

City Council Chamber, City Hall, Tuesday, August 26, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 26, 2008, Mayor Pro Tem Adrian Garcia presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Marty Stein, Agenda Director; Ms. Marta Crinejo, Assistant Agenda Director and Stella Ortega, Administrative Assistant, Agenda Office, present. Mayor Bill White absent on city business. Council Member Peter Brown out of the city on city business. Council Members Sue Lovell and Melissa Noriega absent on personal business.

At 2:16 p.m. Mayor Pro Tem Garcia called the meeting to order and stated that Council Member Johnson would begin presentations. Council Members Sullivan, Holm and Jones absent.

Council Member Johnson stated that it was with great honor he brought up today Ms. Diane Yoo who was crowned Miss Asia USA; that Ms. Yoo had worked in his office and now promoted unity among the various Asian communities and served as a role model; and presented her a Proclamation proclaiming today as "Miss Diane Yoo Day" in Houston, Texas. Miss Yoo stated that she was honored to see all again and she would work hard to promote the City of Houston internationally.

Council Members commended and complimented Miss Yoo for being the first Houstonian to be named Miss Asia USA and thanked her for being a role model and for promoting the City of Houston. Council Member Sullivan absent.

At 2:25 p.m. Council Member Jones invited her Aunt Judy Jack, a minister of Gods Spirit of Faith Fellowship Church to lead all in the prayer and Council Member Jones led all in the pledge. Council Member Sullivan absent.

At 2:42 p.m. the City Secretary called the roll. Mayor White absent on city business. Council Member Brown out of the city on city business. Council Members Lovell and Noriega absent on personal business. Council Member Sullivan absent.

Council Members Khan and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor White absent on city business. Council Member Brown out of the city on city business. Council Members Lovell and Noriega absent on personal business. Council Member Sullivan absent. MOTION ADOPTED.

At 2:28 p.m. the City Secretary began calling the public speakers. Council Member Sullivan absent.

Mr. Gordan Harris, 3430 Leeland, Houston, Texas 77033 (713-547-7187) appeared and stated that he was present asking for support on Agenda Item 13. Council Members Sullivan and Jones absent.

Ms. Diane Lipton, 550 Gulfgate Center, Houston, Texas 77087 (713-926-3305) appeared and stated that she was representing the East End Chamber of Commerce and asking Council approve the closure of Sampson and Bell Streets located on the grounds of Oak Farms Dairy, she was surprised they had not already been closed as a public safety and security initiative; and urged approval of Agenda Item 13. Council Members Sullivan and Jones absent.

Ms. Zeeba Paksima, 927 Alexander, Houston, Texas 77008 (713-392-8275) appeared in support of Agenda Item 13; and stated that Oak Farms was her client and she was present in case Council had any questions or concerns. Council Members Sullivan and Jones absent.

Ms. Tina Araujo, 815 Live Oak, Houston, Texas 77003 (713-504-2042) appeared and stated that as representing the East Downtown Management District of which Oak Farms was within and to let Council know they were in full support of Agenda Item 13. Council Members Sullivan and Jones absent.

Mr. Shelton Modelist, 561 Lakefield, Houston, Texas 77033 (713-733-6994) appeared and stated that he was present on behalf of the residential location in Southeast Houston; that they had complaints of neighbors and City Code and the Building Code Permit Division; that he had questions regarding the requirements and procedures in issuing building permits and procedures governing approval of residential building permits and violations of the City Animal Control, they called several times for inspectors to go out and it seemed those with violations knew when inspectors were coming and cleaned up their act; and also a Harris County appraiser came out this year and the tax amount had risen \$100,000 based on their neighbor who fraudulently got a building permit under their account and if the situation was not corrected they would be instituting a lawsuit where the City of Houston would be responsible for paying their 2008 taxes. Council Members Sullivan, Khan and Jones absent.

Council Member Adams stated that Ms. Barton with Animal control was present and would meet with him at this time and a member of her staff tried calling him earlier today and they would meet and get his information as well. Council Members Sullivan, Khan and Jones absent.

Mr. Marian Ray, 6111 Willow Bend, Houston, Texas 77096 (832-689-8149) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Khan and Jones absent.

Mr. Jack Terence, 7265 Sims, Houston, Texas 77067 (832-434-7998) appeared and stated that Monday, August 18th he received a call from the law firm of Linebarger Goggan who collected delinquent traffic tickets for the City of Houston and she told him there was a warrant for his arrest for not cutting grass on a vacant lot he owned and if he did not appear in their office and pay within three days they would have HPD arrest him; that he informed them he had no intention of going to the law office but would post bond at the courts when she said he missed his court date and no longer had a right to go to court and though he knew otherwise how many people were missing their opportunity to go to court and denied due process of law because of the law firm, it was an outrage and should not be tolerated. Council Members Sullivan, Khan and Jones absent.

Upon questions by Council Member Lawrence, Mr. Terence stated that he did not ask names, but Linebarger Goggan was responsible for misinformation and intimidation and it was not acceptable. Council Members Sullivan and Khan absent.

Ms. Sharon Williams, 13333 Northborough #208, Houston, Texas 77067 (281-318-9181) appeared and stated that she was employed with the Solid Waste Department for 1-1/2 years and on August 5th she resigned because of stress, she felt she was discriminated against as she was a woman with supervisors and management being unfair. Council Members Sullivan, Khan and Jones absent.

Upon questions by Council Member Johnson, Ms. Williams stated that she had resigned, no one asked her to, but something happened that morning and she was stressed and asked to leave and she was refused to go so she resigned; that there had been several incidents with her

talking to different supervisors but nothing was done; that she filed no formal complaints; and Council Member Johnson stated that he thought she should file formal complaints with the EEOC and in the future she should formally document complaints and ask for response so she would have a paper trail. Council Members Lawrence, Sullivan and Khan absent.

Upon questions by Council Member Jones, Ms. Williams stated that they started putting cameras in the trucks, supervisors were always riding them about picking up trash and going to the landfill and calling in and treated them like criminals; that heavy trash was difficult and put a lot of wear and tear on you; that she was complaining of supervisors, managers and operators, Mr. Jeff Williams, Mr. Gary Jones, Ms. Terry Sweeney, etc., she believed they caused stress to everyone but some were on probation and scared to talk and others just did not say anything, she felt women were being discriminated against, they were expected to get in the sun and pick up heavy things and favoritism was shown to different ones; that the job required all to get out and help, but some workers just did what they wanted and it should be equal; and Council Member Jones stated that someone from her staff would speak with her. Council Members Sullivan and Khan absent.

Council Member Adams stated that she worked in Solid Waste 1-1/2 years and knew it was hard and hot, but on the other side she saw where employees took freedom away when they were out there and not supervised; and upon questions, Ms. Williams stated that she was a senior Refuse Truck driver and she had resigned on her own; and Council Member Adams stated that Ms. Darlene Williams with Solid Waste was present and she would ask them to meet and discuss this. Council Members Clutterbuck, Sullivan, Khan, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Ms. Barbara Hargrove Wilkins, 7301 Touchstone, Houston, Texas 77028 (713-635-2170) appeared and stated that she was present for one reason, she called the City Secretary's Office and requested an application to enable her name to be placed on the ballot for the upcoming Mayoral election and told the one in charge was out of circulation until Wednesday and after questions she said she would leave a note for her. Council Members Clutterbuck, Sullivan and Jones absent.

Council Member Holm stated that she was sorry there may have been some communication breakdown, but no one could place their name on the ballot until after the Legislature met in 2009 and there was no form until the filing date opened; and Mr. Heilman stated that was correct; and Council Member Holm stated that there was no form or opportunity until after the Legislature in 2009 and the filing date opened which was July or August; and Mr. Wilkins stated that she wanted to know if Mark White and others received the same treatment. Council Members Clutterbuck, Sullivan and Jones absent.

Mr. James Westhoss, 2139 West Wallis Drive, Porter, Texas 77365 (281-351-9056) appeared and stated that a warrant was issued for his arrest and caused a great deal of problems; that 18 months ago he bought five properties and was cited for trash on one of the properties, but he did not receive the document and went to MyKawa and paid the fine, several months later he was at a property removing trash and a white van drove up, it was a city van and he went to the driver who said she had written him a ticket for trash on the property so he talked to her about the last time this happened, that no one contacted him, he lived in Porter, Texas, so she gave him the document and he said his address was not on it and gave her his license to put it on the document so the city could communicate with him, but she only placed his drivers license number on it and she said her supervisor would contact him, but he never did; and he wanted someone to write a letter of notice that he could continue with his business without having to explain a warrant was issued for his arrest. Council Members Clutterbuck, Sullivan and Jones absent.

Mayor Pro Tem Garcia thanked Mr. Westhoss for coming from Porter to air his concerns and stated that Ms. Gwendlyn Goins was present and he would like them to visit; and Mr. Westhoss stated that he knew her she had wanted to escort him off the property to pay his parking fee; and Mayor Pro Tem Garcia stated that he wanted Ms. Goins to get details to make sure the records and process were accurate and hopefully get him resolution. Council Members Clutterbuck, Sullivan, Khan, Holm and Jones absent. (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. Council Members Clutterbuck, Sullivan, Khan, Holm and Jones absent. (NO QUORUM PRESENT)

Mr. David Thorne, FM1960 #261, Houston, Texas 77090 (832-286-5925) appeared, presented information and stated that he was president of the Urban Mass Transit Union and present regarding Council Member Green's request to have Frank Wilson removed, but they would also like to extend removal of the board members appointed by the Mayor and approved by Council; and read from information presented which included each having been given a copy of the Labor Agreement proposal between the Urban Mass Transit Union (UMTU) elected representative of the public servants in the bargaining unit at the Metropolitan Transit Authority of Harris County (METRO), a copy of the Texas Constitution Article I, Sections 16 and 19, Texas Right to Work Laws, The Texas Charter of the Urban Mass Transit Union, the October 1, 2004, Metro Union Election, two Metro letters by Yvonne Ogden-Senior Director of Labor Relations, the Metropolitan Transit Authority Policy concerning Conflict of Interest and a copy of the Frank Wilson and Associates, Inc., list of clients that had contracts with the Metropolitan Transit Authority as he was CEO; and his question was concerning appointment of David S. Wolff, Gerald B. Smith, George A. DeMontrond III, Bishop James W. E. Dixon II and Carmen Orta to the Metro Board of Directors by Mayor White and confirmed by Council in relation to the laws of the State of Texas that were being breached by their appointees, how long would they allow them to break Texas Law since the City of Houston was ultimately responsible and referred all to the Metropolitan Transit Authority Code of Ethics which called for their dismissal. Council Members Clutterbuck, Sullivan, Khan and Holm absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Thorne stated that the Metro Board members under Article I, Section 16 Ms Orta's letters put out information stating the public servants at Metro could not elect their own representative and because of that she cited no law based on the State Constitution in which they could not do that and under the Texas Right to Work Laws 101.003 it stated any individual or collective could pick their own representative for collective bargaining as long as they did not assert the right to strike and Article I, Section 19, the information was presented to Council Members; and Council Member Jones stated that she still needed for explanation; and Mr. Thorne continued to explain that Council Members were not making the appointed board members adhere or follow the law so they were responsible, he was again speaking of Article I of the Texas Constitution, Section 16, impairing obligation of the vote; and Mr. Thorne continued explaining the papers he presented; and Council Member Jones stated that she was not as versed on Article I, Section 16 of the Texas Constitution as he was and she would get someone from her office to get more information from him. Council Members Clutterbuck, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he appreciated Mr. Thorne representing the transportation workers and in respect to their union did they have currently a contract with Metro; and Mr. Thorne stated that was included in the packet presented and they broke the contract by not negotiating with them and for the past four years they were enforcing a minority labor agreement on public service which they had no contractual right to do; that he represented between 800 to 1,000 members; that TWU was a private sector union and his was a public sector union and followed state and local laws; that the ramifications Metro faced by breaking the contract with them was no federal grant dollars for transportation and he had the document

from the Department of Labor, one dated March 24, 2005, and one dated 2008 and they were willing to stop Metro from receiving those dollars if they did not negotiate because they were trying to enforce TWU's contract on the public servants and that was not legal in the State of Texas. Council Members Clutterbuck, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia thanked Mr. Thorne for coming and for his leadership and stated that he thought there were some things which could be done to try and resolve. Council Members Khan, Holm and Rodriguez absent.

Mr. Joseph Durden, 8127 Glenhollow, Houston, Texas 77033 (281-841-0685) had reserved time to speak but was not present when his name was called. Council Members Khan, Holm and Rodriguez absent.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he was attempting to get a fire permit for his daycare; that last year the fire inspector came and they had difficulty getting the permit, he filed that he would retaliate against him this year so when he came and found nothing wrong he said the fire alarm did not sound loud enough though he did not know the decibel level, then he propositioned his director saying he could make it all go away for sexual favors from her and she told him it was not her daycare it was his and he would have to get sexual favors from him; and he called his supervisor and he came out and said he found no problem with the sound of the alarm, but another inspector came and he told him Inspector McIntire's inspector said he had no problem with it, but this gentleman said one inspector would not go against another and he would have to satisfy Mr. McIntire; and he had sworn affidavits where they filed with the Fire Department, OIG and a report where they passed the fire alarm system and he did not know what he wanted. Council Members Khan, Holm and Rodriguez absent.

Mayor Pro Tem Garcia stated that he was making serious allegations and he wanted to make sure they were paying attention to this; and upon questions, Mr. Johnson stated that it was already turned into OIG. Council Members Khan, Holm and Rodriguez absent.

Council Member Johnson stated while that investigation was going on, he was saying a fire marshal refused a permit on his report what was it refused under; and Mr. Johnson stated that he said the fire alarm was not loud enough, the decibel was not loud enough, but Inspector McIntyre did not even know what the code said; that Mr. McIntyre inspected last year and said he would retaliate this year and this year all he could find was to say he did not think the alarm was loud enough, but his supervisor, Mr. Mays, came out and said he saw no problem and when another inspector came he said he was going to have to satisfy Mr. McIntire and that was Inspector Bennet who said that, but he wanted sexual favors; and Council Member Johnson stated that he would have Ms. Karen Dupont look into this and give him a report back, then his office would get back with him. Council Members Clutterbuck, Sullivan, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

Mr. Joseph Ballard, 6302 Rocky Nook, Humble, Texas 77396 (281-850-0388) appeared and stated that he thanked Council Member Johnson for having buildings torn down and Council Member Green on issues at the courts, today he was present as he bought property and there was an easement, it was a dead end and it had a couple of houses on the side; that he spent hundreds of dollars cleaning it weekly and he needed help, what could the city do to help him; that he put chains up and they were cut off and the fence was taken down, but he needed to protect his property from being littered. Council Members Clutterbuck, Khan, Holm and Rodriguez absent.

Upon questions by Council Member Johnson, Mr. Ballard stated it was a street Sumpter

and Massy and it led right into his property and he wanted to fence the easement inside his property to keep the trash off; and Council Member Johnson stated that he needed to see it and he would go out and they could walk it. Council Members Clutterbuck, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia thanked Mr. Ballard for coming and stated that Council Member Johnson would be in touch with him. Council Members Clutterbuck, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

Ms. Sharon Parish, 821 Green Meadow, Houston, Texas 77091 (832-893-8102) appeared and stated that she was present a couple of weeks ago and had been terminated from the Solid Waste Department; that they said she had five write-ups, but she had never seen them and she wanted a job in another department, but every time they call her they see she was terminated and she did not want that on her file, she felt she was wrongfully terminated. Council Members Clutterbuck, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

Council Member Jones stated that she had made allegations and her office was investigating; that her former department gave her documents and then she said she had not seen some of them and she was trying to determine how to know if someone had seen a document; and to Mayor Pro Tem Garcia the struggles her office had was how would you prove someone saw something; and Mayor Pro Tem Garcia stated that he understood and the fact she posed the question was helpful for staff to hear, but when you looked at the directors and quality of the directors in this big organization of the City of Houston with 20,000 employees there was a degree of trust you had to have in them and the process, the process may need some degree of improvement and he hoped they could provide relief in that regard; and suggested she bring the parties together and see if she could achieve clarity. Council Members Johnson, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

Council Member Adams stated that Solid Waste Department was after her heart, she was a former Houston employee; and upon questions, Ms. Parish stated that in two weeks she would have been employed 12 months; and Council Member Adams stated that she knew within the Solid Waste Department within a year if anything happened it was grounds for termination and with the accident ...; that she knew Solid Waste was fair, Mr. Harry Hays did a wonderful job, but when hired with the City of Houston and there was a violation of policy there were situations which needed to be followed and she knew Council Member Jones was still looking into it and she would help her continue to do so; and Ms. Parish stated that others drove vehicles and were there not as long as her and had accidents and were still there; and Council Member Adams stated that if she could provide proof of that because they wanted everyone treated fairly and the up above in the department may not know that. Council Members Johnson, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

Council Member Jones stated to Council Member Adams that she had talked to Solid Waste and there were people who had more accidents and they were still there and that was what she was trying to figure out, she wants integrity in the process; and Ms. Parish stated there was also a problem with the way she dressed when she came to work, but that should have nothing to do with it as long as she went to work and did the job; and Council Member Jones stated respectfully she could not tell them about that; and Ms. Parish stated as long as she was in uniform and went to work it should not have nothing to do with it; and Council Member Jones stated that she was not going to get into that, but she wanted rational reasons as to why one would be fired and not another under the same conditions. Council Members Johnson, Khan,

Holm and Rodriguez absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Council Members Johnson, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

Ms. Monique Viator, 9729 Vasson Drive, Houston, Texas 77075 (713-702-7469) had reserved time to speak but was not present when her name was called. Council Members Johnson, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

At 3:35 p.m. City Council recessed until 9:00 a.m., Wednesday, August 27, 2008. Mayor White absent on city business. Council Member Brown out of the city on city business. Council Members Lovell and Noriega absent on personal business.

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 27, 2008, with Mayor Pro Tem Adrian Garcia presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Mayor Bill White absent on city business. Council Members Sue Lovell and Melissa Noriega absent on personal business.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:34 a.m. Mayor Pro Tem Garcia called the meeting to order and stated that the first item on the agenda was a public hearing. Council Members Lawrence, Jones and Green absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** to consider amendments to Chapter 42 of the Code of Ordinances, Houston, Texas, relating to certain replats – was called. Council Members Lawrence, Jones and Green absent.

The City Secretary stated that they had a supplemental notice that posted a second hearing as 1-1 and no one had reserved time for either hearing and Ms. Marlene Gafrick, Director, Planning Department, would make remarks on the proposed amendments to Chapter 42.

Ms. Gafrick stated that the State law governing replats was amended in the last Legislative session and the amendment allowed for plat restrictions to be amended provided that they were not amending separately filed restrictions and covenants, but the law also included a provision that allowed the City to adopt criteria by which they may amend the restrictions, so they were amending Chapter 42 concerning replats and the purpose was to identify what conditions, under a replat, may be amended, that in other words what they were trying to do was put back some protections for their neighborhoods by specifying what plat restrictions may be amended, that they had added a definition for a plat restriction and then in some divisions where there were not any single residential restricted lots on the face of the plat then they may amend it to any particular use, but in instances where they had subdivision plats where the lots were restricted to single family or restricted to residential use then they had added some criteria in terms of what they could amend the property to, that they had a neighborhood where the property was restricted to commercial use and they wanted to come

back in and build single family, however they were prohibited from making that amendment, so they wanted to be able to allow them to come in and replat that piece of property for single family residential; that there were instances where in neighborhoods the face of the plat restricted it to residential or to single family residential and they had come in and wanted to take a lot and make it into a park or an open space and they could not at the time, that the State law allowed them to do it now by right, but they wanted to make sure that that lot did not become commercial, they wanted to make sure that it was a use that was appropriate for a neighborhood like a park or open space, so that was the gist of what they were trying to accomplish with the proposed amendments. Council Member Jones absent.

Upon questions by Council Members, Ms. Gafrick stated that with the amendment to State law, as it stood right now, a subdivision plat could be filed and they could amend any restriction on the face of the plat, so if she had lots restricted to single family somebody could come in and combine the lots and replat to commercial use and what they were trying to do was put back some protection for the neighborhood and say it was not an appropriate change of use for the neighborhood, so they were trying to put protections back; that the State law very deliberately opened up the door to allow anything to happen, but they wanted to give the City the ability to define the criteria under which they would allow the replatting, that it gave them local control; that if a subdivision plat included a commercial reserve and it was no longer viable commercial that they could replat it to single family residential use and if it fronted on a major thoroughfare there was a provision that said they must meet the Chapter 42 minimum lot size for that single family development; that if it was restricted to commercial they may also go back and replat it to a more specific commercial use; that they were talking about all replats, so they could have subdivisions where they platted what showed up as lots on the face of the plat but the plat was not deed restricted to single family or it did not restrict it to residential, that they could replat those into any other use, but there were neighborhoods where they had been platted as residential or single family that just had not developed out that way, that if the plat did not restrict the lot to single family or residential they did not have to replat if they had a business on the property, that the other issue was if the primary use of the residence was single family she would not say that they would have to go through a replat process and if they were not subdividing the property then they were not going to have to replat; that there were also other provisions if they had turned their home into a business without going through Code Enforcement or perhaps meeting the codes, there may be a problem there; that if the community did not have a restriction on the face of the plat, that limited the lots to single family or residential, and if there were no separately filed deed restrictions, those neighborhood were unprotected, they were unprotected before they even drafted the legislation, so under current rules they were unprotected, that this was focused at looking at the neighborhoods that had restrictions on the face of the plat, that they would work with the neighborhoods and they had the pro bono deed restriction and trying to work with on implementing deed restrictions and in the urban area, inside the 610 Loop, they tried to aggressively pursue minimum lot size and building line provisions; that last week she testified in front of an interim committee, the Urban Affairs Committee, there was a hearing, where she talked about the issues with deed restrictions and making it easier for neighborhoods to implement deed restrictions on a smaller area, so they would not have to do the entire subdivision, that she was getting ready to type up her notes in terms of what she had said and send a letter and would be glad to provide Council a copy of her comments. Council Members Lawrence and Adams absent.

The City Secretary asked if there was anybody present in the audience who wished to be heard on the hearing and heard none. Council Members Lawrence and Adams absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. Council Member Adams absent. MOTION 2008-0663 ADOPTED.

1-1 **PUBLIC HEARING** - Pursuant to § 42.041(b)(14) of the Texas Human Resources Code, the City Council will conduct a public hearing to consider an ordinance readopting standards of care relating to the City Parks and Recreation Department's Youth Recreation Programs. For further information, see the draft ordinance that has been posted with this Agenda. Persons who desire to make public comments may contact the City Secretary's Office at 832-393-1100 in order to sign up to speak at the hearing. Alternatively, written comments may be delivered to the City Secretary's Office before commencement of the hearing - 9:00 A.M. - (Note: Also see Item 8) – was called. Council Member Adams absent.

The City Secretary stated that an ordinance was also listed as Item No. 8 on the agenda and Mr. Doug Earle, Deputy Director, Parks and Recreation Department, would make remarks for the Parks Department. Council Member Adams absent.

Mr. Earle stated that as they knew the Parks and Recreation Department engaged in an After School Program each year in their community centers and municipalities were exempt from State regulation in terms of licensing as long as they adopted standards of care for taking care of children after school, that it was a drop in program and children could come one or five days a week, whatever suited their family, it was simply to allow them to have care for children after school, that they had been doing it for several years. Council Member Adams absent.

Upon questions by Council Members, Mr. Earle stated that the standard was 1 to 35 ratio, that they never actually get to that ratio from a practical standpoint, it was much less than that, that these were school age children, kindergarten to sixth grade; that they had the program at virtually all of their centers, that the centers in District F, Sharpstown would be one, that did not have the program, it was only because of lack of interest to date, so they use the Sharpstown Center for other types of programs, but they had 57 community centers currently and had programs in 53 of them, that it was funded through the General Fund, the Parks and Recreation Department budget, that there was not specifically a separate line item, that they could not answer specifically how much they were spending on after school programs, that their staff did a number of things, this was one program they put on but they may also teach a fitness class or put on a sports program, that they did multiple tasks so if they were to cost out their time then yes they could get to that but there was not a line item in the budget that says after school programs, that if the program was eliminated there could be some cost savings in terms of supplies, but a bulk of the budget, for the program, was staff, so if they did not do the program they would just provide less services to the citizens; that they did not sacrifice safety, that safety was the primary objective of the program, that he did not create the State law and could not give them background on that but in no way would they ever jeopardize the safety of a child.

After further discussion Council Member Khan requested a list of all community centers providing the program; and Council Member Holm stated that she would like to visit about how they did set their standards because it seemed to her that while they were not certified their goal should be to meet certification standards, that she would like for them to work during the course of the year to identify what they were spending and how they were spending it on the programs, and Mr. Earle stated that they could cost it out, it was not a problem, that it was not a specific line item per se simply because staff did multiple tasks.

The City Secretary stated that no one had reserved time to speak at the public hearing and asked if there was anyone in the audience who wished to be heard and there was none.

Council Member Khan moved to close the public hearing, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. MOTION 2008-0664 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 28

ACCEPT WORK - NUMBERS 3 and 4

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,597,603.78 and acceptance of work on contract with **GARVER CONSTRUCTION, LTD.** for Brookfield Lift Station Replacement and Cook No. 1, Cook No. 2 and Sharpcrest Diversion, WBS R-000267-00B2-4 - 4.37% over the original contract amount **DISTRICT F – KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. MOTION 2008-0665 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$424,713.65 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Tanya Circle Lift Station Renewal, WBS R-000267-00D3-4 - 9.97% under the original contract amount - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. MOTION 2008-0666 ADOPTED.

PROPERTY - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ronnie Harris of Brown & Gay Engineers, Inc, on behalf of Verde Studemont Apartments LP, a Delaware Limited Partnership (Verde Real Estate Investment GP LLC, a Delaware limited liability company [James C. Potts, Senior Vice President], General Partner), for abandonment and sale of a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all out of the John Austin Survey, A-1, Parcels SY8-033 and KY8-273 - **STAFF APPRAISERS DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. MOTION 2008-0667 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 7

7. **SIEMENS ENERGY & AUTOMATION dba SIEMENS AIRFIELD SOLUTIONS** - \$1,585,008.00, **FLIGHT LIGHT, INC** - \$348,815.00, **TURTLE AND HUGHES, INC** - \$485,307.00, **STANDARD SIGNS, INC** - \$165,360.00 and **HONEYWELL AIRPORT SYSTEMS** - \$2,232,356.00 for Airfield Lighting for Houston Airport System - \$4,816,846.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. MOTION 2008-0668 ADOPTED.

ORDINANCES - NUMBERS 8 through 28

8. **ORDINANCE READOPTING ARTICLE XII of CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, regarding standards of care for Houston Youth

Recreation Programs; containing findings and other provisions related to the subject; providing an effective date; providing for severability – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0743 ADOPTED.

9. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot-wide alley (Parcel SY8-014), extending from Fowler Street to Parker Street, located between Lots 1 through 6 and Lots 7 through 12, Block 44, Brunner Addition, Houston, Harris County, Texas; vacating and abandoning said alley to Robert C. Orr, Jr., and Paul Dobrowski, the abutting owners, in consideration of their payment of \$224,950.00 and other consideration to the City - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0744 ADOPTED.
10. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (i-v) Five 5-foot-wide utility easements, (vi) a 10-foot-wide water line easement, and (vii) a 10-foot-wide sanitary sewer, storm sewer and water line easement (Parcels SY7-035A through SY7-035G, respectively); vacating and abandoning said parcels to Regent Square AB LLC and Regent Square CD LLC, the abutting owners, together with the City's acknowledgement of the reversion of (viii-ix) two 20-foot-wide storm sewer easements to the underlying fee owner(s), in consideration of their conveyance to the City of (x) a 25-foot-wide storm sewer easement and (xi) 10 feet of right of way for the widening of Tirrell Street (Parcels LY7-036 and AY7-258, respectively); all located within the Obedience Smith Survey, A-696, and/or the John Austin Survey, A-1, Houston, Harris County, Texas, and (xii) their payment of \$294,008.00 and other consideration to the City - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0745 ADOPTED.
11. ORDINANCE relating to the addition of 2.454 acres of land to Montgomery County Municipal Utility District No. 6; amending Ordinance No. 2007-233 to revoke the City's consent to the inclusion of the 2.454 acres of land in Montgomery County Municipal Utility District No. 67; consenting to the addition of the 2.454 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 6** for inclusion in its district – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0746 ADOPTED.
16. ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **AVIS RENT A CAR SYSTEM, LLC** for certain premises at William P. Hobby Airport - Revenue - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0747 ADOPTED.
17. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **STARFLITE MANAGEMENT GROUP, INC d/b/a STARFLITE AVIATION** for certain premises at William P. Hobby Airport - Revenue - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0748 ADOPTED.
18. ORDINANCE appropriating \$25,000.00 out of Houston Airport System Subordinate Lien Revenue Bonds, Series 1998B (AMT) Construction Fund and approving and authorizing

Amendment No. 1 to contract between the City of Houston and **S&B INFRASTRUCTURE, LTD** for Professional Consulting Services at George Bush Intercontinental Airport/Houston (Project No. 524); WBS A-000522-0001-3-01-01 - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0749 ADOPTED.

20. ORDINANCE awarding contract to **CABRERA, INC dba NORTH HOUSTON AUTOMOTIVE** for On-Site Lubrication Services for Various Departments; providing a maximum contract amount 3 Years with two one-year - \$802,792.00 - General and Fleet Management Funds – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0750 ADOPTED.
21. ORDINANCE appropriating \$5,582,525.00 out of Tax Increment Funds for Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), and Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) for administrative expenses, payment of project costs, payments to Harris County, and payments to certain redevelopment authorities as provided herein - **DISTRICTS B - JOHNSON; D - ADAMS; H - GARCIA and I – RODRIGUEZ** – had been pulled from the Agenda by the Administration, and was not considered.
22. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater from beneath a 7.5677 acre site being a part of a 9.087 acre tract out of Tract "C", Bonnie Brae Orange Orchards, as recorded in Volume 2, Page 66, Harris County Map Records, Harris County, Texas, in the J. R. Black Survey, A-134, City of Houston, Harris County, Texas, generally located at 7042 Bissonnet Avenue, Houston, Texas 77074; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT F- KHAN** – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0751 ADOPTED.
23. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater from beneath an 8.5103 acre site situated in the Henry H. Cone Survey A-191, City of Houston, Harris County, Texas, located generally at 8671 West Bellfort, Houston, Texas 77031; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0752 ADOPTED.
26. ORDINANCE approving and authorizing Indemnity and Maintenance Agreement between the City of Houston and the **HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1** for Right-of-way Improvements - **DISTRICTS A - LAWRENCE and G - HOLM** – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0753 ADOPTED.
28. ORDINANCE appropriating \$3,556,434.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for

Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000295-0016-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0754 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Director Solid Waste Management Department for additional funding for contract with **WASTE MANAGEMENT, INC** for Solid Waste Disposal for Solid Waste Management Department - \$456,000.00 - General Fund – was presented, and tagged by Council Member Green.

ACCEPT WORK

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,789,591.51 and acceptance of work contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS), WBS R-002013-0012-4 - 0.89% over the original contract amount - **DISTRICTS B - JOHNSON; D - ADAMS; F - KHAN and H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. MOTION 2008-0669 ADOPTED.

ORDINANCES

12. ORDINANCE approving and authorizing the City of Houston to enter into contracts with **SPRING BRANCH INDEPENDENT SCHOOL DISTRICT** and **YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA** to administer an After School Achievement Program ("ASAP") - \$280,000.00 -General Fund – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0755 ADOPTED.
13. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Sampson Street, from Leeland Avenue to Denver Avenue (Parcel SY2-033A), and a portion of Bell Avenue, from Sampson Street approximately 195 feet east (Parcel SY2-033B), both located in the Blair Brothers Addition; vacating and abandoning said street rights-of-way to Southern Foods Group, LLC, abutting owner, in consideration of owner's conveyance to the City of a full-width utility easement in Sampson Street (Parcel VY6-015), a full-width storm sewer easement in Bell Avenue (Parcel LY2-041), a public street right-of-way easement for the widening of Leeland Avenue (Parcel AY2-176), all also located in said Blair Brothers Addition, payment to the City of \$110,897.00, and other good and valuable consideration; authorizing and approving the recordation of an Environmental Compliance Agreement between owner and the City - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0756 ADOPTED.

14. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services on behalf of the General Services Department; providing a maximum contract amount - \$2,362,000.00 Water & Sewer System, Fire, Police, Public Library, Parks and Public Health Consolidated Construction Funds – was presented, and tagged by Council Member Clutterbuck.
15. ORDINANCE appropriating \$30,000.00 out of Equipment Acquisition Consolidated Fund (1800); approving and authorizing Purchase and Sale Agreement between **AMERICOR LAND, L.L.C.**, Seller (“Seller”), and the City of Houston, Texas, Purchaser (the “City”), for 22.521 acres of land, more or less, more commonly known as 10509, 10319 and 10401 South Main Street, Houston, Harris County, Texas; appropriating \$30,000.00 for due diligence expenses - **DISTRICT C – CLUTTERBUCK** – was presented, and tagged by Council Member Jones.
19. ORDINANCE approving and authorizing agreement between the City of Houston and **PATRIOT ADVERTISING, INC** for Advertising Services for the Houston Police Department; providing a maximum contract amount - 1 Year with 1 one-year option - \$750,000.00 - General Fund – was presented.

Council Member Holm stated that the last time the item came up there was a lot of discussion about accountability and how the money was going to be used, that the Council asked for feedback as the process went on and her office had, since Friday, tried to get some information and had not been able and were told that it was even unavailable to them, that she wanted to know how effective the use of their money had been so far and would tag the item and hoped that during the course of the week she would get the answers to her questions, that she thought her questions were very specific, but if they were not she would appreciate a response back that they did not understand the question as opposed to avoiding it.

Council Member Green stated that he had been trying to get information as it related to the HPD recruitment and the cadet policy, that there was no way to measure the effectiveness of the contract if they did not get the information from HPD, if they could not measure it they did not know if it was successful, that he would tag the item and believed they needed to get information from HPD.

Council Member Adams asked if they could provide her with information of how many recruits they had recruited with the result of the contract, and because of their efforts how many had graduated because of their efforts with the contract, and number two, could they track how they were recruiting, and third, they had a recruiting department, a division with the Houston Police Department, what were their duties in reference to this particular contract when they were outreaching to colleges, universities, media, what were they doing that could not be done that these contractors were doing, that she would like that information to compare the two, was it something that they could do in house or was it something that they had to continue getting the services outside.

Council Member Clutterbuck stated that she shared her colleagues concerns and questions, that she would like to know exactly how many recruits could be attributed to the Patriot contract that was in effect previously, as well as a breakdown of where the other recruits came from, those that could not be attributed to Patriot, did they have family members in HPD, were they brought in because of an existing HPD officer that received an incentive recruiting bonus, if they could have an itemized outline of that; that she distributed a memo that Lily Segal Gardner of her office worked on where she did a search to check on all of the online

opportunities as well as the major online job recruiting and HPD was not listed anywhere in them, that she would be happy to circulate that memo to them again.

Council Member Khan asked if they were only using advertising as a way to attract new personnel or were they using any recruiting companies, and he would add his tag to the item.

Council Member Clutterbuck stated that she would add her tag to the item also.

Council Member Johnson stated that it would behoove the Houston Police Department to circulate to everyone in respect to the information that he thought everybody had asked for and how the contract had been beneficial to the City of Houston; that as they were looking at the ordinance and where they were advertising he thought had been one of the other issues that had been brought out, that he knew there had been a disparity in minority applications that had been coming into the Houston Police Department and thought they should beef it up, that he wanted to know if they advertising in local newspapers that touched the people, for example, the Forward Times or African American News, were they advertising in those mediums to get more applicants to apply for the Houston Police Department, those questions were what he needed answers to, and certainly hoped that they could get it in a timely manner so that they could move forward.

Council Member Jones stated that she would like to know if they had a study on best practices for recruiting; that in addition, all the questions that her colleagues asked she would like an answer to those as well; that as they get HPD press releases at the bottom it stated that HPD was recruiting and when she saw that she thought it was odd, that they were not the ones who needed to know that HPD was recruiting, so she would be curious to know how much they spent to put in the Council Members emails that HPD was recruiting, could that money be used somewhere else to let people who would go and apply a job as a police officer know, and stated that she would add her name to the tag of the item.

Council Member Green stated that he noticed the department that oversaw or the officers who oversaw the recruiting and cadet process, did they have human resources or recruiting trained individuals within HPD, that he had a concern, as he looked at the RCA, that the Captain who was listed on the RCA was being investigated for double dipping in time card fraud and he thought that would make anybody question the management of the whole process, that he did have some serious questions and concerns about that.

Council Members Brown stated that he wanted to add his second to the concerns and asked if there was anywhere in the contract where they could tie the compensation to measurable success, that if all they had to do was throw out a bunch of information and collect their \$750,000 he did not think the taxpayers were getting a good deal, that maybe the whole thing needed to be looked at; that he had never seen, that he could remember, a police officer sitting at a desk at some public event recruiting for the police, that he had seen army, navy and marines and so forth, but had never seen the presence of a recruiter in a public situation for the Police Department and maybe that was something to look at; and that he would add his tag to the item, and Council Member Johnson stated that he would add his tag to the item.

Mayor Pro Tem Garcia stated that being familiar with the item one of the things that was challenging for them was that recruiting went through about 2,000 applicants on average to fill one academy class, that they wanted good standards in the Police Department and wanted to make sure that they were bringing in the best, but they were in tremendous competition with the private sector for the people they were looking for, so trying to communicate the opportunity for a career within HPD and make that career appealing versus going to the private sector if someone was in a situation of making a decision one way or another, they needed all the tools necessary trying to communicate that, but the points of performance on the contract, he did not

think any of his colleagues had ever passed a contract at the table where they did not deserve meaningful performance standards and how they measure the success and things of that nature, so he would ask the Mayor's Chief of Staff, Michael Moore, to give his colleagues his personal attention to the item, that he thought he was familiar with it and ought to be the one talking about it.

Mayor Pro Tem Garcia stated that the item had been tagged.

24. ORDINANCE approving and authorizing second amendment to contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for the PM 2.5 Air Monitoring System (#FC70069) - 1 Year - \$68,000.00 - Grant Fund – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0757 ADOPTED.
25. ORDINANCE approving and authorizing third amendment to contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for the Biowatch Air Monitoring System (#FC70067) - 1 Year - \$623,194.00 - Grant Fund – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0758 ADOPTED.
27. ORDINANCE appropriating \$6,796,459.00 out of Metro Project Commercial Paper Series E Fund; awarding contract to **HUFF AND MITCHELL, INC** for Hayes Road Reconstruction from Westheimer Road to Briar Forest Drive, WBS N-000780-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund - **DISTRICT G – HOLM** – was presented.

Council Member Holm stated that the item was for an expansion of a collector street called Hayes Road in District G and had long been on the CIP and they welcomed the much needed road improvement, but she wanted to comment on the importance of having good criteria for establishing how they were going to construct roadways; that it was her understanding that the City of Houston had criteria for designing and building collector streets, that she was not sure where, because there was no documentation, but she understood that someone asked for it to be designed differently than a collector street so they were going to build four, 10 foot lane stretches, that was how it was designed and going to be built, which was inappropriate with the ingress and the egress, with the traffic it was going to hold, with the purpose it was going to serve, that she was not going to stop the project, but what she had done was that she wanted to look at restriping and wanted to alter the way they use it, the way they stripe it and the way they design it, that there were no turning lanes and it was a poor design and sent a very bad message for the professionalism and the expertise of City of Houston engineers and the engineers they hired when they design according to somebody's wants as opposed to the City's needs. Council Member Green absent.

After further discussion by Council Members, Council Member Brown stated that he would tag Item No. 27. Council Members Clutterbuck and Green absent.

MATTERS HELD - NUMBERS 29 through 31

29. ORDINANCE approving and authorizing contract between the City of Houston and **MICHAEL ROBERT BOYD d/b/a BOYD SMITH & ASSOCIATES** for Professional Polygraph Testing Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$514,000.00 - General Fund – (**This**

was Item 19 on Agenda of August 20, 2008, TAGGED BY COUNCIL MEMBER HOLM)

– was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. Council Members Clutterbuck and Green absent. ORDINANCE 2008-0759 ADOPTED.

Council Member Holm stated that she had tried to get some information on Item No. 29 and was not sure why it was so difficult to get specific questions answered from the Police Department, that she ended up supporting the item, not because she got the answers, but because she got her calculator out and figured out herself what the cost was and the effectiveness of it, but in the coming months she would like to visit and would like to know how HPD arrives at the conclusions that they do and contracting, outsourcing and in sourcing and would like some discussion on how they manage some of their most experienced officers, that it may be if they re-appropriated or reassigned some of those that were so important to them in the vital positions that were so important to the citizens that in itself could help them identify needs and be more fiscally responsible.

30. ORDINANCE creating the Drainage Supplemental Debt Service Fund (“The Fund”); establishing the sources and uses of the funds therein for City Drainage Programs; appropriating from the General Fund Fund Balance and transferring to the fund an amount based upon the City’s ad valorem tax revenue for Fiscal Year 2009 for the purposes set out herein; amending Ordinance No. 2004-403 to include such funds as additional security for the City’s General Obligation Commercial Paper Notes, Series F – **(This was Item 20 on Agenda of August 20, 2008, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and HOLM)** – was presented.

After discussion by Council Members, Council Member Brown stated that he would tag Item No. 30.

31. ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein, and awarding contract to **TIBH INDUSTRIES, INC** for Litter Removal Services for the Public Works & Engineering Department - 5 Years - \$7,500,000.00 - Stormwater Fund – **(This was Item 22 on Agenda of August 20, 2008, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. ORDINANCE 2008-0760 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Khan stated that ABC Channel 13 for doing a story on the new Harwin, all the development, business growth and new people starting business and all the customers coming to shop in the Harwin and Hillcroft area, that the story would be honored tomorrow at the 4:00 p.m. and 6:00 p.m. news; that there would be an open house for the Gulfton HPD Storefront and a ribbon cutting ceremony on September 11, 2008 at 10:00 a.m. at the Gulfton HPD Storefront located at 5918 Renwick; that the Mayor’s Annual Ramadan Dinner would be on Wednesday, September 10, 2008 at 6:30 p.m. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm and Jones absent. (NO QUORUM PRESENT)

Council Member Green stated that Houston Area Urban League Young Professionals, would host their sixth annual State of the City Forum, which was a great interaction between young professionals and the government of the City, that it would be held on September 9, 2008 at Texas Southern University Barbara Jordan Mickey Leeland School of Public Affairs from 5:30 p.m. to 6:30 p.m., that they could reach Mr. John Guess at 713-829-0834 if they had any questions; that UNCF Houston 23rd Annual 5K Walk for Education would take place on Saturday, September 13, 2008 at Tom Bass Park, from 7:00 a.m. to 11:00 a.m., to register for

that they could go to www.give.uncf.org; that Money Week Houston, a public awareness campaign designed to help consumers better manage their personal finances, was a week long celebration from September 14 to 20, 2008, for more information they could visit www.moneyweekhouston.org or they could reach Gina Vincent at 972-761-2504; that an event brought to them by the Candy Girl Social Club, which aimed to reach scholarship funds for students in the communication programs of historically Black colleges and universities, that they would have an event on Sunday, August 31, 2008, that doors would open at 9:00 p.m. at the XO Bar and Lounge, 2611 San Jacinto and McGowen in Midtown, for more information they could reach Ms. Jenaya Cash at 713-927-8895. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to make a few comments about Houston as an international City, that they had connections all over the world and he had the opportunity to renew their ties with their Nice Houston Sister City relationship, that he met with the Vice Mayor of Nice, that he was the speaker of the French Parliament and was a very powerful politician in France and Western Europe, that they had a number of interesting program items coming up, that there was a Nice delegation coming to Houston for a visit in November, that they wanted to do business in Houston and there were probably Houstonians who wanted to do business in southern France; that they were talking about a partnership with the Texas Medical Center, they had a Cancer research hospital there, an exchange of Business School and Architectural Planning students; that their Nice Chamber of Commerce was very interested in oceanography and aeronautics; that if anybody wanted to participate in a Nice Carnival there was a chance for that; that they also would have an exchange with the Nice Opera and the Houston Grand Opera; and they would like to see Continental Airlines have a direct flight from Houston to Nice; that Metro would start a downtown to Bush International direct service, that they would call it 30-30-30, that it would leave every 30 minutes from downtown and took 30 minutes to get there guaranteed and would cost \$30, that it was a good deal and he thought it was an important part of making Houston a more modern and international City; that he wanted to compliment Bishop James Dixon and his Community of Faith Church for providing help for 54 elementary school kids who were faced with the prospect of attending their first class without any shoes, that his office, with the Community of Faith Church were able to raise some money and get shoes for 54 young school children; that he would encourage everybody to attend the Sustainable Growth Committee on Thursday at 10:00 a.m., that they were going to add to the fund for recycling and community outreach, that they were going to appropriate an extra million dollars for improving the recycling rate in Houston, that they were going to talk about the future of electric cars in the City fleet, that the meeting would be tomorrow on 10:00 a.m. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that he wanted to recognize that there would be a Pink Ribbon Tour being organized by the Houston Police and Fire Department along with the Harris County Sheriff's Department; that it would be held on Tuesday, September 2, 2008, from 10:00 a.m. to 6:00 p.m. and would be held at Central Market at 3815 Westheimer and was an effort to raise awareness on the fight against Breast Cancer. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that MacGregor Park opened up their fitness center on Saturday, that they had state of the art work out equipment; that she wanted to give thanks to Grooves Restaurant and all involved for coming into the district and making sure that 500 kids returned to school with school supplies and backpacks; that she wanted to give a salute to Mad Hatter with 97.9, that out of his dedication and compassion for their youth clothed over 100 kids so they could go back to school with uniforms this year; that TSU was excited that football season was about to begin and today they were having their Touchdown Luncheon at South Post Oak and the speaker would be Mr. Steve McNair, former NFL quarterback, that they would be hosting the Prairie View Panthers for the Labor Day Classic; that she wanted to give a shout

out to the President of Texas Southern University, President Rudley because they were getting ready to kickoff his inauguration week, that his luncheon would be on Sunday. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he wanted to thank Reverend Leslie Smith and the leadership of FUUSA, Families Under Urban and Social Attack for putting on yet another great back to school event last Saturday at Alameda Mall, that a lot of kids got the immunizations and school supplies they needed to get off to a great start; that he wanted to wish a quick and speedy recovery to Brad Ray from his office, that he was the victim of an unprovoked brutal assault a couple of weeks ago. Council Members Lawrence, Johnson, Clutterbuck, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that the District E Council Office was going to have a BOPA event, which stood for batteries, oil, paint and antifreeze, in Kingwood on September 30, 2008 in front of the Kingwood Municipal Building on Rustic Woods; that they were adding a new dimension and additionally were going to offer ewaste that same day; that they would do the BOPA on the public street in front of the police station and the ewaste at the Kingwood Park and Ride lot, that to the residents of District E who were down in the south sector and South Belt area they were also working to bring BOPA event to their neighborhood as well. Council Members Lawrence, Johnson, Clutterbuck, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he wanted to compliment a City of Houston employee for helping District E with an issue, that he wanted to thank in Public Works, Mr. Bill Hlavacek, who helped them get a very important barricade erected at the dead end of a street, a major thoroughfare in Kingwood called North Park Drive, that the barricade had been there for years but somehow got knocked down, that it was up within 2 days, that it was a safety issue that he was glad that they addressed; that he wanted to thank the Parks and Recreation Department for helping them with some esplanade cleanups in the Clear Lake area, that he wanted to thank Abel Gonzales, Larry Shinear and Dan Pederson for getting that done. Council Members Lawrence, Johnson, Clutterbuck, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to recognize all of the students, including some of his relatives, who were going back to school and would ask everybody to be safe. Council Members Lawrence, Johnson, Clutterbuck, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that he wanted to thank the Texas Barber College in his district, that they held a back to school hair cutting event and had a tremendous turnout of many young children from across the City, that it was his understanding that they cut about 500 heads of hair; that he wanted to thank Dawn Thomas of his office for helping to organize the event and in particular all of the sponsors and the college itself and the barbers in training who donated their services. Council Members Lawrence, Johnson, Clutterbuck, Holm, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 10:50 a.m. Mayor White absent on city business. Council Members Lovell and Noriega absent on personal business. Council Members Lawrence, Johnson, Clutterbuck, Holm, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary