would remain at very healthy levels, that as a reminder they were required to have 5% and they in the Controller's office recommend 7.5% and it was going to be significantly above that, that even though there was a difference in their revenue projections, under either scenario the Fund Balance was very healthy, and Ms. Mitchell stated that if he would also look at the 5 year plan she presented as well he would see that same percentage being high even

though they were doing a draw down. Council Members Adams, Lovell, Green and Jones absent.

Council Member Clutterbuck moved to accept the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0366 ADOPTED.

### **MAYOR'S REPORT**

Mayor White stated that from time to time there was something that City employees did that was very extraordinary and he was not sure how many Council Members knew about it, that the next presentation was from the Houston Health and Human Services Department and in collaboration with others and had made a huge difference in the life of people, that he wanted them to know about it because they might have some thoughts and ideas about where they ought to be going next. Council Members Adams, Green and Jones absent.

Mayor White recognized Ms. Judy Harris, Assistant Director, Health and Human Services Department.

Ms. Harris, who was present along with Ms. Jennifer Graves, Health and Human Services Department, reviewed a program called "The Give the Gift of Sight Program", which was a family of charitable programs providing free vision care and eyewear to underprivileged individuals, a copy of which is in the City Secretary's office for review.

Mayor White and Members of Council thanked Ms. Harris and Ms Graves for the presentation and stated that it was a wonderful program for the children of the City of Houston.

Mayor White stated that they would move to the consent agenda. Council Members Johnson and Rodriguez absent.

### **CONSENT AGENDA NUMBERS 1 through 27**

#### **MISCELLANEOUS** – NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of application to **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)** for partial abandonment of Storage Rights pertaining to the Wallisville Salt Water Barrier – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. Council Members Johnson and Rodriguez absent. MOTION 2008-0367 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 3 through 12

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,097,411.00 and acceptance of work on contract with **REDDY ENGINEERS AND CONTRACTORS, LTD.**, for Theater District Flood Doors and Flood Gates Phase 2A and 2B, WBS B-000074-0001-4 - 4.99% over the original contract amount - Enterprise Fund - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0368 ADOPTED.
4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,111,249.25 and acceptance of work on contract with **REDDY**

**ENGINEERS AND CONTRACTORS, LTD.**, for Theater District Flood Doors and Flood Gates Phase 3 and 4, WBS B-000074-0002-4 - 4.98% over the original contract amount - Enterprise Fund - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0369 ADOPTED.

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$528,356.00 and acceptance of work on contract with **AMTECH ELEVATOR SERVICES COMPANY** for 611 Walker Elevator Upgrade, WBS R-000268-0001-4 - 4.99% over the original contract amount - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0370 ADOPTED.
6. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,109,572.00 and acceptance of work on contract with **MERIDIAN COMMERCIAL , L.P.** for 611 Walker Phase I Interior Renovation, WBS R-000268-0056-4 - 1.89% over the original contract amount - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0371 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,355,562.34 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection Rehabilitation and Renewal Contract, WBS R-0266-B2-3 (WW 4235-25) - 0.66% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0372 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,896,616.56 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00D6-4 - 1.45% over the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0373 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,717,015.08 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Wastewater Collection Rehabilitation and Renewal Contract, WBS R-000266-00E3-4 (4235-27) - 0.06% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0374 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,041,903.44 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000295-0003-4 - 0.77% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0375 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,007,620.33 and acceptance of work on contract with **C. E. BARKER, LTD.**, for Water Line Replacement in Westheimer North, WBS S-000035-00B2-4 - 6.40% under the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0376 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,633,504.06 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.**, for Construction of Water Distribution System Rehabilitation and Renewal, GFS S-000035-00V6-4 (10855-02) - 1.54% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0377 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 through 18

14. **L-D SYSTEMS, L.P.** for Audio Mixing Console for Convention & Entertainment Facilities Department - \$260,000.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0378 ADOPTED.
15. **ALCATEL USA MARKETING, INC** for a 3-hop Ethernet 6 & 11 GHZ Microwave Ring through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Information Technology Department - \$283,056.00 - Police Special Services Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0379 ADOPTED.
16. **ALTIVIA CORPORATION** for Chemical, Liquid Ammonium Sulfate (LAS) for Department of Public Works & Engineering - \$229,724.95 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0380 ADOPTED.
17. **INFILCO DEGREMONT, INC** for Climber Screens Replacement Parts and Services for Department of Public Works & Engineering - \$70,350.34 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0381 ADOPTED.
18. **NEWBART PRODUCTS, INC** - \$288,652.55, **IRIS LTD. INC - CAPITAL REGION** - \$71,814.69 and **INDENTISYS, INC** - \$244,036.36 for Security Badging Equipment, Supplies and Accessories for Various Departments - \$616,840.12, minus a commission fee for internet-based reverse auction services under contract with the Texas Procurement Center, L.L.C., for a net award amount not to exceed \$604,503.61 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0382 ADOPTED.

**ORDINANCES** - NUMBERS 21 through 27

21. ORDINANCE appropriating \$385,599.88 from the Airports Improvement Fund; approving and authorizing the transfer of such amount to the Airport System Revenue Fund as a reimbursement to cover capital costs associated with the Terminal D West Ticketing Area Expansion (Project No. 500B) WBS A-000354-0006-4-01 - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0479 ADOPTED.
25. ORDINANCE approving and authorizing fifteen Professional Materials Engineering and Testing Services Laboratory Contracts between the City of Houston and **ALLIANCE LABORATORIES, INC, ASSOCIATED TESTING LABORATORIES, INC, ATSER, L.P., COASTAL TESTING LABORATORIES, INC, DAE & ASSOCIATES, LTD. D/B/A GEOTECH ENGINEERING & TESTING, FUGRO CONSULTANTS, INC, GEOTEST ENGINEERING, INC, HTS, INC, CONSULTANTS, HVJ ASSOCIATES, INC, KENALL, INC, PARADIGM CONSULTANTS, INC, PROFESSIONAL SERVICE INDUSTRIES, INC, QC LABORATORIES, INC, RABA-KISTNER CONSULTANTS, INC, and TOLUNAY-WONG ENGINEERS, INC** for support of Capital Improvement Plan Projects – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0480 ADOPTED.
26. ORDINANCE appropriating \$3,473,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **WESTERN SUMMIT CONSTRUCTORS, INC** for Chlorine Facilities Improvements and PLC Replacements at East Water Purification Plant, WBS S-000056-0044-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0481 ADOPTED.
27. ORDINANCE appropriating \$9,017,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX. CORP.** for Pump Station Upgrade at Park Glen I, WBS S-001000-0009-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0482 ADOPTED.

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

**MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **MIDTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS:**
  - Position One - **MR. ROGER NEAL**, appointment, for a term to expire 6/1/2011
  - Position Two - **MR. D. ALAN HOOD**, reappointment, for a term to expire 6/1/2011
  - Position Four - **MR. HOWARD LEE**, appointment, for a term to expire

- 6/1/2011
- Position Five - **MR. WILLIE HIGH COLEMAN, JR.**, appointment, for a term to expire 6/1/2011
  - Position Six - **MR. WILLIAM STEPHEN TILNEY**, appointment, for a term to expire 6/1/2011
  - Position Seven - **MS. PAMELA NGO TRANPARK**, appointment, for a term to expire 6/1/2011
  - Position Eight - **MR. IAN M. ROSENBERG**, reappointment, for a term to expire 6/1/2011
  - Position Nine - **MR. RAMIRO ORTA**, appointment, for a term to expire 6/1/2011
  - Position Ten - **MR. DOUG O. WILLIAMS**, appointment, for a term to expire 6/1/2009
  - Position Eleven - **MR. DANIEL B. BARNUM**, appointment, for a term to expire 6/1/2009
  - Position Twelve - **MR. ROY T. JACKSON**, appointment, for a term to expire 6/1/2009
  - Position Thirteen - **MR. VERNUS C. SWISHER**, appointment, for a term to expire 6/1/2009
  - Position Fourteen - **MR. ADAM BRACKMAN**, appointment, for a term to expire 6/1/2009
  - Position Fifteen - **MS. GAYLE FORTSON**, appointment, for a term to expire 6/1/2009
  - Position Sixteen - **MR. TRANG Q. TRAN**, appointment, for a term to expire 6/1/2009
  - Position Seventeen - **MR. MICHAEL TODD TRIGGS**, appointment, for a term to expire 6/1/2009

- was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0383 ADOPTED.

## **PROPERTY**

13. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and file objections to the award in connection with eminent domain proceeding styled City of Houston v. H.H. Clark & R. D. Clark, et al., Cause No. 892,399; for acquisition of Parcel AY7-368; for the **PROPOSED BEALL STREET EXTENSION PROJECT between West 14th and Wynnwood**, WBS/CIP N-000663-00RE-2-01 **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Garcia, seconded by Council Member Khan, and tagged by Council Member Lawrence.

Council Member Lawrence stated that the problem and the reason she was tagging the item was the fence, that not to long ago the County came through and cleaned out a ditch, a wrought iron fence was in the right-of-way and they gave the people 30 days and on the 31<sup>st</sup> day they came out and bulldozed the wrought iron fence down and also took some of the play equipment that was there, that it was \$1,500 and was taxpayer dollars, that if they could save taxpayer dollars and put it on a flood project or a CIP then they should do that, so that was why she was tagging it, she did not think the fence had to be paid for.

Upon questions by Council Member Clutterbuck, Mayor White asked Mr. Michel where did the \$168,000 come from, and Mr. Michel stated that it was the award of the Special

Commissioners but the City was the only one presenting evidence, that it was a case where they could not find the owners, they went to their collection firm to prevent it from going to sale so they would have the opportunity to acquire it, that what they ended up doing was seeking to condemn it because they could not find the owners, that the question of why someone who was an abutting owner and had a fence there for a while would be entitled to those proceeds but the award was based on what the appraiser testified to, that they had gone ahead and appealed, which they did as a matter of course to preserve their rights, but he would use it as a good test case, to carefully know exactly what their appraiser testified, what was an issue of law and so forth and get to the bottom of it, including what the law on adverse possession was, and Mayor White asked if they could hire any appraiser they wanted to and Mr. Michel stated yes, and part of it was, although appraisers were independent, what were their expectations, what were they communicating to them, he would go through all of that; and Mayor White stated that fair market value of properties with difficult titles, the real fair market value was lower for those who had less difficult title, that they should take a look at how they do that. Council Members Garcia and Noriega absent.

### **ORDINANCES**

19. ORDINANCE authorizing the City of Houston to disclaim, release and relinquish the City's right, title and interest in and to the area known as Kyle Street from Woodrow Street south to its terminus, located in the Roseland Addition, Houston, Harris County, Texas, to 4503 Montrose Limited, and authorizing the execution of a disclaimer of interest - **DISTRICT D – ADAMS** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Members Clutterbuck, Garcia and Noriega absent. ORDINANCE 2008-0483 ADOPTED.
20. ORDINANCE appropriating \$148,078.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing second amendment to Lot Purchase and Development Contract between the City, the Land Assemblage Redevelopment Authority (“LARA”) and Catholic Charities to develop an additional eight (8) lots in Independence Heights for sale to qualified purchasers as Affordable Single-Family Housing and providing \$10,000.00 in down payment assistance to each qualified purchaser - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Members Garcia and Noriega absent. ORDINANCE 2008-0484 ADOPTED.
22. ORDINANCE approving and authorizing agreement between the City of Houston and **HARRIS COUNTY HEALTHCARE ALLIANCE, A Texas Non-Profit Corporation**, for provision of “Telehealth Nurse” Services for the Houston Fire Department; providing a maximum contract amount - 1 Year and four one-year options - \$6,882,872.03 - General Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Members Garcia and Noriega absent. ORDINANCE 2008-0485 ADOPTED.
23. ORDINANCE approving and authorizing first amendment to Contract No. C55027 between the City of Houston and **UNIQUE MANAGEMENT SERVICES, INC** for Library Collection and Recovery Services for the Houston Public Library - Revenue – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Members Garcia and Noriega absent. ORDINANCE 2008-0486 ADOPTED.
24. ORDINANCE appropriating \$67,000.00 out of Fire Consolidated Construction Fund as an additional appropriation for Professional Architectural Services Contract with **NATEX CORPORATION** (approved by Ordinance No. 2007-0752), for New Fire Station

37, WBS C-000147-0002-3 - **DISTRICT C – CLUTTERBUCK** - was presented. Council Member Garcia absent.

Council Member Noriega stated that in their new direction toward being green, it was a green fire station and had been upgraded from LEAD certified basic to LEAD certified silver, which included things like using all recycled materials, having a special roof, they were going to reuse some of their water, the HVAC system was special, that it was Station No. 24 and was in Council Member Clutterbuck's district, that she wanted to thank Mayor White for setting this direction, that she thought it was an important way for them to go with City buildings. Council Member Garcia absent.

Council Member Adams stated that it was Fire Station No. 37, that it was Item No. 24, but Fire Station No. 24 was on it's way itself and they were excited as well. Council Member Garcia absent.

**MATTERS HELD** - NUMBERS 28 through 32

28. MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering for the designation of five residential parking permit areas in the Super Neighborhoods of the Washington Ave./Memorial Park Coalition, Neartown/Montrose and Afton Oaks/River Oaks Area - **DISTRICTS D - ADAMS; H - GARCIA and I – RODRIGUEZ – (This was Item 6 on Agenda of May 28, 2008, TAGGED BY COUNCIL MEMBERS ADAMS and JONES)** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Garcia absent. MOTION 2008-0384 ADOPTED.
29. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use (1) as public streets of a 13,380 square foot portion of South Post Oak Lane (Parcel SY5-011A) and a 5,238 square foot portion of Skylark Lane (Parcel SY5-011B), both located within Azalea Terrace, a subdivision according to the plat thereof recorded at Volume 33, Page 38, Map Records of Harris County, Texas (“HCMR”), (2) two utility easements on 0.0963 acres of land (Parcel SY5-011C) and 0.1098 acres of land (Parcel SY5-011D), both located within Restricted Reserve “A”, Saks Fashion Center, according to the plat thereof recorded at Volume 340, Page 51, HCMR, and (3) a water line easement on 0.1863 acres of land (Parcel SY5-011E) within Azalea Terrace Annex, according to the plat thereof recorded at Volume 34, Page 61, HCMR; vacating and abandoning said public street rights-of-way and easements to Boulevard Place, L.P., abutting owner, in consideration of the conveyance to the City of a public street right-of-way easement on 66,500 square feet (Parcel AY6-165), payment to the City of \$1,500.00, and other good and valuable consideration; approving and authorizing the conveyance to the City by Crescent POC Investors, L.P. of public street right-of-way easements on 5,346 square feet (Parcel AY8-271A), 343 square feet (Parcel AY8-271B) and 526 square feet (Parcel AY8-271C) of land - **DISTRICT G - HOLM – (This was Item 33 on Agenda of May 28, 2008, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Members Garcia and Noriega absent. ORDINANCE 2008-0488 ADOPTED.
30. ORDINANCE amending Ordinance Number 2003-529, as amended, which approved and authorized Professional Audit Services Agreement with **DELOITTE & TOUCHE LLP**, to increase the maximum contract amount; approving and authorizing first amendment to the contract \$1,760,000.00 - General Fund – **(This was Item 52 on Agenda of May 28, 2008, TAGGED BY COUNCIL MEMBERS JOHNSON, KHAN, GREEN and JONES)** - was presented. Council Member Green voting no, balance voting aye. Council Member

Holm absent on personal business. Council Member Noriega absent. ORDINANCE 2008-0489 ADOPTED.

After discussion by Council Members, Council Member Jones stated that she now supported the item because she found out from the minority contractor that they did in fact opt to do something else that paid a lot more money and they were doing good work on that; and Council Member Khan stated that Deloitte and Touche had a goal of 24% and were working very diligently to meet the goal, that they had a memo from Ms. Laws and there were specific reasons why they could not work with some firms that were on the MWBE certified list, but now Ms. Laws had certified at least one other firm and the Deloitte people were going to be very open to having discussions with them and see if they could work together, and Council Member Garcia stated that for those firms that were listening if they thought they could handle work of this magnitude to please call the City of Houston and see about getting their firm certified and seeing if they could help them with some of the work; and Mayor White stated that he could think of three firms, McConnel Jones, Jefferson Wells and Mayor Fox Rodriguez.

31. ORDINANCE awarding contract to **RANGER SPECIALIZED GLASS, INC** for Glass Replacement and Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,585,757.50 - General, Enterprise and Building Inspection Funds – **(This was Item 54 on Agenda of May 28, 2008, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented.

Council Member Lawrence stated that something that she would like for the MWBE Department to consider was if they were a prime they could not chose a relative owned property, that was just a point she would like to have considered.

A vote was called on Item No. 31. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0490 ADOPTED.

32. ORDINANCE appropriating \$3,634,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.**, for Water Line Replacement in the University Area, WBS S-000035-00B1-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK – (This was Item 61 on Agenda of May 28, 2008, TAGGED BY COUNCIL MEMBER ADAMS)** – was presented.

Council Member Adams stated that she wanted to thank the President of Metro City, Mr. Rodriguez, for communicating with her and working with their office to make sure they complied with the bidding process and he assured her that they would go through the proper protocol in securing the next area when they were moving to Council Member Clutterbuck district, that he hired a full time street sweeper to make sure that the sand and dust were down, and to make sure to keep noise down as much as possible with the tractor trailers going up and down the street.

A vote was called on Item No. 31. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0491 ADOPTED.

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

Council Member Brown stated that this weekend he and the Mayor were out in Sunnyside

looking at quite a few of the new affordable housing products that were built on Stason Street, and Council Member Brown displayed a picture of the families who had taken advantage of the Down Payment Assistance Program, that it was a real testament to the determination of Mayor White to make affordable housing work in the City. Council Member Khan absent.

Council Member Brown stated that he was at the supermarket and there was a couple who rode their bikes up and put them at the bike rack at the Kroger Super Market on Montrose and he said that he wanted to congratulate them for using alternative transportation, and they said they did not have a choice, they did not have a car, they had moved from Denver where they did not own a car and they circulated by bike or public transportation, that in Houston it was pretty tough, particularly the on street bikeways did not function very well; that they were in the beginning stages of making Houston a multi mode of transportation city and he wanted to put a plug in that they could do a lot to expand their bikeways in the City and make them safer and more attractive; that Metro needed to provide for storing bikes on the Metro trains and buses, and likewise the destinations, the downtown office buildings, they could not find a bike rack so how was someone going to ride their bike downtown if there was no place to park it, and the other thing was that a lot of businesses were providing shower facilities for the employees who commuted by bicycle. Council Member Khan absent.

Council Member Brown stated that he wanted to talk about another sustainable growth effort in the City and that was using biodegradable bags, which he displayed, and stated that as they knew their landfills were literally filled with trash bags that were not degradable and all sorts of plastic bottles, that cities all around the Country were taking initiatives, that there were a number of cities that did not allow, in their municipal facilities, the use of bottled water in plastic bottles, that they had a new program at the City Hall Annex to have an experimental filtered water machines on the City Council floor, so they could take their containers and fill them up with perhaps higher quality of water than they got in the high priced bottled water; that the bag he displayed came from Barnaby's, that they were take out food bags and were 100% biodegradable, that he would like to see them in the future look toward an initiative to consider some restrictions on plastic bottles and non biodegradable bags; that he got a biodegradable shopping bag at Office Depot and it cost \$1; that in Europe everybody went shopping with a shopping bag, they do not get plastic bags to carry their goods home at the supermarket or the store, they had to take their shopping bags; that he was really talking about changing their daily habits.

Council Member Clutterbuck stated that if they had driven down Kirby Drive south of Highway 59 any time in the last year they would have noticed a lot of reconstruction, that they were putting in long over due flood drainage under the streets, the box culverts were massive and they were getting some well needed street reconstruction over it; that they may recall from last year that she commented frequently about a particular contractor who was giving them some frustration, so it was refreshing to get compliments about a particular contractor in the next phase of the Kirby Drive reconstruction, Phase III, who was doing a great job, that a letter came from Mr. John Nixon, a Professor of Law at the University of Houston, that he commented that Reytec and Steve Aranda, project manager for Reytec, who were the contractors for the Kirby Drive Storm Project as well as the street reconstruction, were making it almost a pleasure, that the signage was clear and they were progressing quickly; that she wanted to compliment some Public Works individuals, that Service Request No. 58-300, that Ms. Karen So, there was a sink hole in her backyard and Public Works went out and took care of it, that she wrote and sent flowers to the office to thank them for the hard work of Mr. Michael Hurley in Public Works. Council Members Lawrence and Khan absent.

Council Member Clutterbuck stated that today they would resume the budget workshops for the Budget and Fiscal Affairs Committee, they would begin at 1:30 p.m. for the budget workshop for the City Controller's Office followed by Finance, the Administration and Regulatory

Affairs and the Mayor's Office, that she wanted to thank everybody for their hard work and for getting the questions in early, the workshops were working almost as well as they did last year with Council Member Green's leadership, that she wanted to thank Council Member Green and Mr. Chris Brown, of his office who had provided such tremendous guidance to them as well as to all of her colleagues who had done such a great job at helping to move things along quickly; that she also wanted to acknowledge her office, especially Ms. Lilly Seagal Gardner and Mr. Tim Douglas, Chief of Staff, and wanted to welcome an intern, Ms. Melanie Levi. Council Members Lawrence and Khan absent.

Council Member Clutterbuck stated that they had spoken about Public Works and CenterPoint Energy and the idea of giving them a deadline of finalizing their negotiations about street light replacement and she was curious to know where they were on that, and wanted to make sure they kept their attention on that, and looked forward to a report from Mr. Norman or others. Council Members Lawrence and Khan absent.

Council Member Noriega stated that she wanted to thank both the Mayor and Metro, they had a discussion last week about the consent agreement, and both entities had been very responsive, they met with her and were going to meet with other Council Members, that she was able to present a list of concerns and was able to talk about sidewalks and the need for integrating rail issues into the neighborhood, that she thought it was very important that if there was discussion that was offline that they share that with the citizens and to be transparent about it, that she thought they were probably moving towards at least finding some resolution to her concerns and she wanted to note that and to tell the Mayor how much she appreciated his making that opportunity available. Council Members Lawrence and Khan absent.

Council Member Adams stated that she wanted to thank Mayor White and Andrea with the Mayor's office and Houston Hope for what they were doing in the Sunnyside Community and partnering with the CDCs that were out there to make home buying easy and making it affordable and having those citizens have a better quality of life; that she and Council Member Brown had an opportunity to take a tour on Saturday to visit some of the homes that were currently built in Sunnyside, so for those who were looking for homes Sunnyside was the place to start to receive some of that money, between \$30,000 and \$40,000 for down payment assistance, that they could contact the Mayor's Office Houston Hope Program; that she wanted to thank the Church of Jesus Christ of Latter Day Saints for a wonderful presentation yesterday at the public session, that they had put together a wonderful book for her of all the pictures that they did of the Sunnyside cleanup; that she wanted to thank Dr. Rhea Lawson for her invitation and for allowing her to participate in the re-opening of the Houston Public Library on Saturday, it was a wonderful job and she wanted to thank her staff for a job well done. Council Members Khan, Lovell and Green absent.

Council Member Adams stated that she had the opportunity to do a site visit of all the fire stations that were located in District D, and she wanted to give thank to Ms. Karen Dupont for taking the charge ahead of time, and to say that some of the issues that she gave to Ms. Dupont at the beginning of the year had been resolved and she wanted to thank her for that; that they had one fire station that had a sewer sink hole that she wanted them to take care of, that it was Fire Station No. 16. Council Members Khan, Lovell and Green absent.

Council Member Adams stated that she had handed out canvas bags of Survivorship 08, that she wanted to thank MD Anderson and the Methodist Hospital for a great event this past Sunday, that it was their first annual event and was to congratulate and to recognize those people who were currently surviving cancer, that she wanted to give thanks to Ms. Linda Stevens, who was a two year cancer survivor, who shared the podium with her and also Mr. Bill Bond who was heading up the Mayor's Wellness Program, and was currently going through treatment for prostate cancer; that it was a wonderful event. Council Members Khan, Lovell and

Green absent.

Council Member Adams stated that on Saturday would be the Second Annual Bad to the Bone Marrow Motorcycle Ride, that it would be on June 7, 2008, that it would be at the University of Texas MD Anderson Cancer Center, that all proceeds would go to the MD Anderson Cancer Center Stem Cell Therapy. Council Members Khan, Lovell and Green absent.

Council Member Jones stated that she wanted to thank Scenic Houston and the Quality of Life Steering Committee for their work and efforts to keep Houston a beautiful City. Council Members Khan, Lovell and Green absent.

Council Member Jones stated that she wanted to thank Metro, they had contacted her office and set up a meeting to help answer some questions; that she had some one attend the public hearing at Texas Southern; that she wanted to salute the McDonald's 2008 Scholarship recipients; that she wanted to commend the National Forum of Black Public Administrators, they had a wonderful reception at City Hall and Council Members Adams and Green and Mr. Hall were present; that she wanted to mention the opening of the Lee and Joe Jamail Skate Park; that she enjoyed the 62<sup>nd</sup> Anniversary of the Italian Republic at the Museum of Fine Arts on Monday, where she met a wonderful HPD officer, Joe Garcia; that there would be a Foreclosure Prevention Fair on Saturday at the George R. Brown Convention Center, that it was in conjunction with ACORN and there was information on the City's website. Council Members Khan, Lovell and Green absent.

Council Member Jones stated that she wanted to tag on what Council Member Clutterbuck stated about Reytec, that they had some problems with the Senior Repair Program and Reytec helped build a brand new home for a senior; that she would like to thank the LARA Board, who did a lot of work with managing the properties for the Houston Hope Program and they worked day in and day out and it was purely volunteer. Council Members Khan, Lovell and Green absent.

Council Member Jones stated that she was asked to thank Council Members and the City staff for the kind support during the Heavenly Home Going Celebration of Mrs. Karmolete Everyne Philio Walker, the mother of her Agenda Director, Ms. Linda Layton, that she and her family were extremely grateful for their kind words, support, cards, prayers and the love felt from her City family, so she and her family thanks them all. Council Members Khan, Lovell and Green absent.

Council Member Jones stated that she wanted to recognize the historic moment yesterday, that they had the first Black man nominee for president. Council Members Khan, Lovell and Green absent.

Council Member Rodriguez stated that he wanted to congratulate a great young man from his district, Mr. Paul Zepeda, Jr. from Manchester, he attained the rank of Eagle Scout and they were really proud of Paul and all his accomplishments, that he was the first scout from Manchester to attain this honor and was with the Saint Alphonse Troop 1496; that he was excited to receive a scholarship from the Black Pilots Association; that he was only fourteen years old and was already doing landings and takeoffs, that he wanted to congratulate his parents on raising such a good young man. Council Members Khan, Lovell and Green absent.

Council Member Sullivan stated that he wanted to thank Mayor White for his leadership at the International Affair and Development Council meeting they had, it was very productive and he was absolutely committed to helping where he could, that he had been assigned to the European Countries; that last week he attended his first City Council tour of Intercontinental

Airport, that he wanted to thank Mr. Tom Barlett and Mr. Eric Potts and their staff; that he wanted to thank the Solid Waste Department for letting him accompany them on heavy trash pickup in Kingwood last week, that he rode with one of their supervisors and stopped and looked at some of the trash that citizens were putting out on the curb, that it was a much needed service in Kingwood and would continue to support it; that when he goes out on these tours he takes pictures of the working men and women of the departments and they post them on their Council webpage; that he wanted to thank Mr. Terence Fontaine for including him in a orientation and tour of the MRT, the Mobile Response Team, they spent several hours with them listening to them and their concerns, that it was a great program and good for the entire City, that they went out and controlled intersections, flashing red lights, broken down vehicles they block traffic for them until help arrives and they also help at accident scenes, that it was a program that the Mayor had put additional money in for next year's budget and they were strongly supportive of it. Council Members Khan, Green and Jones absent.

Council Member Sullivan stated that they had a new employee in the District D Office, Ms. Autumn Jotzio, that she was going to graduate from the University of Houston at the end of the month and would be working full time with them. Council Members Khan, Green and Jones absent.

Council Member Sullivan stated that he wanted to thank the districts that assisted him in conducting his first Hurricane Preparedness Townhall Meeting at the University of Clear Lake, that they had representatives from Public Works, the Houston Fire Department, Solid Waste and the Office of Emergency Management, that they appreciated Captain Dupont's help in putting that meeting together for them. Council Members Khan, Green and Jones absent.

Council Member Lovell stated that she wanted to congratulate Robbie Lovell for making the Kyle Chapman Pony League All Star Team. Council Members Khan, Green and Jones absent.

Council Member Lovell stated that she wanted to say to the Jamial Family, the Zilko's and everybody who contributed to the \$2.1 million skate park, which was now the best skate park in the world, that it was much needed, that when they opened it up on Sunday there were virtually thousands of kids who came and had never used the City parks before and those were kids who would be on the streets if they had not put the facility in; that she had the pleasure of going to the re-opening of the Central Library, that there were hundreds of kids of all ages who were there with their parents, the plaza with the colors was incredible, the new Book Mobile, the Portable Library, had 17 computers and visited neighborhoods, that the inside of the library was beautiful, that she wanted to congratulate Dr. Lawson and her department for a job well done. Council Members Khan, Green and Jones absent.

Council Member Johnson stated that they had a Second Chance Symposium in the Fifth Ward Community last Saturday, that it was a great program and they had many people come out to the seminar, which was simply a seminar to give people the understanding of their past histories and maybe they had a run in with the Police Department and had a record; that they saw about 150 people and in talking with many of these people they said that they had one offense but that one offense led to a second offense and so on, that many of the people they saw were older; that he wanted them to start looking at putting money into a lot more preventive programs, those programs, he believed, would help individuals like these, that he would like to sit and talk with Mayor White and Chief Hurtt to talk more about the Second Chance Symposium. Council Members Khan, Noriega, Green and Jones absent.

Council Member Johnson stated that history was made yesterday, that the nomination seemed to have gone to Senator Barack Obama, that many people he had talked to never thought that they would see a day in which a woman or a Black man might become President of

the United States of America, that he was excited that many people had been participating in the process, that he thought it was healthy for their Country and even for the City because there was a trickle down effect from that, so he encouraged people to be a part of the process. Council Members Khan, Noriega, Green and Jones absent.

Council Member Garcia stated that Houston was the energy capital of the world and in one day they announced the Nation's single largest bio diesel refinery in Houston, Texas with Green Hunter and then they welcomed a new partner energy partner, Vistus, to Houston, Texas, that there were a lot of people, Dr. Masey and others, the Greater Houston Partnership, that it was phenomenal; that Mayor White was asked what incentives did Houston give for Vistus to come to Houston, and Mayor White could have summed it up by saying nothing, other than it made great business sense for them to be in Houston, Texas and it lifted their profile and consequently lifted theirs. Council Members Khan, Noriega, Green and Jones absent.

Council Member Garcia stated that they were already at the forefront of the Hurricane Season and as a result they had a Hurricane Workshop that was open to the public that was going to be held at the George R. Brown Convention Center on Saturday and would urge folks to come by and see all the types of products that they may want to consider adding to their respective businesses or homes; that he thought there was some discussion being given that on the special needs they only had a fraction of what they had registered in years previous so they needed to make sure that people did not get complacent with the blessing that they had the last couple of years of not having an active Hurricane season and urged their respective neighborhoods, seniors and those with pets to make sure they got registered and do it early; that the Weather Research Center had opened up a museum and there was a new exhibit, Houston's History Through Floods, that it was important that was available for them. Council Members Johnson, Khan, Noriega, Green and Jones absent.

Council Member Garcia stated that it came out in the newspaper that Houston, regrettably, was number one in the category of dog bites, that it was important to know that Houston was reacting to this, that Mayor White had proposed in the HPD budget some response to the issue of officers having to be called out to deal with loose and dangerous dogs in the community; that he would be curious what they could do to affect this change because the letter carriers were most prone to these attacks, and he would be curious if the Health Department could make any data available to them as to any correlation to loose dogs and ownership that they were able to write citations to, that it further points to the fact that they had to do better at increasing education and responsibility to pet owners, that he would urge the community to help them in this regard. Council Members Lawrence, Johnson, Khan, Noriega, Green and Jones absent.

Council Member Garcia stated that they lost a young firefighter to an unfortunate traffic accident, that Mr. Christopher Bouvier was accidentally killed on May 30, 2008, that he was originally from Canada and had no local family so family members were in town and would be having a memorial service for him on June 5, 2008 at 1:00 p.m. at Fire Station No. 25 at 3902 Scott Street, and asked for a moment of silence for the Bouvier Family. Council Members Lawrence, Johnson, Khan, Noriega, Green and Jones absent.

Mayor White stated that the incentives that their community offered for expansion of businesses and relocation of businesses should be a safe City, a City with a good educational system, a City that had clean air and water, a City that had an affordable cost of living and that did include some discipline on the tax burden associated with homeownership, that he would tell them that those were the most powerful things on economic development. Council Members Lawrence, Johnson, Khan, Noriega, Green and Jones absent.

There being no further business before Council, the City Council adjourned at 11:06 a.m. Council Member Holm absent on personal business. Council Members Lawrence, Johnson,

Khan, Noriega, Green and Jones absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary