

City Council Chamber, City Hall, Tuesday, August 1, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 1, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D.; Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Debra Dillard, Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present.

At 2:01 p.m. Mayor White called the meeting to order and called on Council Member Khan who invited those present with the Sister City Exchange Program to the podium and stated that the Sister Associations undertook dozens of programs every year and during June two undertook Sister City Exchange Programs, the Houston-Chiba Sister City Association sent students to Chiba, Japan and the Houston/Galveston-Stavanger Sister City Association sent students to Stavanger, Norway in promoting cross cultural understanding; and presented Certificates of Appreciation to the students. Council Members Garcia and Sekula-Gibbs absent.

Council Member Holm invited those with Sun Coast Resources, Inc., to the podium and stated that two events in September 2006 impacted this city dramatically, Hurricanes Katrina and Rita, and today wanted to recognize Ms. Kathy Laney who had a Houston based petroleum firm which was one of the largest woman owned businesses in Texas and who came forward and provided fuel to public substations and for other concerns and the services that were very critical during the evacuation and aftermath of the storm with around the clock support; and presented Ms. Laney with a Proclamation for support to the community and proclaimed August 1, 2006, as "Sun Coast Resources, Inc. Day" in Houston, Texas. Council Members Lawrence, Clutterbuck, Edwards, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Alvarado stated that she was honored to present the scholarship recipients from the Mayor's Committee for Employment of People with Disabilities; and invited those present to the podium; Council Member Alvarado further stated that Certificates had been presented previously and \$15,000.00 would be awarded, and introduced each recipient and Mr. Miller and Ms. Villarreal who worked with the program. Council Members Lawrence, Clutterbuck, Garcia, Brown and Lovell absent.

Mayor White invited those with his presentation to the podium and stated that one of his favorite organizations was Girls, Inc. which started in New England during the Industrial Revolution as a response to needs of a new working class and now was a national non-profit youth organization which provided educational programs to millions of girls; and presented a Proclamation proclaiming August 1, 2006, as "Girls, Inc. Day" in Houston, Texas. Council Members Clutterbuck and Lovell absent.

At 2:24 p.m. Mayor White called the meeting to order and called on Council Member Wiseman led all in the prayer and pledge.

At 2:25 p.m. the City Secretary called the roll. Council Member Johnson absent.

Council Members Lovell and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Berry absent. MOTION ADOPTED.

Council Member Edwards stated that she started her life in politics in the public sector at age 15 and she learned you had to find a mechanism by which to pass the torch to the upcoming generation and to that she wanted to introduce an outstanding person Dr. John Taylor

with the University of St. Thomas and his class who had worked with her office a number of years; and invited them to stand to be recognized. Council Member Berry absent.

Council Member Johnson moved that the rules be suspended for the purpose of hearing Ms. Jackie Mayhorn at the end of the list of Agenda speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0671 ADOPTED

Council Member Garcia moved that the rules be suspended for the purpose of hearing Ms. Laura Garcia at the end of the one minute non-Agenda speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0672 ADOPTED

Council Member Brown moved that the rules be suspended for the purpose of hearing from speakers on the River Oaks Theater and preservation ordinance after the one minute non-Agenda speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Members Green and Berry absent. MOTION 2006-0673 ADOPTED

Council Member Wiseman stated that on her point of personal privilege she wanted to recognize a group joining Council today and introduced Michael Griffin, Matthew Griffin, Marilyn Griffin, MacKenzie Griffin, Saxon Hancock and Cienna Hancock; and asked them to stand to be recognized. Council Members Green and Berry absent.

The City Secretary began calling the public speakers. Council Members Green and Berry absent.

Ms. Lynn Watkins, 19103 Inland Grove Court, Cypress, Texas 77429 (281-460-8650) appeared opposing Agenda Item 37 and stated that she was a customer of Woodmere Development and they were a poor quality company; that Council should research as they had 41 complaints against them with the Better Business Bureau in the last 36 months and were rated number 2 with J. D. Powers which was below satisfactory; that they provided poor customer service and bullied people into closing on unfinished homes; that 60% of the homeowners on her street had issues with the builder and yesterday found 100% of them had air conditioners resting on utility easements and now she had to see if the permission was granted; that they had potential to be a great company but were systematically driving poor quality and poor customer service into their organization; and recommended sending them away from public service work and ask them to get their affairs in order and come back in 2 to 3 years to build for the public. Council Members Garcia and Green absent.

Ms. Evelyn Merz, 7095 Santa Fe Drive, Houston, Texas 77061 (713-644-8228) appeared opposing Agenda Item 37 and stated that she was group chair of the Houston Original Group of the Sierra Club and speaking on their behalf as they had concerns on the proposed Wayside Village; that the development was to be affordable housing and intended to be on 400 acres and about 40% would be in the flood plain and Halls Bayou was subject of repeated flooding; that the project called for removal of vegetation and it would increase runoff into the watershed so it was exacerbation of an already bad situation; and because the vegetation cover seemed to be consistent with a wetlands area they would request the City make sure a wetlands lineation was done on the property and that mitigation be pursued; and they thought affordable housing should be good housing and the BFI Whispering Pines Landfill was very close and that should also be pursued for information. Council Members Holm, Garcia and Green absent.

Mayor White stated that he had made notes and on the issue of the area along the waterways and not just this one but all of them if she could get suggestions; that the City made changes in the drainage impact plan and if there was something systematic they could do which

would affect development along the bayou watersheds he would appreciate it; and Ms. Merz stated that they would be happy to work with the City on that. Council Members Holm, Garcia and Green absent.

Council Member Brown thanked Ms. Merz for her concern and for coming and if she could give information on how to make development better in Houston from the environmental viewpoint it would be much appreciated. Council Members Holm, Garcia and Green absent.

Mr. John Gibbs, 206 W. Thornton, Houston, Texas 77022 (713-298-1772) appeared in opposition to Agenda Item 37 and stated that they believed this to be a form of double taxation in their community, the developer knew he would be getting 7% of his money back up front and that left him about 30% to sell bonds to finish his work but it would only save the person buying the home about \$100.00 and the MUD was double taxation and when buying a low income home that hurt not helped, a person could be taxed out of their home, just like in the Heights all the development was good but people who had been there 20 years had property going up and it hurt them and in this situation people would hurt and it was unfair. Council Members Garcia and Green absent.

Council Member Johnson stated that this was important to the district and the city and one of the biggest issues he fought for when he heard of this was the actual development of the MUD, from a district standpoint he asked the developer to make a number of concessions that in his opinion would help alleviate the double taxation and to that avail he felt they were moving in the right direction when they gave the DPC money though he was still concerned and confused as to why there had to be a MUD, but hoped they could come to a conclusion and felt they would as long as people like him continued to demand the right type of development sustainable for their district; that development was to help and not hurt and he felt they would be moving in that direction even with this development. Council Members Garcia, Lovell and Green absent.

Mayor White stated that the City of Houston right now built the water sewer systems through revenues collected on water sewer bills and that went into maintaining the system, building the system and some relatively small amount went to drainage improvements and their hands were full; that they have not used the water sewer rates except through some developer participation incidents, they have not raised everyone's rates to finance a new development and that was because they had a little preference for those who lived here, but they did want people coming; that basically there were two ways to finance the development without raising all water sewer rates and that was to borrow money from a bank and you paid a higher rate; that a lot of Houston was built with MUDs and then once they were paid off they dissolved, but the choices were borrowing at a higher rate from a bank or a lower rate in a MUD; and Council Member Johnson was working on ways to give people credit with MUD financing for property taxes paid on the debt on property taxes used to sustain some storm water system so there was some reduction in taxes but there was no pot of money to subsidize the developments and they were working to make this the best possible deal; and the MUD had oversight by the IRS but their prices tended to be set by the bonds they issued and there were rules on what they could and could not issue bonds for; and if a MUD did something against the law it should be reported and he would go after them as much as he could legally; and Mr. Gibbs stated that he wanted to be sure the consumer was not taken advantage of. Council Members Alvarado, Lovell and Berry absent.

Council Member Lawrence stated that the MUD board was elected positions and he seemed to be a good candidate, the problem was sometimes people did not pay attention and she would love to see him serve. Council Members Alvarado, Lovell and Berry absent.

Council Member Wiseman stated that she understood Mr. Gibbs concerns, but having been in a MUD and then annexed and experiencing the differences and also representing the Clear Lake Area which was a part of a large MUD, but they wanted a mechanism for development and the inner city MUD was that mechanism and the misconception was they did not fund water and sanitary sewer services through taxes, with a MUD they would pay a MUD tax but they would not be paying the City of Houston for water and sewer services so the rate would be determined by the board and most likely the cost would be less, it almost always was; that when they paid their water and sewer and MUD tax it came to about what others paid for water and sewer services with the City of Houston. Council Members Alvarado and Lovell absent.

Council Member Johnson moved that the rules be suspended for the purpose of allowing Rep. Sheila Jackson Lee to be added to the list to speak at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman and Alvarado absent. MOTION 2006-0674 ADOPTED

Rep. Sheila Jackson Lee appeared in opposing Agenda Item 37 and stated that she understood there were improvements concerning the Wayside property and as a representative of the 18th District she had tried calling Woodmere Development and only got a ringing phone which was a large statement, she wondered if the developer met with stakeholders, and her concern with getting a ringing phone was what would be their long-term response; that the Mayor and Council was on record for affordable housing and though this sounded good the demographics may not be able to contend with the cost of the homes and might generate foreclosure; and today was expressing opposition to the project in its present form; that she also wanted to express concerns for the River Oaks Theater, she had spent much time there, and hoped a way would be found to preserve and still make money with developers, but the River Oaks Theater should not be their opportunity and instead should be their history, story and what they preserve and love, it was a part of Houston and could be a remarkable asset. Council Members Wiseman and Alvarado absent.

Ms. Barbara Miller, 5311 Margarita, Houston, Texas 77026 (281-513-7114) appeared in opposition to Agenda Item 37 and stated that the last time they were present people poured their hearts out about MUD 439 and they were under the impression Council listened, but now they were aware the MUD saga was complete and they inherited the white elephant; that they were requesting Council consider affordable housing being defined and consider mixed use with needed businesses and services including grocery stores, fire stations, hospitals, etc., basic needs and comforts for the 1,600 new homeowners. Council Members Wiseman, Garcia, Alvarado and Lovell absent.

Upon questions by Council Member Edwards, Ms. Miller stated that she listened closely but was now confused; that they were asking for a no vote on MUD 439, but if they were going to put 1,600 homes there they needed to consider the people needed what others in the city had regarding businesses, etc., and Council Member Edwards stated that few developments came in with grocery stores that came in layers; and upon further questions, Ms. Miller stated that she was still asking for a no vote. Council Members Lawrence, Wiseman, Garcia and Lovell absent.

Council Member Johnson thanked Rep. Sheila Jackson Lee for coming and voicing her opinion and she asked for all that a viable community would need; and he thanked her for coming also; that they would hold the developer accountable for his actions; and thanked Mayor White for his work in the project. Council Members Lawrence, Wiseman, Garcia, Brown and Lovell absent.

Mr. Richard Rue, 15902 Ivy Bridge Lane, Houston, Texas 77095 (281-646-1727) appeared in favor of Items 35 through 37 and stated that he was representing BGM Land Investments and the Woodmere Development Company and requested Council's approval for Agenda Items 35, 36 and 37; that they felt Wayside Village presented an opportunity for well built quality homes at affordable prices in a master planned community within the City of Houston and North Forest ISD; that last week they presented packets on their homes to Council Members and this community was the first they proposed to develop within the city and all their information and studies showed the city was longstanding in encouraging residential housing; that they fully complied with every city rule and regulation, hired Terry Gilbert and Associates as the new land planner as they said they would, and would submit a revised general plan for future sections of Wayside Village and they would like to begin their work and hoped they had Council's support. Council Members Lawrence, Wiseman, Garcia and Berry absent.

Mayor White thanked Mr. Rue for coming and for submitting in writing the commitment to develop a new general plan consistent with guidelines which would be developed applicable to all subdivisions. Council Members Wiseman, Garcia and Berry absent.

Council Member Johnson stated that one thing obvious to him was the lack of support from the community for this project and he hoped at this point there would now be community buy in, commitment from his company that would give stakeholders an opportunity on a say so of development; that he hoped part of his plan was to bring some sustainability to the community; that he applauded concessions Mr. Rue had made and he wanted the development successful, but he was representing those who voted him in to do the best job he could do and wanted to be sure they were getting all they deserved. Council Members Wiseman, Garcia and Berry absent.

Council Member Brown thanked Mr. Rue for coming and stated that he had made a high caliber statement for the piece of land and he looked forward to working with him; that he thanked the Mayor for his work in this and felt they had a win/win situation; that he hoped they took into account that as things progressed in District B it would become a more desirable and sustainable prosperous part of this city; and upon questions, Mr. Rue stated that this was a long-term investment and they were the land owner, land developer and home builder and they had a high vested interest in making sure the project succeeded, they would be there through it all. Council Members Clutterbuck, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Mr. Jeff Ross, 1821 Sunset Boulevard, Houston, Texas 77005 (713-504-4091) appeared and stated that he was present to answer any questions they may have on the Wayside Village project; that he heard Ms. Merz and her concerns of the flood plain and they would take that into consideration; that Council's proposed adoption of the Chapter 19 revisions would have impact and all would be taken into consideration. Council Members Clutterbuck, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Mr. Camm C. Lary, III, 6225 Wickershome Lane, Houston, Texas 77057 (713-860-6416) appeared and stated that he was with the law firm working with the district and was also present to answer any questions. Council Members Clutterbuck, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Johnson, Mr. Lary stated that Mr. Rue had made a number of commitments in the process of working with him and his office and the Mayor and the Mayor's Office; that they wanted to be sure Mr. Rue and his company were fully standing behind the commitments they made and he could help him get a letter delivered to him by in the morning regarding commitments. Council Members Clutterbuck, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Mayor White stated that it was important they all communicate to the extent they could derive some general principles based on an inclusive stakeholder process that would apply to all developments similarly situated; that they should do so in a way by rule, he did not want anyone thinking different standards applied so they needed rules on green space to apply to all everywhere and they welcomed the comments. Council Members Clutterbuck, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Berry absent.

Ms. Jackie Mayhorn, 5409 Van Zandt, Houston, Texas 77016 (713-918-2267) appeared in opposition to Agenda Items 35 through 37 and stated that she was with Super Neighborhood 47 East Little York Homestead and the Super Neighborhood Alliance president and again they were opposing MUD 439 for the Wayside Village proposed housing project and today they were a community in mourning as they were totally ignored and their quality of life could be impacted negatively by the decisions tomorrow; that their position had not changed on the feasibility of having a MUD on an affordable housing project and they were demanding quality and sustainable communities and would hold the Mayor and Council totally accountable and were asking for no votes on Agenda Items 35, 36 and 37. Council Members Clutterbuck, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Council Member Johnson stated that this was a problem he inherited and they had to play the hand dealt and were doing so in a mighty way and he believed they could get things the community asked for; that he sincerely thanked Mayor White for his helping them find ways to buy down or find funding to alleviate the burden placed on citizens in District B; that they should continue to fight and they would get improvements they wanted. Council Members Clutterbuck, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Ms. Maribel Alanis, 6120 Bellaire #208, Houston, Texas 77081 (281-796-0627) appeared and stated that she was a resident of the Gulfton Community and present regarding the juvenile curfew ordinance; that she was for the 10:00 p.m. curfew and would like to know when going home at night they were not hanging out on the corners until 11:00 p.m. and midnight. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Green and Berry absent.

Ms. Genevieve Herrera, 6120 Bellaire #208, Houston, Texas 77081 (281-796-0627) appeared and stated that she was a sophomore at Bellaire High School and concerned as she knew what some of the teens were out doing and by having them in by 10:00 p.m. it would help the community, the community belonged to all and all should do what they could to make it safe. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Green and Berry absent.

Upon questions by Council Member Edwards, Ms. Herrera stated that she was for the proposed curfew so the community would not be vandalized, if it was a minor it would help; that keeping older people in would probably help a little. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Green and Berry absent.

Upon questions by Council Member Lawrence, Ms. Herrera stated that she thought a fair time for weekends was 11:00 p.m. and felt midnight was too late; that if she was going to the movies she had to be home by 10:00 p.m. or 10:30 p.m.; and Council Member Lawrence stated that 22 girls were raped last year after that hour, 15 and 16 year olds, and she looked at that when making decisions; that if the ordinance could help even one person it was with it and as things changed in Houston they may see things different and the ordinance could be changed; that she appreciated her coming and her mature view. Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent.

Ms. Linda Nava, 8700 Gustine Lane, Houston, Texas 77031 (281-898-0420) appeared and stated that she was also present regarding enforcing the curfew; that she was a mother of a young teenage daughter and thought it should be enforced as crime had no address but it could be prevented; and children under 18 should not be out late it could only cause them more trouble. Council Members Johnson, Holm, Garcia, Alvarado, Green and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Nava stated that she had children and she enforced the curfew; and Council Member Sekula-Gibbs further stated that statistics they were given showed most crime committed was between 3:00 p.m. and 10:00 p.m. and then it went down between 10:00 p.m. and midnight; that she did not think the government should tell parents what to do with their children, but now they were telling them to have them in by 10:00 pm. and she received calls from parents and grandparents saying they did not want government telling them what to do; and by setting the curfew when teens were out beyond that time they were forced into a position where they were breaking the law and not just being disobedient and it would also cost parents between \$100.00 and \$500.00 and were then in the legal systems with tarnished reputations, but she did understand they wanted safety. Council Members Johnson, Holm, Garcia, Alvarado and Berry absent.

Ms. Tammy Rodriguez, 6111 Glenmont, Houston, Texas 77081 (713-484-5817) appeared and stated that she was speaking as the Gulfton Super Neighborhood president, parent, resident and mother and was all for the curfew; that it only took one person to murder someone and if the one item of the curfew helped then it was help; that it should start with the parent, but some parents could not handle their own children and if a law helped them then they would be saving at least one life; and they were not asking police to enforce it but if there were juveniles hanging around it would give officers authority to ask what was going on. Council Members Johnson, Holm, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Khan stated that Ms. Rodriguez was president of the Gulfton Super Neighborhood Council and had done a wonderful job; that he was there on Council to represent his constituent's opinions; and upon questions, Ms. Rodriguez stated that they were also profiling when doing something against immigrants so they could not go there and not hit another subject, but on the curfew gang members were more apt to commit a serious and violent crime because they were under age and knew the laws and knew they would just go to juvenile, but the major violence and actual fatalities occurred in the wee hours of morning and if one person's life was saved it was worth the curfew; that they were not telling parents what to do, it was common sense, and some parents just did not care, but the ones who knew a law could help them enforce their kids they would be pin pointed, they were not trying to pin point anyone else; that her child had to be in by 9:00 p.m. and it was not fair that because they enforced the law and had control over their children the others did not have to and if there was a way to force the parent to be responsible for their own children it would help the police department; and Council Member Khan stated that he would be at National Night Out tonight. Council Members Johnson, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Ms. Megan Alvarez, 6111 Glenmont, Houston, Texas 77081 (713-484-5817) appeared and stated that she was also present supporting the curfew; that her mother came in late at night and sometimes she was afraid she may be a victim; that if she was 12 and had to be in by 9:00 p.m. then older teens should have to be in by 10:00 p.m. Council Members Johnson, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Mayor White and Council Member Edwards thanked Ms. Alvarez for coming. Council Members Johnson, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Mr. Victor Gonzalez, 6111 Glenmont, Houston, Texas 77081 (713-484-5817) had reserved time to speak but was not present when his name was called. Council Members Johnson, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Ms. Laura Garcia, 2008 Lenny, Pasadena, Texas 77502 (713-473-1580) had reserved time to speak but was not present when her name was called. Council Members Johnson, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Stephen Fox, 1215 Banks #7, Houston, Texas 77006 (713-348-3378) appeared and stated that he was an architectural historian and present to appeal to the Mayor and Council to insure preservation of the River Oaks Shopping Center Theater; the River Oaks Shopping Center was of national historic significance as from the time of its completion in 1937 it was recognized as an exceptional work of modern architecture and urban design and the foremost historian of 20th century American retail architecture called the center one of the most ambitious of its kind and an icon; that the River Oaks Shopping Center and Theater made Houston a better place to live; and asked that the Mayor and Council act decisively to insure its preservation. Council Members Johnson, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Celeste Williams, 8311 Creekstone Circle, Houston, Texas 77055 (713-743-2359) appeared and stated that she was with the University of Houston and present to speak about a dream for Houston that was competitive with other world class cities for international events such as the Olympics or with other great Texas cities such as Dallas or San Antonio, cities that only seemed to grow from cultivating what was unique to them; that she would like to see Houston as a place people desired to move to not only for business opportunities but for their special quality of life and the beautiful ensemble of buildings in the River Oaks Center with the Art Deco streamline served Houston for almost 70 years and the River Oaks Theater was the last and only continuous running movie palace and a premiere showcase for independent art house informed films; that the presence in Houston of the Landmark Corporation whose philosophy was based on retaining historical theaters could be jeopardized and the remaining venue of the Greenway III could also be at risk and a domino effect. Council Members Johnson, Khan, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that as the District Council Member where the River Oaks Theater presided she was with them and for them, but this was bigger than River Oaks, many places in the city were not zoned and they could not zone it block by block or by historical preservation sites and they had to work this, but in general they had to figure how to move forward in the city and would love her support on the discussion, there were more theaters, churches, bricks and cemeteries and a lot of preservation needed in this city; that she thanked Council Member Holm for her leadership in this and Jill Jewett and she thought they would be successful at River Oaks, but their help was needed as they tried to save many things in Houston worth saving and had no protection, their influence, support and passion were needed as they moved forward. Council Members Johnson, Holm, Garcia, Alvarado, Green and Berry absent.

Ms. Maureen McNamara, 301 Welch, Houston, Texas 77006 (713-826-0227) appeared and stated that she was a local film maker, Hot Town Cool City was a project about celebrating what was cool about Houston; that she had been manager in executive management for Landmark Theaters for 23 years and in her experience as the overseer of the River Oaks Theater was that she was also with Weingarten Realty and her experience was they did improve on the center over that time; that her hope was Council would encourage through

ordinances and whatever means necessary they could to take responsibility for maintaining what was cool about Houston so the gems which made Houston have a soul would be retained like the River Oaks Theater, all should take accountability in moving forward, growing and ensuring Houston was a dynamic city. Council Members Johnson, Edwards, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. McNamara for capturing the best of Houston. Council Members Johnson, Edwards, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Berry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) appeared and stated that he was president of the Houston Property Rights Association and present to protect property rights; that the proposal of having an ordinance with teeth came up in 1990 or so as a part of the zoning ordinance which was defeated and what they now had was adopted in 1994 or 1995 and there had been attempts to put more teeth into it which his group had worked against; that more teeth would wind up chewing at a lot of innocent people, typically low income and minority, he had signed a petition urging Weingarten to preserve the structure as he loved it like many Houstonians did, but you were not preserving history by preserving an individual structure you were undermining the more important foundation of the city and prosperity all enjoyed, as long as someone owned land they owned the right not to have their property rights taken away; and urged Council not to do so. Council Members Lawrence, Johnson, Edwards, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Carolyn Farb, 1814 Larchmont Road, Houston, Texas 77019 (713-627-2262) appeared and stated that she and others with her were present because they cared about the character and history of Houston which suffered from the lack of land use control and bulldozers were the enemy; that familiar icons and landmarks had already banished, evaporated as if they never existed and only remembered by a photograph and today they were trying to save another endangered species and to preserve their neighborhood; that the independent business owners represented the heartland of America and all had the right to exist; that history should not be wiped away with one big eraser; that all should remember the Shamrock Hotel and preservation and learn from the Miami beaches Art Deco District, the French Quarter in New Orleans and Galveston and Houston's historic properties and neighborhoods should be protected, the cities mentioned saved their cultural artifacts and so should Houston. Council Members Lawrence, Holm, Garcia, Alvarado, Green and Berry absent.

Council Member Brown thanked Ms. Farb for coming and for all she had done for the City of Houston; that he was very supportive of preserving Houston's history, heritage and soul; and introduced Mr. Luis Jenkins and those from ACORN and stated that they were a good civic group supporting good development regulations in Houston and he thanked them for coming also; and asked them to stand to be recognized. Council Members Lawrence, Holm, Garcia, Alvarado, Green and Berry absent.

Ms. Sarah Gish, 2015 Briar Mead, Houston, Texas 77057 (713-532-5733) appeared and stated that she was owner of Gish Creative through which she wrote about art films and cultural activities for families; that she was manager of the River Oaks Theater in the 1990's and she had organized a group of speakers to come today because of her passion toward the theater and to help convince all of the importance in saving the theater and other icons still standing; that their history, beauty and place as community gathering sites fed all in countless ways, not only with the film and movie going experience but also because of the cultural community they encountered within and those experiences were extremely important, without shared cultural experiences and a sense of place and history they could pass on they lost the essence of what made Houston special and what made people want to live and gather here; that the potential

loss of the theater which was similar to the style of the Council Chamber was a sad thought to her and many others; that she knew such buildings took money and she hoped the art community would be allowed to help come up with ways to support them and she would also support any efforts to protect and preserve important parts of Houston's history through organizations such as the Greater Houston Preservation Alliance and through efforts such as Council Member Brown's proposed Protect Our Heritage Ordinance and it was her hope to find solutions to help the River Oaks Theater remain standing and that creativity could go to preserving other icons. Ms. Gish read a statement from Mr. Paul Butyl, Artistic Director of Miller Outdoor Theatre, who could not be present, in which he stated when he heard of the proposed demolition of the River Oaks Theater he was sitting in a glorious 1931 Los Angeles theater with dozens of other theater directors, service providers and interested individuals listening of how they wanted to bring their theater back online and all around the country community leaders had realized the value of the theaters as they carried irreplaceable memories for many and for the younger population it would be the source of memories yet to be created and the River Oaks Theater was an essential piece of its community fabric and the last remaining neighborhood theater of its error in Houston. Council Members Holm, Garcia, Alvarado, Green and Berry absent.

Mr. Jeffrey Mills, 5308 Huisache, Bellaire, Texas 77401 (713-661-6677) appeared and stated that he was another documentary film maker in Houston and working on a project about Interstate Theaters which was the parent company and original owner and manager of the River Oaks and Alabama Theaters and the nostalgic value had already been spoken of and he wanted to say the Mayor and Council already knew Houston was a hard sale to companies wanting to relocate as there was a shift in motivation of young professionals to relocate as they looked first for a better quality of life and second of the specific job in the area; that this was the last operating theater in the Interstate chain and if it was lost so would be a beloved destination and a powerful quality of life draw; that other states realized and Dallas had saved its Interstate Majestic Theater for a performing arts center as did Abilene, San Antonio and Austin and El Paso was almost finished in restoring its Interstate Theater, the Plaza, because they knew it would be a real catalyst to revise the entire downtown area; that Houston had 2 such theaters downtown with the first being developed by Jesse Jones and the second by Millie Esperson and there was a dozen others such as the Metropolitan, Kirby, Lowes, Majestic and others and they were gone and they had been more than a theater they were unique architectural style in history and pulled the community together and they could help make Houston a destination of choice. Council Members Khan, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Mayor White stated that he would share some things he and Council had talked about and they asked Council Members Lovell and Holm's committee to look at where they would go next on historical preservation; that after a very important ordinance was passed last year allowing where the city put its money where its mouth was in a number of its buildings which many private landowners were unwilling to do though some have, so there is a committee and a process and secondly one issue all would have to address was whose money would be invested; that many wanted others to invest their money but were unwilling to give money themselves and he would either have another nonprofit or an existing nonprofit, he would write a check this week, and maybe they should have the historical theater sub account because he for sometime had been working on the great Lyons Avenue Theater which they wanted to revive like the Apollo Theater; third was they needed to focus on many landmarks in Houston an not just the ones which excluded people by race but all landmarks and there were a lot which in the next decade would be a moment of truth and right now they could address it. Council Members Khan, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Council Member Berry thanked Mr. Mills for coming and stated that they may windup on opposite sides of the issue but based on E-mails, calls, etc., he had received he would say if

this many people cared about all issues this would be a wonderful place to live and he wished some at the New York Times who had trashed Houston could see efforts they were doing; that he hoped they understood why he was on the opposite side, but he did respect what they were doing and loved the River Oaks Theater, but the developer bought the land on the speculative of what it was worth and they complied with all building codes, etc. and he understood they needed historic preservation, but if they were seating in the seat of Weingarten how were they to be given some of the value they deserved for their property; and Mr. Mills stated that he thought there was a middle ground because the theater could be a draw for them too, theaters historically from the time they were built in the early 19th century were a tremendous focal point for activity and for a retail center which needed to be unique when so much was going online it was needed; that if they would think creatively as other cities...; and Council Member Berry stated that he did not want to become a city where developers did not want to do business because rules were changed after the fact or because they decided what was greater value as a community as long as they complied with the laws; that his efforts were born because of a pride in his city and more of that could be used and in that he would agree. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Ms. Cynthia Neely, 403 Hollow Drive, Houston, Texas 77024 (713-562-1483) appeared and stated that she represented Houston on the Texas Motion Picture Alliance and was president of the Houston Chapter of Women in Film and Television and film was very important to her; that she wanted all to think of when they went on a trip to visit a new city and they were all excited to experience new things, but once they arrived it was like all other cities they visited, the same retail stores, the same restaurant chains, plain vanilla everywhere, but then when you traveled and came upon a gem of a city, one that stood out with unmistakable qualities, uniqueness unlike anywhere else, it was the city to be remembered and those were locations for film and television, companies looked for unique locations where they could shoot their series and movies and they brought millions and millions of dollars to the economy of those cities; that the Houston area had already stood in for a number of period productions over the years like the mini series which won an Emmy "A Woman of Independent Means" Houston began that film with scenes from 1899 and when "Final Verdict" was shot here Houston stood in for the year 1919; "King of the World" was filmed here and Houston went back in time to 1952; that they were able to stand in for other cities because the historic buildings and neighborhoods looked like other cities; that Houston was filmed as Washington, D. C., Baltimore, Detroit and it was because those cities cared about preserving their historic buildings and the more Houston demolished historic buildings the less they could play others, the less people here could work and the less productions could be brought to Houston and to the state; that variety in looks was very commercial, very attractive and it was not just film and television but also music videos and commercials were made here and it was all jobs and money; that saving heritage did not just make us rich inside. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Brown stated that he thought the two of them should get with Council Member Berry and invite him to San Francisco and other places and let him see historic preservation was good for business and that it brought much investment; and Ms. Neely stated that she thought you could keep your city's individuality and personality without stepping on the rights of property owners; and Council Member Brown stated that citizens expressing their views was part of the free enterprise system and Weingarten Realty was a prestigious developer and he needed to take them into account as a part of his market developing decisions; that he was proud of all for coming out and what this boiled down to was better standards were needed in Houston and if a city did not have standards they had management by citizen protest and once people realized they could come together and get rules for historic preservation that would not deprive unfairly people's use of their property they would have

management by intelligent government and not by protest; and he hoped that would be supported. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Ms. Lisa Serebrin, 2210 South Boulevard, Houston, Texas 77098 (713-520-1874) appeared and stated that it was an honor to speak today to Council in such a historic and beautiful building; that she and her husband owned a real estate investment business and was present today to show support for Council Member Brown's resolution for a moratorium on destroying Houston's heritage; and urged Council to adopt a preservation legislation as discussed; that their clients appreciated the charm of older buildings and they did several projects taking existing buildings and renovating them adding footage and still preserved the buildings original integrity; and they found one reason people liked living in Houston's inner-city was because the homes had character, architectural distinction and most importantly they had history and it would be a shame to lose the beautiful Art Deco River Oaks Shopping Center and the River Oaks Theater; that some could go to places in their own neighborhoods but went there because it was unique; and by removing landmarks and history from Houston's neighborhoods they could expect no individual character to Houston distinguishing them from suburbs anywhere; that she was sad the Alabama Theater closed but happy it was preserved so beautifully and was able to continue as a landmark; and was strongly in favor of a resolution to strengthen ordinances against removal and replacement of such historic buildings. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Mayor White thanked Ms. Serebrin for coming; and upon questions, Ms. Serebrin stated that yes she had worked on historic buildings for clients and it was a great experience; and Mayor White stated that he had a great experience as he and his wife did some on an older home and found it preserved the value and that needed to be encouraged; that he was big on parks and green space and they paid for that, they had to figure who would pay for it because they could not mandate the owners not use it or it would be confiscating their property; that in the Medical Center they decided it would be good for the community to have a place to encourage certain institutions and they used a tool which was basically a subsidy called tax abatement to do it, they subsidized the Medical Center because they did not pay taxes and parks did not pay taxes because they were normally owned by public entities, but it was a public investment and he thought there was a possibility for all to come together but who was to make the decision, him or architects and professionals and how did they come up with criteria and then who would compensate people for investing in a public function, but if they focused on those things they may be able to make progress; and what her particular testimony did was to highlight a point that in many places private owners found it was in their interest to invest in the historic preservation. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Ms. Susanne Theis, 4719 Walker, Houston, Texas 77023 (713-926-6368) appeared and stated that she was speaking in favor of preserving the River Oaks Theater; that this should be a moment where public interest was recognized in preserving architectural legacy and preservation ordinances be strengthened; that she was director of the Orange Show Center since 1983, which was a place built by an eccentric postman and now their budget exceeded one million dollars a year and they had two sites now which included the Beer Can House and would be open to the public in fall 2007 fully restored; that they also presented the Art Car Parade and that helped Houston get a new image all over the world and the New York Times had given them front page stories on each thing; that people were drawn to the real and authentic and value was placed on extraordinary things like the River Oaks Center and Theater and the value there could help find a way to make it profitable for the landowners and community, this was about recognizing public interest and they felt it could work. Mayor White, Council Members Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that there was a song which stated "You take paradise and put up a parking lot; that you did not know what you had until it was gone" and the song had been running in her head for about the last three to four days; that she was very excited to see the passion and commitment she was seeing here today and was grateful and inspired; that she would do all she could working with chairman Holm and Ms. Jewitt to make sure a policy was done and rooted in the value that they honored and respected things that brought them this far. Mayor White, Council Members Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that they did respect what she did for the Orange Show. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Ramona Davis, 712 Main #110, Houston, Texas 77002 (713-216-5000) appeared and stated that she was executive director of Greater Houston Preservation Alliance and she wanted to compliment the Mayor on the announcement of his History Task Force he unveiled last night, it was a major effort in protecting Houston's history through archives, plans and pictures; that the archives supported the buildings, if they could imagine studying the Alamo with only documents and the building not there; that someone mentioned the Shamrock Hotel and that was demolished in 1987 and in hindsight she wondered if anyone could say it was not missed; that it sat at the corner of Holcomb and Main Streets and now was on the METRO line and it had a major green space in front and an Olympic size pool which could have played into the bid for the Olympics and it was all gone now and was a major loss and a parking lot stood in its place; that another lost building in the last seven years was the First City Banking Pavilion on Main which also was a parking lot now and was in the area now termed to be the iconic center of the city and on the METRO line and rather than having a world class building they now had a parking garage; that if they still had those two pieces of infrastructure they would be so much better off; that so many citizens and congresses had called for the kinds of things they were hearing about today, but the one missing piece in all those things was political will by the elected officials to make them happen and somehow they had to find that political will; that this time around there was a much better means of communicating as they now had E-mail and one volunteer at the greater Houston Preservation Alliance started a petition about one week ago and now they had 20,021 signatures. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that she thought they saw today there was a political will and she was happy Mayor White appointed her to chair the Preservation Ordinance Subcommittee, but she wanted to be clear; that she also treasured the River Oaks Theater, but this could not just be about that and it had to be about the whole city; that the Garden Oaks Theater was sitting empty and many other places and she thought with those 20,000 names and addresses they would put to good use they had to figure how to sit with developers and builders and explore how they could blend historic preservation and economic development and she felt very sure they would come to those agreements; that there also needed to be a distinction between commercial and residential and some things were already done such as where the permitting process was changed, it was cheaper to get a permit if you renovated to encourage people to do historic preservation; that now to renovate a historic you received a 50% discount and now they were going back to historic districts to get a catalog so things were in process and she was counting on all present on this to help with the whole city; that their job was to give incentives to preserve and not tear down; and she did look forward to the meetings and dialogue they would continue on. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that he would like to know if the GHPA had identified other cities where an ordinance was in place and working that was fair and promoted economic development, etc., so they could use it as a model and not have to reinvent the wheel; and Ms. Davis stated that yes, there were cities and Dallas had the most recent revision of their ordinance which was very successful; that Mayor White asked who would pay for this and in Dallas the Henry Miller Company renovated the Highland Park Village and it was the most popular shopping center in Dallas and it supported a historic theater and they did it with their own money because they knew how important the center was and what kind of draw history brought to that center and it was beautiful architecture and large trees; that Nacogdoches also had a very good preservation ordinance; and their Blue Ribbon Committee which studied ordinances all over the state made recommendations in Mayor Brown's administration which required no changes at state level, they were already in place in other Texas cities and could be adopted here, so they did have information ready to offer. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she thought Galveston and Miami had done good work; and upon questions, Ms. Davis stated that she did not have their policies, but the difference between Houston and other cities was they had zoning and historical overlays could not be done here, but it was not a problem and no one was asking for zoning here they had far passed the need for it. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he trusted with Council Member Lovell's leadership they could move forward not only on this issue but for historic preservation and he would like to speak with them and maybe they could teach each other as he was not for ripping down historic buildings, but he was concern how economist worked and if she would put together a group he would commit to come. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Rhonda Goldmann, 5606 Bermuda Dunes, Houston, Texas 77069 (281-221-8070) appeared and stated that she was present as someone who loved the city and in hr lifetime she saw destruction of the hospital she was born in, her elementary school, homes of her grandparents and great grandparents in the Heights and Astroworld and she wanted to ask that Council please work in preserving history which had so little left. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Marian Luntz, P. O. Box 6826, Houston, Texas 77265 (713-639-7530) appeared and stated that she was curator of film and video at the Museum of Fine Arts here in Houston and present to talk about how the River Oaks Theater was the centerpiece of Houston's film culture; that she had worked for the American Film Institute in Washington, D. C., when she first came to Houston and the AFI identified the River Oaks Theater as one of only four theaters across the country to present a touring festival of independent films she was coordinating and it was clear to her why the AFI had selected the theater for the event, among other things it had an established and devoted audience and cumulatively the audience had made an impact on the local economy through the purchase of modest tickets, but many tickets, the grosses were recorded nationally and reflected in the trade magazines weekly; that as the uncertainty of the River Oaks Theater spread she was contacted by a number of film distributors all asking for updates and there was no doubt in her mind loss of the theater would send a message to those companies that Houstonians were no longer interested in seeing films besides those opening at

the multiplex; that she was still excited to walk into the theater's lobby and looked forward to all lining up under the iconic marquee. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Acting Mayor Pro Tem Berry, Ms. Luntz stated that she read the statement of the Landmark leadership and they stated they had no knowledge of the recording demolition and they were continuing to operate; and Acting Mayor Pro Tem Berry stated that it was a separate issue to speak of the fiscal structure and the business within but it was interesting to know what their position was and if they had an intention of relocating; and Ms. Luntz stated they could have the statement forwarded to him. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. James Saltzman, 1502 Oxford, Houston, Texas 77008 (713-824-6736) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Joseph Colangelo, 8311 Chesshire Vale, Houston, Texas 77024 (713-412-1875) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. John McDonald, 16030 Abberton, Spring, Texas 77379 (281-370-2223) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr/Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Vincent Sanders, 10907 Villa Lea Lane, Houston, Texas 77071 (713-995-5079) appeared and stated that he was president of the Norfield I and II Civic Association and their subdivision was composed of 356 families in southwest Houston and they were busily at work coordinating a get together to celebrate National Night Out and were joining millions, over 10,000 communities to promote police community partnerships and neighborhood community and were reaching out to many including school officials, neighborhood businesses and police and firefighters and wanted Council's support; that they would meet tonight from 6:00 p.m. to 9:00 p.m. at 10743 Valley Hill Drive; and invited all to come celebrate with them. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he had many already set to attend and would not make it but did appreciate the invitation. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she appreciated him being so patient as to wait all this time and if he was going to beat her he should leave now as his would be her first stop; and he and his neighbors had made Norfield I and II a tremendous exciting place to live; and she

thanked him. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Frank Black, 5112 Clay, Houston, Texas 77023 (713-921-7618) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Cornelia McBride, 3255 Elgin, Houston, Texas 77004 (832-633-7008) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Travis McGee, 5747 Lakefield Drive, Houston, Texas 77033 (832-488-7709) appeared and stated that he was president of Sunnyside Garden Bayou Estates Civic Club and though they were taxpayers they were forgotten, they had an increase in crime and almost non existent HPD presence with poor response time and 911 was the biggest joke ever; that the Mykawa Substation and dispatch would have you playing phone tag among the two and Mykawa was less than 10 minutes away and downtown was less than 30 minutes so why must they wait so long; that they had illegal dumping of tires, dead animals, furniture, shrubbery and at least 6 dead bodies in the last 8 years; that they also had rodents, stray animals and mosquitoes over populating because of the lack of attention; that dangerous buildings were throughout the neighborhood and ditches were being cleaned but culverts were not flushed and the neighborhood was being flooded out; that they contacted Neighborhood Protection, HPD, Harris County and City of Houston but no one did anything; that they even offered to buy property and keep them up and some were 20 years tax delinquent; that on the 311 website it was all contradictory to what was going on there, it said seniors were priority and a large percentage of their area were seniors; that grass was not to exceed 9 inches and their lots had grass exceeding 4 and 5 feet; that liens he pulled showed the city had cut 6 years ago and grass grew daily. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she checked with her office and she hoped they had not been non-responsive; and upon questions, Mr. McGee stated that he had called everyone; and Council Member Edwards stated that her office was usually able to take care of such things and she was surprised he called and it had not been taken care of, but if he would be able to wait her staff member would be present to get his information. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that if he would give his statement to Ms. Dillard she would make copies and see that his Council Member received one. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. David Watters, 7500 Bellerive #1708, Houston, Texas 77036 (832-771-0489) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Shelton Modelist, 5619 Lakefield, Houston, Texas 77033 (713-733-6994) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Emit Square, 5630 Lakefield Drive, Houston, Texas 77033 (713-320-0024) appeared and stated that he was director of Peer Plus Youth Ministries and present to speak on a teen conference they collaborated with Council Member Johnson and the Health Science Technology Class of Smiley High School; that their mission was to encourage healthy lifestyles and pursue maximum development of their talent and potential and it came to their attention some students and parents were not utilizing basic services provided in schools through various agencies and he thanked Mr. Greenstand and his folks at Ivy Bound for offering to bear the cost of SAT preparation classes and the Texas Department of Assistive and Rehabilitative Services were identifying resources available to mentally and physically challenged children to help them transition from a school environment to productive self sufficiency; March of Dimes for providing educational resources for pregnant children; and continued thanking various organizations; and if anyone would like to replicate the program they could call 713-320-0024. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Barbara Ratliff, P. O. Box 53663, Houston, Texas 77052 (no phone) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Elizabeth Freemont, 12500 Dunlap #649, Houston, Texas 77035 (713-726-8675) appeared and stated that she was present broken hearted and upset because of what was going on in Houston; that her grandson was severely hurt by the Precinct 5 Constables at the skating rink on Hillcroft and South Main; that it was the only place teens could really go and enjoy themselves now and she was called while her grandson was being beat up and it brought back memories of an experience she had in 1992; that when HPD got there the area was calm, but the constables in front of her slammed his head against the car, snatched his arms back and handcuffed him and threw him on the ground face down and one officer put his knee in his back and one put a knee in his side and every time he spoke they would slam his head into the ground; that she had seen a lot of brutality and something needed to be done. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Lovell, Ms. Freemont stated that this was not HPD it was the Precinct 5 Constables; that HPD was very nice except for 2 of them; that she had not gone to speak to those at Harris County; and Council Member Lovell stated that Council Members had no authority over constables and she really needed to go to Harris County Commissioners Court; and Ms. Freemont stated that HPD should take over there as they were very kind and they kept the children orderly. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that Council Member Lovell was not trying to pass her off cut wanted to be sure she went to the correct place. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he was sorry what happened and was glad she came, but would urge her to not give up and go to the Commissioners Court and let them know what happened and he wished her well. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that Mr. Fontaine was present and would get information and get her with the right people; and they were sorry for what they went through. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (832-882-7716) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he could not get done what he needed when Council Members left; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was most powerful; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Sammy Jones, 1415 W. Gulfbank #211, Houston, Texas 77088 (no phone) appeared and stated that he was present as 2 weeks ago he requested the crime van go to his apartments and he wanted to let Council know that he was demanded to give his 30 day notice at his apartments and when he refused he was threatened his lease would not be renewed when it was up. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

At 5:11 p.m. City Council recessed until 9:00 a.m., Wednesday, August 2, 2006. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

City Council Chamber, City Hall, Wednesday, August 2, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 2, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Stella Ortega, Agenda Office, present.

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

At 9:26 a.m. Mayor White called the Council meeting to order and stated that if there was no objection by unanimous consent they would hear the report from the City Controller first.

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 and a Quarterly Investment Report by the City Controller – was presented. Council Members Johnson, Wiseman, Khan, Garcia, Lovell and Sekula-Gibbs absent.

Ms. Annise Parker, City Controller, stated that this was the Monthly Financial and Operations Report for the period ending June 30, 2006, they were finally closing out the Fiscal Year 2006, that for those Council Members who were not present yesterday she just wanted to emphasize that the good financial news kept piling up and it was great for the report and great for the City, they were currently projecting that the General Fund would end the year with a surplus of \$35.4 million, an increase of nearly \$6 million from last month, they continued to have extremely positive sales tax activity, much higher than anticipated and much higher as they changed their projections mid course during the year, they also had much higher income from the property taxes and sales taxes were \$25 million over the budgeted amount, property taxes \$14 million over the budgeted amount, that combined with the excellent fiscal restraint shown by Mayor and Council had left them in a really good position at the end of the year, they actually had some positive news on other revenue sources, they had changed their projection by increasing it \$1 million for interest income and Gas Franchise fees were up another \$700,000, on the expenditure side, they were experiencing \$850,000 of increased spending for overtime in the Fire Department and there were some higher than expected seasonal and temporary employees in the Parks Department, they asked about it yesterday and they followed up and they actually used that line item to cover increased utility costs, so she wanted to correct that from yesterday, these increased expenditures were offset by decreases in other departments and if they looked at the second page they would see variances from budget and they could see the departments that were over and under on the budget, that it was also the month where they gave their Quarterly Investment Report and Council Members should have received that in their offices, that as of June 30, 2006 the City had approximately \$1.8 billion invested in the General Investment Pool, that the investment strategies was to match assets and liabilities for a period of one year and to exercise discretion over the balance of the funds, the balance was down about \$200 million from the prior quarter, it was strictly a seasonal adjustment having to do with the timing of property tax and pay down of TRANS notes, that overall the cash position was very healthy and the General Pool was yielding 4.33%, that in addition to the General Investment Pool they had three other small investment pools that totaled about \$28 million, that it was also the SWAP Report period and she was not going to go into detail on the SWAP Report, the full report was in their monthly handout, if there were any questions they would be glad to meet with Council Members to discuss those, that for those who may not be aware of it they switched over to the new SAP Financial Management System on July 5, 2006, so far everything was progressing smoothly, she hesitated over it, it had gone better than they had feared but had not gone as well as they had hoped but there had been no real failures, things had slowed down, they may have received some phone calls from vendors, the only area that she thought they really had difficulties with was that they did not expect to still be in the Katrina business at this point and time and did not do an effective job in handling that between the two financial systems, but overall they were very well pleased and wanted to thank the departments and Mayor White and Anthony Hall for bringing everybody together, she thought it was an

unprecedented combined effort to get all the financial people throughout the City working on the same page, no one went off of the reservation and that was why it had gone so smoothly, it was critical because it was Phase One of a two phase process, in January 2007 they were going to go through HR Payroll and hopefully they would get most of the bugs worked out on the financial side so that when HR Payroll comes in they would do a better job, because they may get a call from a vendor, but they would get calls from City employees if they did not get the right paycheck, that she really appreciated all of the hard work on it, and that concluded her report. Council Members Lawrence, Johnson, Wiseman, Khan, Garcia and Berry absent.

Ms. Judy Gray Johnson, Director, Finance and Administration, stated that as the Controller said the revenue totals continued to be very good, especially in sales tax, the City of Houston was leading the State and they had higher increases in their sales tax than other cities, but many other cities in Texas also had double digit increases so this was not merely a Houston phenomena but it said something about the economy and the state of the economy all over the State of Texas, they also had one good note, that where they had ended the fiscal year with the highest cash balance, unrestricted cash to the General Fund in history, they had over \$121 million, that some of those funds were monies that were not due until July 1, 2006, so it was not more Fund Balance but more cash, for those of them who came in and worked on July 3, 2006 there was a benefit to that because many of the businesses who took that as a holiday but were required to make their payment July 3, 2006, since the City was open for business, decided instead to make the payments the week before so they could take July 3, 2006 off, so they had a benefit in their cash in large measure because July 3, 2006 was not a holiday for the City, that going forward into the next fiscal year it was good to be ending on a higher balance than they put into the budget, that was always better than starting of with a lower actual balance than was estimated and they would adjust those numbers starting next month, if there were any thoughts that the Council Members had on the format or content of the Monthly Report as they went to the next fiscal year starting with July 2006 if they had any suggestions they were happy to change them and now was the time to take any of those new ideas or input into account, and that concluded her report. Council Members Wiseman, Khan, Garcia, Lovell and Berry absent.

Mayor White stated that he wanted to thank both Ms. Parker and Ms. Johnson and as the Controller stated there were many City employees who had worked so long on the SAP implementation and conversion, that it may sound like the dullest topic on the face of the earth, the computer conversion, but the good news was that the City of Houston had joined the 21st Century of high performance businesses that had real time information available to people where they had good audit trails and where in the future should not have as many people having to shuffle paper for a living, so they had hard working people who wanted to provide services, so if they wanted checkers to check checkers it made it a whole lot easier to do so in an efficient way within the City of Houston if they had a system such as this, but going from 1950 and 1960 type systems to state of the art system on software and internal reporting was a heroic achievement and he really applauded those City workers who participated. Council Members Wiseman, Khan, Garcia, Lovell and Berry absent.

Council Member Green moved to accept the Monthly Financial Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman, Khan, Garcia, Lovell and Berry absent. MOTION 2006-0675 ADOPTED.

Council Member Green moved to accept the Quarterly Investment Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman, Khan, Garcia, Lovell and Berry absent. MOTION 2006-0675 ADOPTED.

MAYOR'S REPORT - Charter Amendment Issues

Mayor White stated that he wanted to share his thoughts and invite comments from Council at various points hopefully before Friday on a second item that he wanted to put on the election ballot in November, the first would be a bond issue that would allow them to have the legal authority to make the type of capital expenditures that they had made for decades within the City, it was a routine item that he thought would be posted first on the agenda for this week and were likely to vote on it next week, that the second item had to do with some modifications in the City Charter that would have the effect of allowing the City to operate under Prop 1 and Prop 2 without endangering the debt ratings of the City or causing them to be in a situation where they would cut essential public services such as police services because some new carrier added air service from our airport, the goal of the Council was to have fiscal discipline and they had recognized and put into affect the most stringent controls anywhere in any City in Texas, possibly in the Nation, on the growth in property taxes, there was no desire, on his part, to retreat from that, the limits on property taxes in Prop 1, whether somebody likes them or does not like them, he could tell them puts a real and significant limit on things such as the amount of the bond issue and the amount by which they could grow the budget in any category, that people may be for or against that but there was no doubt that it was a limit and it was real, there were modifications that were fairly straight forward that they could make, even in the absence of waiting for the outcome of litigation which would not cause the combination of the two propositions, which none of them envisioned, including the proponents of Prop 2 who argued that they were alternatives throughout the election, if they combined both of them then there were some things that simply needed to be cleaned up, nobody was talking about repealing either Prop 1 or Prop 2 or conceded what the outcome of the court case on Prop 2 would be, the first problem that they needed to cure had to do with the enterprise funds and on that he would say that a number of the proponents of Prop 2 at various times throughout the course of the debates, maybe not the public debates but certainly various discussions, agreed that they needed to make some changes if Prop 2 were enacted, nothing showed it more, they needed to exclude from artificial caps self sustaining enterprise funds which were funded largely by user revenues and grants, if they did not then bizarre things could happen to the City that would be embarrassing to them, that he would give them an illustration, that on page 10 of the Monthly Operating Report, that the revenues from the Aviation Operating Fund, year to year, increased by 11% because they had expanded airport service through the new terminal, that was a good thing, by the way it came with a cost, they were going to have higher debt service over time because of the multi billion dollar expansion of the aviation so there was an offsetting expense line, but since the population and inflation growth of the City had not gone up by that much then that meant something else, they would have to do one of two things, either they would have to cut the investments in the aviation system or they would have to dramatically, over a long time, try to bring down their debt service or in the short run, they had to cut General Fund expenditures and they knew what 64% of those after debt services, police and fire, why would they want to do those things to cut investments in the airport and police and fire services because more business travelers were going from here abroad or coming here from abroad, it just made no sense, the second thing they needed to do was make sure that subject to the limit on property tax increases they were not restricted in their ability to increase to make necessary expenditures on police and fire services to meet the needs of the public, that he would give them an example of why that was the case, if there was a crime wave, if there was an epidemic, if there was a large influx in population which were not in the figures at the beginning of the year, they needed to do whatever they needed to do to do public safety and he was not at all suggesting that they abandon the discipline in property taxes to get there, but if there were other sources of revenue that they could identify, if Mr. Arturo Michel brings a legal against a polluter and brings in \$10 million to the City coffers they wanted to be able to apply to any increased investment as needed in their citizens and public safety, that he believed that the public would overwhelmingly support it and believed that many people who supported either or both propositions would support it and did not think they needed to compromise their commitment to discipline on property taxes in order to accomplish the amendment and then a final note on

which he wanted some thoughts, was that they wanted to base the caps that were based on population and inflation growth to the best population figures that they had, he and Mark Ellis, with the assistance of Members of Council, wrote Proposition 1, they tried to do the best possible job they could, it represented a broad consensus compromise, that he could think of two things that he did not like about Proposition 1 that he agreed to because it was a compromise and the thought that word was not bad so long as they were talking about compromises to reach a common goal, there was one that none of them knew how delayed the populations figures were, none of them knew that, nobody talked about it, nobody debated it, they just never did it, did they know that in this budget the caps that applied were based on the growth from July 1, 2004 to July 1, 2005, did it have anything to do with the population growth of the City from last fiscal year to the end of this fiscal year, no, they could have some years where the population of the City went down and then it goes up and then because of trends it was going up, that they all knew and nobody wanted estimates of growth based on subjected judgments by people who were not experts, or to be politicized or gained in any way, so he was trying to think of some words or language which would allow it to be done by independent experts, determined in advance and then plugged into the budget, but they needed to be more current, if they were going to do it based on population growth they should not do it on population growth that had nothing to do with the budget that they were adopting at the time and if for methodological reasons the numbers from the census were much delayed then they should figure what they could do to get better estimates from some experts in the aggregate population growth and those were the issues they were working on and they intended to post on Friday, he believed and needed their help that there was no reason why these things needed to become highly politicized by main stream people for a wide range of the political spectrum, already they had debt ratings that had been explicitly compromised for the debt rating authorities by the overhang of Proposition 2 on these enterprise funds, that was an increased cost to the citizens of their community, it was an increased cost to the taxpayers to have that kind of cloud over the City and they did not need to charge the citizens with that, and that concluded the Mayor's Report. Council Member Garcia absent.

Mayor White recognized Council Member Brown for a moment of personal privilege and Council Member Brown stated that they all wanted to wish Ms. Anna Russell, City Secretary, a Happy Birthday and presented her with a beautiful bouquet of roses.

CONSENT AGENDA NUMBERS 1 through 41

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 11

7. **INDUSTRIAL CHEMICAL CLEANER, INC** for Floor Maintenance Equipment for Houston Airport System - \$29,484.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2006-0677 ADOPTED.
8. **CONSOLIDATED TRAFFIC CONTROLS, INC** for Emitters through the Houston-Galveston Area Council for the Fire Department - \$40,245.92 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2006-0678 ADOPTED.
11. **KRIS COMPACTION, INC** for Trailer-Mounted Light Towers for Various Departments \$27,996.00 - Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2006-0679 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 32

13. RESOLUTION designating a certain property within the City of Houston as a Historic Landmark (S. F. Carter-Second National Bank Building - 806 Main Street) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Garcia absent. RESOLUTION 2006-0008 ADOPTED.
14. RESOLUTION designating a certain property within the City of Houston as a Historic Landmark (Gift Raps Inc. Warehouse - 2422 Bartlett Street) - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Garcia absent. RESOLUTION 2006-0009 ADOPTED.
21. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Pawnee Street, from Alameda Road east to its terminus at the railroad tracks, comprising 2 tracts of land, containing, respectively, 6,482 square feet and 6,544 square feet of land, more or less, Parcels SY5-074 and SY6-005, respectively, vacating and abandoning said parcels to MDM Realty, LLC, and to Marcos Masson, the abutting owners, in consideration of their dedication of three rights of way, containing, respectively, 419 square feet, 419 square feet and 1,398 square feet of land, more or less, Parcels AY6-077, AY6-078A and AY6-078B, respectively, and the payment of \$151,060.00 and other consideration to the City; all five parcels being out of Institute Place Addition, Houston, Harris County, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2006-0792 ADOPTED.
22. ORDINANCE approving and authorizing Special Warranty Deed conveying to **CLEAR CREEK RANCH, INC**, a parcel of land containing 1.7308 acres (75,392 square feet), more or less, being a portion of a certain 76.8135 acre tract of land described by final judgment of the County Civil Court at Law No. Four (4) of Harris County, Texas, Cause No. 477,270, located in the G. P. Burnett Survey and the H.T&B.R.R. Company Survey, A-1382, Harris County, Texas (excess Blackhawk Boulevard right-of-way at 9400 block of Fuqua Street, Parcel SY2-005); in consideration of Clear Creek Ranch, Inc.'s payment of \$154,486.00, and other consideration to the City - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2006-0793 ADOPTED.
23. ORDINANCE approving and authorizing Special Warranty Deed conveying to **FRANK T. GUZMAN**, a parcel of land containing 0.1696 acre (7,387 square feet), more or less, being out of Lot 17, Block 5, of the Golf View Manor Addition, located in the H.B. Prentiss Survey, A-56, Harris County, Texas, (A former water plant site located at Iron Rock Avenue and South Wayside Drive, Parcel S85-051); in consideration of Frank T. Guzman's payment of \$23,550.00, and other consideration to the City - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2006-0794 ADOPTED.
24. ORDINANCE amending Ordinance No. 2004-1248 relating to the addition of certain land to Bissonnet Municipal Utility District; consenting to the addition of 87.2876 acres of land to **BISSONNET MUNICIPAL UTILITY DISTRICT** for inclusion in its district – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2006-0795 ADOPTED.
25. ORDINANCE consenting to the creation of **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2006-0796 ADOPTED.

26. ORDINANCE consenting to the addition of 17.605 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 65**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2006-0797 ADOPTED.
27. ORDINANCE consenting to the addition of 4.1791 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 96**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2006-0798 ADOPTED.
28. ORDINANCE consenting to the addition of 135.485 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 381**; for inclusion in its district - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2006-0799 ADOPTED.
29. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 460 - DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2006-0800 ADOPTED.
30. ORDINANCE consenting to the addition of 0.8942 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2006-0801 ADOPTED.
31. ORDINANCE consenting to the addition of 9.0758 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2006-0802 ADOPTED.
32. ORDINANCE establishing the north and south sides of the 4100, 4200 and 4300 blocks of Clay Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2006-0803 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval to set Affirmative Action Goal for participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2006 through September 30, 2007, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Wiseman voting no, balance voting aye. Council Member Garcia absent. MOTION 2006-0680 ADOPTED.

ACCEPT WORK

2. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$18,399,882.61 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as W. W. WEBBER, INC)** for Relocation for Taxiways “Y” & “Z” at

William P. Hobby Airport, Project 417B, CIP A-0042, A-0380, A-410, A-0426 and A-0141 - 00.22% over the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2006-0681 ADOPTED.

3. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$82,542.00 and acceptance of work on contract with **STEWART-MATL, LTD.** for Central FIS Building Related Projects at George Bush Intercontinental Airport/Houston; Project No. 500M; CIP A-0203 and A-0422 - 13.55% over the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2006-0682 ADOPTED.
4. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$168,494,988.80 and acceptance of work on contract with **CLARK/MISSION, a Joint Venture** for ISEP Central FIS Building Superstructure and APM Station & Platform at George Bush Intercontinental Airport/Houston; Project No. 500F/536C; CIP A-0091, A-0203, A-0354, A-0372, A-0422 and A-0483 - 15.45% over the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2006-0683 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,116,013.91 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Method of Point Repair, GFS R-0266-71-3 (4235-6) - 02.18% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2006-0684 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,660,282.31 and acceptance of work on contract with **ALLCO, INC** for Sewer Rehabilitation by Sliplining, GFS R-0266-72-3 (4257-7) - 00.54% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; G - HOLM; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0685 ADOPTED.

PURCHASING AND TABULATION OF BIDS

9. **MUSTANG CAT (BID NO. 4)** - \$262,703.70 and **LANSLOWNE-MOODY COMPANY, L.P. (BID NO. 4)** - \$25,415.32 for Backhoe Loader and Bulldozer for Department of Public Works & Engineering - \$293,999.00 minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC, for a net award amount not to exceed \$288,119.02 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0686 ADOPTED.
10. **HOUSTON FREIGHTLINER, INC** - \$3,047,063.00 and **MCNEILUS TRUCK AND MANUFACTURING COMPANY** - \$2,781,472.00 for Cabs & Chassis and Side Loading Refuse Collection Bodies through the Houston-Galveston Area Council for the Solid Waste Management Department Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Clutterbuck stated that the item was to allow Solid Waste to take over the trash collection contract currently administered by Republic and she knew that it involved purchasing additional equipment so that they could be able to address areas that had been omitted from service by the City in the past and would urge Solid Waste to consider purchasing equipment that would be suitable to go down all of the various public right-of-ways, including alleys, currently a lot of the alleys were not included in public trash service and knew that as Mayor White had charged the task force to study the issue that perhaps adding more equipment to the inventory would help them to address and pickup trash in a number of different areas where the taxpaying citizens lived, that it was a significant amount of money and would hope in future expenditures that they would consider possibly purchasing even one smaller truck.

Mayor White stated that he would ask Ms. Stein to pass it on to Mr. Bain in the Controller's Office, that he though the decision ultimately concerning trash service on what may be considered or had been characterized or was in fact private streets or alleyways should depend on a policy decision and that policy should be reflected in law and they ought to do whatever the policy and law says and build equipment to that purpose, that it should be a rare case where anybody would be denied service because they did not have the proper equipment and the equipment should follow the policy and the policy should follow the law and the law should follow the policy, so they should make sure that the task force understood that, that he was not prejudging what it should be because obviously there were budgetary constraints, if they had no budget limit then policy making would be real easy.

Council Member Edwards stated that she was still not clear as to what the policy was regarding picking up trash for private streets or private communities, and they were becoming more prolific in District D and she did not know if it needed to be discussed but if she could get someone to give her a clear understanding of what was their policy and if those communities wanted to have trash picked up by the City what was the process, and Mayor White stated that it would be Mr. Buchanan and knew that based on reasonable requests by several Council Members he had asked Mr. Buchanan to come up with some kind of notice and interim plan and would ask Mr. Fontaine to check on and tell him what the implementation was of what he had ordered, it was a memo that would have been dated approximately two weeks ago Friday.

After further discussion a vote was called on Item No. 10. All voting aye. Nays none. MOTION 2006-0687 ADOPTED.

12. **BUCKEYE CLEANING CENTER** - \$1,786,075.60, **LONE STAR TISSUE, INC** - \$958,498.00 and **UNISOURCE WORLDWIDE, INC** - \$1,053,361.70 for Paper, Disposable Products (Facial Tissue, Hand Towels, Toilet Paper) for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0688 ADOPTED.

RESOLUTIONS AND ORDINANCES

15. RESOLUTION designating certain properties within the City of Houston as protected landmarks (Founders' Memorial Park - 1217 W. Dallas, Beazley-Telschow House - 1816 Kane, 1940 Houston Municipal Air Terminal - 8325 Travelaire, Ladner House - 3362 Del Monte and Minella House - 6328 Brookside Drive) - **DISTRICTS G - HOLM; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. RESOLUTION 2006-0010 ADOPTED.
16. ORDINANCE **AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Functions of the Building Services Department concerning acquisition

of Real Property – was presented. All voting aye. Nays none. ORDINANCE 2006-0804 ADOPTED.

17. **ORDINANCE AMENDING THE CITY OF HOUSTON FIRE CODE and CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to use of propane in, on, or in conjunction with Mobile Food Units; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing a penalty therefor; providing for severability; providing an effective date - was presented, and tagged by Council Members Wiseman, Sekula-Gibbs and Clutterbuck.
18. ORDINANCE ordering a Regular Election to be held jointly on November 7, 2006, for the purpose of submitting to the qualified electors of the City of Houston, Texas, certain propositions for the issuance of Public Improvement Bonds for various purposes; designating the location of each polling place and the hours that the polls shall be open – was presented, and tagged by Council Members Alvarado and Wiseman.
19. ORDINANCE authorizing the reallocation of the amounts which may be issued for authorized purposes of the City of Houston, Texas, General Obligation Commercial Paper Notes, Series D; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2006-0805 ADOPTED.
20. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations to authorize one or more qualified Hedge Agreements with respect to certain Outstanding Combined Utility System Bonds and related agreements; making other provisions incident thereto; and declaring an emergency – was presented, and tagged by Council Member Wiseman. (Note: Council Member Wiseman released her tag later in the meeting.)

Council Member Green stated that they had a very lengthy and interesting discussion about the item yesterday in the Fiscal Affairs Committee and was certainly something that he thought would benefit the City and provide great cost savings for them and would urge his colleagues if there were any questions that could be answered today Ms. Susan Bandy and Ms. Judy Johnson were present in the audience, that with these issues timing was everything so they wanted to make sure they took advantage of the interest rates, that he wanted to commend the administration along with everybody who was involved in the item for aggressively looking at the MWBE portion of it and also Mr. Arturo Michel because initially there was no co-bond counsel on it and no MWBE portion for the SWAP advisors.

Council Member Alvarado stated that she wanted to thank the administration, Ms. Bandy and Ms. Johnson for addressing some of the concerns that many of them had at yesterday's meeting, that as they knew one of the things that several of them had been aggressively seeking was more MWBE participation when it came to financial service contracts and was pleased to see that there would be some involved with the SWAP, that she did not want to have to do it every time they had one of these deals, in the past it had been like an after thought and if they raised their voices then something was done, she did not want to have to do that every time because it did get a little exhausting, that she wanted to make sure that perhaps they have a policy in place that there was an automatic goal, whether a SWAP or other financial service contract.

Council Member Garcia stated that he wanted to say thank you to Ms. Johnson for working with them on the item, but wanted a point of clarity, he heard yesterday at the committee meeting that they had a 24% goal and he saw 20% in the item and asked if there

was any reason for the difference, and Council Member Green stated that he knew that 24% was the goal on the other two financial advisor contracts, that 20% was reasonable, and Council Member Garcia stated that with all due respect if there was 24% on the table he wanted 24%, and Council Member Green stated that with this sort of deal the capacity was not there at that level so he thought it was certainly a start, they went up to 20% from zero % yesterday and of course would expect 24% or higher probably on their next goals.

After further discussion Mayor White stated that Item No. 20 had been tagged.

33. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC**, providing up to \$591,723.61 for the Administration and Operation of a Supportive Services Project under the Housing Opportunities For Persons With AIDS (“HOPWA”) Program – was presented. All voting aye. Nays none. ORDINANCE 2006-0806 ADOPTED.
34. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** to receive and utilize funds from the Metropolitan Statistical Area Cities Readiness Initiative Grant - \$73,161.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2006-0807 ADOPTED.
35. ORDINANCE approving and authorizing Utility Functions and Services Allocation Agreement between the City of Houston and **BGM LAND INVESTMENTS, LTD.** on behalf of proposed Harris County Municipal Utility District No. 439 - **DISTRICT B – JOHNSON** – was presented.

Council Member Johnson stated that he wanted to thank Mayor White and the administration for being diligent in regards to the particular development, it had certainly been a long time coming and a lot of thought, effort and sweat from the part of the community to get to this point to where they were building a community that in his opinion would be a community that the City would be proud of in the years to come and thought that was what the citizens of District B deserved, that it brought to mind the unfortunate closing of Kashmere School and believed the school was being closed down because it could not attract the students that needed to be a part of that historic school, that he wanted to build neighborhoods that would build strong schools and would help children to move into strong and higher grounds of education and then go out and get stronger jobs and would continue to better their communities.

After further discussion a vote was called on Item No. 35. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0808 ADOPTED.

36. ORDINANCE awarding construction contract to **BIG STATE, EXCAVATION, INC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section One of the Wayside Village Subdivision, approving and authorizing an assignment of the construction contract to the **WOODMERE DEVELOPMENT COMPANY**, CIP S-0800-H1-3 & R-0800-H1-3 (DPC-095) **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0809 ADOPTED.
37. ORDINANCE appropriating \$117,454.37 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **WOODMERE DEVELOPMENT COMPANY, LTD.** for Construction of Water and Sanitary Sewer lines to serve development on Wayside Drive, CIP S-0802-38-3 & R-0802-40-3 - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0810 ADOPTED.

38. ORDINANCE approving and authorizing contract between the City of Houston and **J. C. FOY, L.C.**, for Professional Litigation Support Services - \$150,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2006-0811 ADOPTED.
39. ORDINANCE amending Ordinance No. 2005-405, which approved contract with **SAP PUBLIC SERVICES, INC** for an Enterprise Resource Planning System to increase the maximum contract amount - \$1,600,000.00 - Central Service Revolving Fund – was presented, and tagged by Council Member Sekula-Gibbs.

Council Member Khan stated that he was in support of the SAP contract and thought it would bring efficiency into the system, that he understood it was additional money being sought for additional training, that it was not anticipated, there was training build up as part of the original contract but now the department realized that they needed additional training, that his concern was that they were training about 30 people and spending \$1.6 million as additional training and asked how were they justifying the amount of additional training, and stated that he would add his tag to the item. Council Member Alvarado absent.

Mayor White stated that he would ask Mr. Lambert to meet with Council Member Khan to satisfy those concerns.

Council Member Sekula-Gibbs stated that it was no secret that she had concerns about the SAP contract for the Enterprise Resource Planning System and thought it was the biggest contract that they had approved for services of that nature and it was now increasing in size from \$24.7 million to \$26.3 million and she had to express her reservations about the amount of the increase and the fact that it was not a very far time period from the original approval, that she thought they had to look at it very carefully and ask questions about why these services were not included in the original contract. Council Member Berry absent.

Council Member Holm stated that she wanted to add her tag to the item and have some discussion as well, that she was not questioning the process or the program they were trying to establish but repeatedly no matter what purchase they made or new system they went into they never examined all of their needs proactively in the front of the process and were always amending dollar after dollar on the backside. Council Member Berry absent.

Mayor White stated that the item had been tagged.

40. ORDINANCE approving and authorizing Amendment No. 2 to Contract No. C51809 between the City of Houston and **VERIZON SELECT SERVICES, INC** to extend the contract term for Telecommunications Equipment Maintenance Services - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0812 ADOPTED.
41. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **MULTIFORCE SYSTEMS CORPORATION** (C#53088) for Automated Fuel System Maintenance and Support Services for Various Departments – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0813 ADOPTED.

NON CONSENT AGENDA - NUMBERS 42 and 43

PROPERTY

42. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Laura Jordan, Brown & Gay Engineers, Inc., on behalf of Martin A. Kaplan and K. L. Harkins, Jr., for abandonment and sale of an 18-foot-wide alley and a 10-foot-wide utility easement from Yale Street ±353 feet west, between West 21st Street and West 22nd Street, in exchange for the conveyance to the City of right-of-way for, and construction of, an 18-foot-wide alley along the western property line of Lot 36, Block 73 to West 21st Street, all located within the Houston Heights Addition, out of the John Austin 2 Leagues Survey, A-1, Parcels SY6-090A, SY6-090B, SY6-121 and AY6-250 **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT H - GARCIA** – was presented. Council Member Berry absent.

Council Member Garcia named Mr. Frank Flores and Mr. Michael Copland as appraisers and Mr. John Fox as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0689 ADOPTED.

43. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from J. Kent Marsh, Knudson & Associates on behalf of Gateway Medical Properties, Ltd., [MacGregor 288 Development, L.L.C. (Derrick Roach, Executive Vice President), general partner], for abandonment and sale of a portion of MacGregor Way from Highway 288 to Riverside Drive, and a portion of Old MacGregor Drive from MacGregor Way to Highway 288, in exchange for the conveyance to the City of a storm sewer easement, all located in Riverside Terrace Subdivision, Fifth Section, out of the G. P. Foster Survey, A-273, Parcels SY6-101A, SY6-101B and LY6-027 - **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT D – EDWARDS** - was presented. Council Member Berry absent.

Council Member Edwards named Mr. John Chambliss and Mr. George Coleman as appraisers and Ms. Sheila Stewart as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0690 ADOPTED.

MATTERS HELD - NUMBERS 44 through 53

44. RECOMMENDATION from Director Department of Planning & Development to amend Motion #2002-237 to extend parking regulations for an existing permit area - **DISTRICT D - EDWARDS** – (**This was a portion of Item 4 on Agenda of July 26, 2006, TAGGED BY COUNCIL MEMBER EDWARDS**) – was presented, moved by Council Member Alvarado, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0691 ADOPTED.
45. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,642,039.75 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Neighborhood Street Reconstruction Project No. 432B, GFS N-0364-04-3 (SB9133) - 03.34% over the original contract amount - **DISTRICT D - EDWARDS** – (**This was Item 7 on Agenda of July 26, 2006, TAGGED BY COUNCIL MEMBER EDWARDS**) – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0692 ADOPTED.
46. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,331,729.07 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-

- 80-3 (4235-8) - 10.32% under the original contract amount – **(This was Item 8 on Agenda of July 26, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0693 ADOPTED.
47. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$912,142.26 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement Project in Airport South Subdivision and Yale Street Bridge Crossing, GFS S-0035-A1-3 (WA10761) - 04.63% under the original contract amount - **DISTRICTS D - EDWARDS and H – GARCIA** – **(This was Item 9 on Agenda of July 26, 2006, TAGGED BY COUNCIL MEMBERS EDWARDS and GREEN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0694 ADOPTED.
48. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,103,037.99 and acceptance of work on contract with **R. K. WHEATON, INC** for Construction of Water Line Replacement in Sunbeam Area, GFS S-0035-A9-3 (WA10769) 04.45% under the original contract amount - **DISTRICT D - EDWARDS** – (**This was Item 10 on Agenda of July 26, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0695 ADOPTED.
49. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,829,129.50 and acceptance of work on contract with **JALCO, INC** for Slipline of existing 42-inch water line with 36-inch HDPE from Holmes Road to Sims Bayou Pump Station, GFS S-0900-A8-3 (WA10448-10) - 04.19% under the original contract amount **DISTRICTS C - CLUTTERBUCK and D – EDWARDS** – **(This was Item 11 on Agenda of July 26, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0696 ADOPTED.
50. RECOMMENDATION from Director Department Finance & Administration to adopt award to **REPUBLIC WASTE SERVICES OF TEXAS, LTD.** for Two Self-Contained Compactors for Houston Airport System - \$43,094.00 - Enterprise Fund – **(This was Item 12 on Agenda of July 26, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0697 ADOPTED.
51. RECOMMENDATION from Director Department Finance & Administration to adopt award to **ADOBE EQUIPMENT** for spending authority to Address Emergency Retrofit of Fuel Transport Vehicles for Department of Public Works & Engineering - \$236,500.00 - Fleet Management Fund – **(This was Item 20 on Agenda of July 26, 2006, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0698 ADOPTED.
52. ORDINANCE approving and authorizing contract between the City and the **U. S. DEPARTMENT OF HEALTH & HUMAN RESOURCES, CENTERS FOR DISEASE CONTROL AND PREVENTION** for Participation in a National Network for Laboratory

Surveillance known as Pulsenet USA Public Health Laboratories – **(This was Item 36 on Agenda of July 26, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0814 ADOPTED.

53. ORDINANCE approving and authorizing first amendment to contract between the City and **BAKER BOTTS L.L.P.** for Legal Services pertaining to Houston's SafeClear Program – **(This was Item 39 on Agenda of July 26, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Berry absent. ORDINANCE 2006-0815 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Holm stated that last night all of District G was out in force as they joined citizens in the neighbors night out, that it was such an important aspect to come together for the meetings. Council Members Khan and Berry absent.

Council Member Holm stated that tonight District G would host the fourth of five community meetings addressing crime in their district and it would be held at the Memorial Drive United Methodist Church, 12955 Memorial Drive at 6:30 p.m., the final meeting would be Monday evening at Saint Cyril's of Alexandria Catholic Church at 10503 Westheimer Road at 6:30 p.m., that the public meetings had been very well received among the community. Council Members Khan and Green absent.

Council Member Holm stated that she thought they were finding themselves with a proposed rail plan in jeopardy, that she had witnessed the process for years and her personal conclusion was that they were where they were because they as public officials had failed to do three things that they were elected to do, one, they had been elected to make policy decisions for the City of Houston and they had empowered an appointed board that was very well meaning but not equipped or had the incentive to make the planning and transportation decisions for the City, two, they were elected to represent the will and the needs of the citizens and to be accountable for that representation, that three, as elected representatives should interface with the co hearts as various levels to secure support and funding for project needs, that the board had put them in a position of battling with their Congressional delegation, once the decisions have been made Metro was their transportation authority for the region and were absolutely responsible for building, maintaining and operating the system, that she was concerned that they had compromised the process by putting them in the position to make final planning decisions and to be the approach to Washington for funding, that the problem she thought they had was not whether to have rail on Richmond, the issue was what were their goals and key connecting points they were trying to target, what was the best route that protected the quality of life, provides mobility, enhances public safety, promotes economic development while preserving the integrity of the community, that was a powerful charge and the City Council was the body that should take the responsibility of embracing it on behalf of the electorate they served, that she had taken the position that the overwhelming supported decision of District G was to endorse a route within the Metro defined University Corridor that did not build rail on Richmond Avenue, on the segment beginning at the Union Pacific Railroad tracks and proceeding west to Loop 610, while most District G residents favored a line on Westpark the District G office would stand firmly with the leadership of her colleagues, Council Member Clutterbuck in District C and Council Member Edwards in District D and the choices made by their affected neighborhoods and businesses within their respected borders, that in a discussion with Chairman of Metro, David Wolf, he asked her to clarify her position, that Chairman Wolf asked her if that meant she endorsed Metro to build rail on Richmond east of the tracks and the answer was "no" she did not endorse Metro, she did believe in the consensus

building process and the opportunity she had to work with District G to bring the perspectives to the table and whatever position her colleagues, Council Members Clutterbuck and Edwards and their respective districts came to she wholeheartedly supported.

Council Member Alvarado stated that last night as she was visiting on National Night Out she had some of their civic clubs who had talked about trying to change the time of when National Night occurred, that they were very lucky that it was not as hot as it usually was and some civic clubs had talked about what they could do in Houston or other city's in the south that wanted to move it, maybe to move it to the spring or fall, that she thought it was sponsored by the National Association of Town Watch so may the Governmental Affairs Office, Ann Travis, could look at that.

Council Member Alvarado stated that one thing the Mayor sent out that did not get a whole lot of attention was the settlement with CenterPoint and she wanted to thank the Administration, the Legal Department and Alton Hall, who worked for them on the issue, that it still had to be approved by the PUC but it was a pretty complicated process in which it required the consent and work of a lot of other cities but the settlement called for about \$312 million over four years, which translated into rate relief, a new energy conservation and relief to some low income consumers. Council Member Lovell absent.

Council Member Sekula-Gibbs stated that she had passed out a document and hoped that Council Member Alvarado and other members of the Public Health Committee would take a look at it as well as all of the Council Members, which contained some information on the proposed enhancement of their Indoor Smoking Ordinance, that it was a good basic model ordinance that was available from a group called Non Smokers Rights. Council Member Lovell absent.

Council Member Sekula-Gibbs stated that next week was the official Community Health Center Week for the nation and Governor Perry had reinforced it declaring it as Community Health Center Week in Texas. Council Members Lawrence and Garcia absent.

Council Member Wiseman stated that she would release her tag on Item No. 20.

20. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations to authorize one or more qualified Hedge Agreements with respect to certain Outstanding Combined Utility System Bonds and related agreements; making other provisions incident thereto; and declaring an emergency – was again before Council. All voting aye. Nays none. Council Members Lawrence and Garcia absent. ORDINANCE 2006-0816 ADOPTED.

Council Member Khan stated that he wanted to congratulate all Houstonians who came out last night for the 23rd National Night Out Program. Council Members Lawrence, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Khan stated that the Young Professionals Network and the Greater Houston Southwest Chamber of Commerce were holding a school supply drive, all of the items collected would be donated to Sylvan Rodriguez Elementary School on Chimney Rock, that they were also holding an August 10, 2006 a drive to collect those items at Rickshaw Bistro between 5:30 p.m. to 8:00 p.m., that many other organizations were doing this kind of activity and he hoped they helped out in the back to school drives throughout Houston. Council Members Lawrence, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Khan stated that they wanted to say a heartfelt goodbye to Consul General Amin Meile of Switzerland, that Switzerland was closing their consulate in Houston but

were enhancing their trade office in Houston, and Consul General Omar Hussen of Egypt, who was retiring and leaving Houston and his replacement would be coming next month, that he wished both of them well, that Consul General Hussen would be at the Islamic Dawai Center in downtown Houston on Friday at the prayer time so anyone who wanted to come and meet with him to please join them. Council Members Lawrence, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Green stated that he wanted to congratulate all of the neighborhoods that had their National Night Out celebrations last night, that all of them had many stops to make many stops last night, that it was always good to get into the neighborhoods. Council Members Lawrence, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Green stated that he wanted to remind individuals that the Houston International Jazz Festival would be in Houston this weekend at the Verizon Theater, if they needed information they could contact www.JazzEducation.com. Council Members Lawrence, Clutterbuck, Khan, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Green stated that the September Budget and Fiscal Affairs Committee meeting would not take place August 29, 2006 because of their Charter issues, that it would be on Tuesday, August 29, 2006 in the Council Chamber. Council Members Lawrence, Clutterbuck, Khan, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Green stated that he wanted to wish his summer intern, Brandon Johnson, good luck, that he was going into his second year at Yale, that he had done a great job for them. Council Members Lawrence, Clutterbuck, Khan, Garcia and Lovell absent.

Council Member Berry stated that he wanted to thank Council Member Brown for leading the charge on Ms. Russell's birthday, that it gave him a good opportunity to say that the City Secretary's Office was not the most electronically efficient, but what they lacked in technology they made up in sheer grit and customer service skills, that some department's could learn from them, that if you go in there with a question they dig through the moth balls and find it and he appreciated the whole office, from Ms. Russell's leadership down, that it was amazing to fathom how many years Ms. Russell had done what she does and how she still brought a fresh perspective to it and he appreciated it and that was long before he was on Council. Council Members Lawrence, Wiseman, Khan, Garcia and Lovell absent.

Council Member Berry stated that Mr. Gary Norman in Public Works goes out to the scene of things and returns calls after hours, that he really appreciated Mr. Norman. Council Members Lawrence, Wiseman, Garcia and Lovell absent.

Council Member Berry stated that every time they had a parking issue Ms. Rambo brought to the table energy, knowledge, willingness to get things done, that she and Ms. Kym King had tackled an issue that they very easily could have skirted because it did not sound good to say they were going to limit disabled parking time but it turned out the disabled community actually wanted that because it would better serve them, that Ms. Rambo helped them on a parking issue recently that made such a difference to a stake holder in their community. Council Members Lawrence, Wiseman, Garcia and Lovell absent.

Council Member Berry stated that on the issue of Historic Preservation he was very much in favor of preserving their historic structures and thought they had a group that was committed to do that and the energy and political will to do it and thought under Council Member Lovell's leadership they could get to a resolution on the River Oaks Theater. Council Members Lawrence, Wiseman, Garcia and Lovell absent.

Council Member Berry stated that for every bad contractor there were ten good ones and did not make it to the Council table, but Katie Dorfman of his office had an issue that a private contractor, under the City's employ, had busted up her sidewalk and driveway and there were all sorts of problems, that nobody with the City office was involved and D. L. Elliot was the contractor and they hand dug under the driveways to keep from busting them up and it was not only Katie but her neighbors so Katie asked all of them to write letters saying what they had done, that it was a small company but for every bad experience they had with bad contractors, this was one that really made them proud and appreciated, that he was sending a note to the contractors association that they appreciated their good work. Council Members Lawrence, Wiseman, Garcia, Lovell and Green absent.

Council Member Brown stated that Mr. S. I. Morris passed away, that he was the leader of a firm that was the designer of the Astrodome, the Two First City Towers and co-architect on the magnificent Rice Stadium, that Mr. Morris died yesterday at age 91, and sent his condolences to the Morris family. Council Members Lawrence, Wiseman, Garcia, Lovell and Green absent.

Council Member Brown stated that regarding rail, he thought they needed more planning in Houston, if they were using the planning process to build consensus then what Metro was doing would be a fulfillment of that plan and he thought they were on that track. Council Members Lawrence, Wiseman, Lovell, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that she too wanted to add her thanks to the many good people in District C who invited her to their various National Night Out events last night. Council Members Lawrence, Wiseman and Green absent.

Council Member Clutterbuck stated that she wanted to thank Council Members Brown and Johnson for their good leadership in helping produce something that was probably better than what it started out to be, that hopefully they would end up reaping a tremendous reward for it and thought that the product that came out in Wayside Village would end up being something that draws a lot of attention and investment and would be a sustainable development. Council Members Lawrence, Wiseman, Khan, Sekula-Gibbs, Green and Berry absent.

Council Member Johnson stated that he wanted to reiterate his thanks to the Mayor and the administration for the support and input and setting the tone to help create a better development, he appreciated all of this colleagues input and support on the matter and agreed 100% that they must have a predictability when it came to development in the City as well as a standard but believed the standard needed to be across the board in which they were encouraging good development which would come from a mixed income type of development. Council Members Lawrence, Wiseman, Khan, Sekula-Gibbs, Green and Berry absent.

Council Member Johnson stated that National Night Out was a great night and he attended about six out of the eighteen that he was invited to and to the ones that he did not make he apologized and would be at the next civic club meeting. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent.

Council Member Johnson stated that on Saturday, August 5, 2006 from 9:00 a.m. to 1:00 p.m. at Lincoln City Park in Acres Homes at 979 Crinshaw they would be at the park for their Summer Swing, that it would be a back to school event and they would be giving out school supplies and having a family reunion type atmosphere and getting the children geared up for school and ready to go, that some of the sponsors were Target, Frenchy's Chicken, Criswell and Associates, The Youth Advocate Program and God's Grace Community Church, that it would be a great time and he hoped everyone would come out. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Sekula-Gibbs and Green absent.

Council Member Johnson stated that at the event on Saturday they would be talking about a problem that had been plaguing Acres Homes for several months, that they all knew about the serial killer, that they were going to have to talk about the serial killer that had killed, abducted and raped six women in as many months, that the community was certainly very fearful of what had taken place, that he wanted to thank Chief Hurtt, Chief King and Captain Brown for being very supportive in their efforts to make sure that the Acres Homes Community was getting the resources, bringing in additional support officers, that he wanted to thank the community, for the last couple of weekends he had orchestrated community walks in which they had walked the flyer that he had passed out to Council Members to let people know who the individual was and because of the walks they had gotten over 200 additional calls with leads and 150 of those were still open so they were getting a lot of good information, that one of the fears that he had and certainly from a citywide standpoint that this might be an individual that might start to flee Acres Homes so he did not want people to think that it was just isolated to Acres Homes, it could be an issue that could start to plague other communities, that the most important way for them to find the individual is to stay communicative and informed so that they could send a message to the individual that he would be found, that they had been having townhall meetings regarding this and they had a townhall meeting in which over 300 people showed at the Acres Homes Multi Service Center and that showed him the concern as well as the commitment to find this individual. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Alvarado, Sekula-Gibbs and Green absent.

Council Member Johnson stated that they would have a townhall meeting at the Fifth Ward Multi Service Center tonight at 4014 Market Street from 6:00 p.m. to 7:30 p.m. to talk about development that they felt needed to take place in the lower Fifth Ward area. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Alvarado, Sekula-Gibbs and Green absent.

Council Member Lovell stated that regarding the Richmond rail line, as a resident of Montrose/Neartown and actually living only two blocks off of Richmond she was disappointed in the position taken yesterday that rail could not be and should not be built on Richmond because there were many people in those neighborhoods and along Richmond that did support rail, not to say that there were not people who did not and they should have their input and their issues should certainly be taken into consideration, but the majority along Richmond favored the rail coming down Richmond, that she wanted to go on record in saying that she thought they needed to have mass transportation and the rail down Richmond, that she had been very happy and pleased with Metro in the way they had conducted their hearings and the way they had come out to meet with the small businesses, that they were out there working very hard to make sure that everybody did not lose on this. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Sekula-Gibbs and Green absent.

Mayor White stated that the month of August and probably by mid to late August was the time where he thought elected officials should be in the affected areas representing the constituents and saying what they were for and not just what they were against, that maybe they could do something where the people were willing to say what they were for, it was easy to say what they were against, if they could help him with that they would line up the people that were for things and not just against them. Council Members Lawrence, Wiseman, Holm, Sekula-Gibbs and Green absent.

Council Member Lovell stated that she wanted to congratulate the leadership of Council Member Johnson, and wanted to thank Mayor White for giving her the responsibility on the Historic Preservation, that she looked forward to it. Council Members Lawrence, Wiseman, Holm, Sekula-Gibbs and Green absent.

Council Member Lovell stated that she wanted to tell Mayor White that as a parent of teenagers she wanted to tell him how much she admired this week how he and Mrs. White had handled the situation with their daughter and how lucky she was to have such good parents, that it was a tough thing raising teenagers. Council Members Lawrence, Wiseman, Holm, Sekula-Gibbs and Green absent.

Council Member Edwards stated that one of the hardest things to do was to build consensus and they could not build consensus if they came to the table with a made up mind, and she thought that was one of the problems they were having with some of the federal leadership on the issue, that she had been in at least twenty meetings in the last two years with Metro and the community on the issue. Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent.

Council Member Edwards stated that regarding the National Night Out, the ones they went to were very well organized but she had never yet been to a National Night Out that was at an apartment complex and one of the issues that she kept hearing about was the crime in the apartment complexes, so she would like to see if they could get HAR or maybe some people at City Hall to look at how they could start involving the apartment units in the National Night Out situation, they were voters and taxpayers, that she would like to talk to someone in the administration about it. Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent.

Council Member Edwards stated that they were handing out a card on the Chocolate Bayou Festival coming up on October 7, 2006 and hopefully they would all get an invitation to the celebration kickoff, that it would be a lot of fun and would be on Saturday, October 7, 2006 at Sunnyside Park. Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent.

Council Member Edwards asked if they were going to be doing anything with the lobby group, were they going to be presenting initiatives to Ms. Ann Travis and the group that was going into session, and Mayor White stated yes, and Council Member Edwards stated that she needed to know when that was going to be. Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent.

Council Member Edwards stated that the Flooding Committee was going to have a very important meeting, they had been doing a lot of work and she wanted to thank the stakeholders group, they had some long meetings talking about ordinances that they were trying to work on to mitigate flooding problems and drainage problems in the City, that the committee would meet on August 7, 2006 at 10:00 a.m. in the Council Chamber, they would be looking at two ordinances that they were looking to take action on, one was MS4, which was the ordinance that dealt with storm water drainage and what they could and could not do in their sewage, that they spent almost \$4 million a year cleaning out sewers and were very important regarding the drainage issues that they had, that on Chapter 19 it was regarding what they could and could not do on the flood plain and flood way, that it was tied to the CRS rating and they had been successful in getting their ratings improved which gave their constituents lower flood insurance, the new changes hopefully would give them an even higher rating, that on Friday the Steering Committee would be meeting at 8:30 a.m., if they did not have information on the ordinances they could call her office and they would make sure they got a copy so they could review it. Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent.

Council Member Edwards stated that they had a group called Community Cadre, which were young people that they encouraged to take a leadership role and they called it youth led adult facilitated, that most of the young people were going to universities and if any young

person out there would like to be a part of Community Cadre they could give their office a call at 713-247-2001. Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent.

Council Member Johnson stated that Ms. Chiffon Goynes, an intern, would be leaving their office and going to school at the University of Texas and he wanted to wish her well, that she was a great young lady. Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent.

Council Member Garcia stated that the Combined Municipal Campaign was under way and they would be starting things of tomorrow and along with Mr. Marcotte and Dr. Lawson they were co-chairing this year's efforts and he would encourage people to give this year's event some serious consideration. Council Members Lawrence, Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

Council Member Garcia stated that they were having the Northside Health Fair at Moody Park this Friday and wanted to thank the Citizens Assistance Office and all of the volunteers that were working to coordinate this year's event. Council Members Lawrence, Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

Council Member Garcia stated that the Knights of Columbus Fall Festival would be on Sunday, August 6, 2006 at the Knights of Columbus Hall at 607 E. Whitney, that it was in honor of the active military personnel and would be broadcast over BNET radio. Council Members Lawrence, Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

Council Member Garcia stated that this past Saturday he got together with some folks in the Denver Harbor Community and there were two issues that he would like to ask the Mayor's help with, that he wanted to thank Council Member Alvarado for joining him there, that one was the Lyons Street reconstruction, the community had been asking for the Lyons Street reconstruction for a long time and he wanted to thank the Mayor for his help in finally making it happen but there was also the concern of some of the family owned businesses in the area that were having a tough time in the process, that Texas Sterling, who was the contractor, was doing a wonderful job of staying ahead of schedule and they were anticipating that if all things continued as they were that they would potentially be five to six months ahead of schedule, but he would like to visit with Mayor White to see if there was any support that they could offer the small businesses in the area. Council Members Lawrence, Wiseman, Holm, Brown, Lovell, Sekula-Gibbs and Green absent.

Council Member Garcia stated that there was a meeting with the community next Tuesday at 5:30 p.m. at the Denver Harbor Multi Service Center to talk about the long anticipated repairs of the Denver Harbor Multi Service Center facility, that a lot of folks had questions about where the senior activities would be displaced to or how it would be handled and how the folks that were coordinating those programs would be able to maintain contact with the programs they were running there, that he wanted to thank the administration and Mr. Dadoush for his good work. Council Members Lawrence, Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

Council Member Garcia stated that he wanted to thank Mayor White for visiting with the Cottage Grove Community tomorrow evening, that he would not be able to join him because of a conflict in his schedule, that there was a development issue that had been challenging that respective neighborhood and also because the neighborhood would be directly impacted by TXDOT's project on I-10. Council Members Lawrence, Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

Mayor White stated that if Council Member Garcia had materials that he could refer to before the meeting or maybe Mr. Norman could deal with some counterpart at TXDOT so he would have some information about what was planned before he went out there so he could understand what the issues were. Council Members Lawrence, Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

There being no further business before Council, the City Council adjourned at 12:03 p.m. Council Members Lawrence, Wiseman, Holm, Brown, Sekula-Gibbs and Green absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary