

City Council Chamber, City Hall, Tuesday, September 23, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 23, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Xavier Herrera, Citizens Assistance Office; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director; present.

At 2:04 p.m. Mayor Pro Tem Garcia called the meeting to order and stated that he would begin presentations. Mayor White, Council Members Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia invited Mr. Julio Enriquez and his family to the podium and stated that one of the exciting things going on in Houston was to recognize members of Houston's Hispanic community who continued to do great things and exemplify the tremendous value and talent in the diversity in this great city and one individual was Julio Enriquez; that this was a part of the Mayor's Hispanic recognition which he was proud to do during his tenure and Julio was a member of Houston's finest, Houston Firefighters, he spent much time doing community service and contributed time to nonprofit organizations such as Builders Without Borders, Habitat for Humanity, etc., and presented him a Proclamation proclaiming today as "Julio R. Enriquez Day" in Houston, Texas. Mr. Enriquez thanked all for the honor and stated that he just liked to help those in need. Mayor White, Council Members Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that this week they were finding how many extraordinary citizens there were and she was happy he was one of them. Council Member Noriega stated that Houston's firefighters were the first among first responders and they were proud to honor one today; that Hispanic Heritage Month was another reason to honor and was a real statement about the community he served and a reason to stand up and reach out to others and they were proud of him. Mayor White, Council Members Johnson, Adams, Sullivan, Rodriguez and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Clutterbuck invited former Mayor Bob Lanier, his wife and others present for her presentation, to the podium, and stated that it was her pleasure to do this presentation for Mayor Lanier; that this was a celebration of the 18th anniversary of the Federal Americans with Disabilities Act in the City of Houston and they were recognizing Mayor Lanier for being a champion of civil rights for individuals with disabilities; that he promoted full access and inclusion for individuals with disabilities in Houston and included making buses accessible to all; and presented him a Proclamation proclaiming today "Mayor Robert "Bob" Lanier Day" in Houston, Texas. Mayor Lanier stated that he thought he was present because today was being proclaimed Lex Freedman Day, but he was very honored. Mayor White, Council Members Johnson, Adams, Sullivan, Rodriguez and Jones absent. Mayor Pro Tem Garcia presiding.

Mr. Lex Freedman stated that often they did not have opportunity to recognize leadership in their own backyard but Mayor Lanier had received recognition from presidents, congress and international leaders and today approximately half million disabled in this community wanted to honor Mayor and Mrs. Lanier for the leadership and vision they demonstrated 20 years ago, this was the 20th anniversary of Mayor Lanier speaking to a committee of congress where he said there needed to be a law asserting rights of those disabled and this was a remarkable day and

he thanked all for helping them honor the two of them. Mayor White, Council Members Johnson, Rodriguez and Jones absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia and Council Members Khan and Holm expressed appreciation to Mayor Bob Lanier and Ms. Michelle Colvard, who chaired the Mayor's Office of Disabilities, for equalizing opportunities for all individuals; and Mayor Lanier stated that those present with him today were the heroes, they hung in and gave it their best to improve the lives of others. Mayor White, Council Members Johnson, Sullivan and Jones absent. Mayor Pro Tem Garcia presiding.

At 2:27 p.m. Council Member Lovell led all in the prayer and in the pledge. Mayor White, Council Members Johnson, Holm and Jones absent. Mayor Pro Tem Garcia presiding.

At 2:29 p.m. the City Secretary called the roll. Mayor White, Council Members Johnson, Clutterbuck and Jones absent. Mayor Pro Tem Garcia presiding.

Council Members Khan and Sullivan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor White, Council Members Johnson, Clutterbuck and Jones absent. Mayor Pro Tem Garcia presiding. MOTION ADOPTED.

Council Member Khan moved the rules be suspended for the purpose of adding Captain Edward Alonzo of the Salvation Army to the three minute non agenda list of speakers, seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White, Council Members Johnson, Clutterbuck and Jones absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0708 ADOPTED.

At 2:30 p.m. the City Secretary began calling the public speakers. Mayor White absent. Mayor Pro Tem Garcia presiding.

Mr. Bill Stevenson, 5241 Dickson, Houston, Texas 77007 (713-254-8050) appeared and stated that he was extending kudos to the City of Houston for action on the parking ordinances, he had been booted and felt receipts would be beneficial and safe clean lots were necessary. Mayor White absent. Mayor Pro Tem Garcia presiding.

Mr. Tony Kawaja, 1301 Leeland #110, Houston, Texas 77002 (713-560-3502) appeared, presented information and stated that he applauded the Council for putting the city back together after Ike and today was present as a small company; that for his company, Apex, to give receipts for parking it would cost \$600,000 for the machines and it would cause him to lay off about 80% of his employees; that on one lot he charged 50¢ a day and most customers were county employees and it did not make sense to invest \$20,000 on a machine to give out receipts; that the honesty boxes were numbered and parking enforcement had no key to where the money was and when the box was opened it showed who was in violation; that he could not survive this proposal. Mayor White and Council Member Jones absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Khan, Mr. Kawaja stated that he had about 4,000 spaces in Houston and not 1% violators and to park from 5:00 a.m. to 6:00 p.m. the rate was \$2.00; that if he got the machines to compensate his expense he would have to charge between \$8.00 and \$10.00 a car. Mayor White and Council Member Adams absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Lovell, Mr. Kawaja stated that he had about 4,000 spaces with the range from 50¢ to \$8.00 a day; that it would cost his company \$600,000 to install machines at approximately 30 locations in the downtown district; and Council Member

Lovell stated that she had pricing and it would not cost that to give receipts and he did not have to use those machines he just had to give a receipt. Mayor White and Council Member Johnson absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Jones, Mr. Kawja stated that he was owner of Apex and parking enforcement had digital cameras and they took a picture in the box when it was opened and the picture of violators; and Council Member Jones stated that there was room there for manipulation of the photographs and would suggest he look at Council Member Lovell's information. Mayor White and Council Members Johnson and Khan absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Holm, Mr. Kawja stated that he had 27 lots, about 4,000 spaces and they did not boot, they did tow but the number was few. Mayor White and Council Members Johnson and Khan absent. Mayor Pro Tem Garcia presiding.

Council Member Brown stated that in Europe you never saw an attendant the lots were all automated; and upon questions, Mr. Kawaja stated that when revenue was extremely high they could afford automation, but on a lot which charged 50¢ or \$2.00 he would have to shut down if he had to place a \$15,000 machine and to place an attendant there all day at a 50¢ lot would be too much; and Council Member Brown stated that he did not have to do that but then he could not tow. Mayor White and Council Members Johnson and Jones absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that he took calls from two conventions in town who dealt with surprise and hardship relative to cars being towed or booted and they did not want the industry to perceive what they were doing here as arduous but they were trying to find common ground and hoped he would work with them to do so. Mayor White and Council Members Johnson and Jones absent. Mayor Pro Tem Garcia presiding.

Council Member Rodriguez moved that the rules be suspended for the purpose of hearing Mr. Eric Russell, Mr. Rafer Sowell and Mr. Darryl Samuels as the next speakers, seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White and Council Member Jones absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0709 ADOPTED.

Mr. Eric Russell, 2766 Briar Groves Drive, Houston, Texas 77057 (832-748-5852) had reserved time to speak but was not present when his name was called. Mayor White and Council Member Jones absent. Mayor Pro Tem Garcia presiding.

Mr. Rafer Sowell, 12542 Versailles, Houston, Texas 77015 (832-731-7314) had reserved time to speak but was not present when his name was called. Mayor White and Council Member Jones absent. Mayor Pro Tem Garcia presiding.

Mr. Darryl Samuels, 3825 Dacoma, Houston, Texas 77092 (713-843-3777) appeared, presented information to Council Members and stated that he was executive director of the National Association of Minority Contractors Houston Chapter and in regards to the debris removal contract the NAMC was advising members to not bid or subcontract with DRC Emergency Services regarding the current Hurricane Ike City of Houston debris removal contract; that they were concerned DRC would be unable to fulfill its contractual obligations leaving local hauling companies in a negative financial position; that they understood FEMA was reimbursing the City of Houston and no one wanted it clean more than the NAMC, however, through members participating on the contract they learned the contract had no allowances for fuel increases and diesel had almost tripled since the contract was let; that they also found the subcontractor would be held responsible for the overall operation of the contract. Mayor White absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that they would like to get the Director of Solid Waste back out where he was needed getting the city in order and that was why they took this speaker out of order; and for all concerns to be addressed there would be a minority/women business interest enterprise committee held Thursday at 2:00 p.m. and Ms. Laws would be present and all wanting to participate could be there. Mayor White absent. Mayor Pro Tem Garcia presiding.

Council Member Green stated that he wanted to be clear; and upon questions, Mr. Samuels stated that normally a cubic yard in a disaster recovery situation was between \$6.00 and \$10.00 a cubic yard and they were required to have 4 trucks, a front loader, man on the ground and pay for dump fees, gas and so forth and they estimated the average cost would be between \$7.50 for a contractor to turn a profit; and Council Member Green stated that they agreed to this when this was a pure contingency contract and now that the contingency came into play they wanted to renegotiate with the DRC; and Mr. Samuels stated no, the issue was the rates charged, if this was a best value bid as opposed to a low bid they would not be arguing the rate because it was the best value to the city, but when they chose low bid as opposed to best value they were locked into a low price and his concern from NAMC's perspective was this was let in 2007 and now the argument was for members performing they would lose because rates were too low; and Council Member Green stated the argument should have been made last year when contractors locked themselves into the contract; and Mr. Samuels stated that was the DRC and second and third tier contractors, he was concerned with the low man on the totem pole, the men doing the work, they were not initially brought to the table. Mayor White, Council Members Johnson and Holm absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Adams, Mr. Samuels stated that typically debris contracts were handled on cubic yard and the rate was typically ...the first level was the prime, DRC, and after the first and second the next level was construction managers and inspections and he could not say what they would get on this, but with what was being offered the going price was \$5.50 per cubic yard and out of that the inspector would get 50¢ so that was \$5.00 and the rest went to the debris contractor and a number of debris contractors did not own equipment, it was being leased and that created another tier so after it was over a debris hauler would get a profit of less than 50¢ per cubic yard. Mayor White, Council Members Johnson, Holm and Noriega absent. Mayor Pro Tem Garcia presiding.

Council Member Adams moved the rules be suspended for the purpose of hearing Director Harry Hayes, seconded by Council Member Clutterbuck. All voting aye. Nays none. Mayor White, Council Members Johnson, Sullivan, Holm and Noriega absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0710 ADOPTED.

Mayor Pro Tem Garcia stated that Mr. Hayes was hearing the jest of NAMC's concerns and Council wanted to support local businesses and there seemed to be an impression the contract was low bid on the backs of subcontractors; and upon questions, Mr. Hayes stated that first and foremost the way the contract was bid and awarded was in compliance with City of Houston purchasing ordinances and state law and U. S. regulation regarding FEMA reimbursements, the city's interest must be protected so they were not left holding a huge financial bag; that they currently had 36 subcontractors that were minority vendors and more who would probably be certified when they worked with Director Laws and got them on the fast track process; that DRC had a long history of disaster response and recovery and they felt the city's interests were well protected when having them on board; that from the notification date to today they had ramped up more than 100,000 cubic yards; that they were in districts A and B in force the past weekend and ran into the problem of trailer turn around time, they had big equipment, 60 cubic yards, if you had a 10 or 12 cubic yard vehicle and were having to travel 15

or 20 miles then the fuel cost went up as opposed to the larger vehicle with more load and those were things he would encourage Council to consider as they looked at this; that he had no performance issues to report and they were on DRC to insure they had widespread coverage, they did look for areas which had been heavier impacted with tree trunks on ground and they tried to pay extra attention to those neighborhoods to get the power back; that Solid Waste was monitoring this closely and had Beck Disaster, who was the city's contractor, to monitor the hauler and Council Members were out keeping eyes on the process as well. Mayor White, Council Members Johnson, Sullivan, Holm and Noriega absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Members, Mr. Hayes stated that in the contract Exhibit J stated vegetative waste as awarded was 0 to 15 miles to the disposal site at \$6.88 per cubic yard; 16 to 40 miles to a disposal site was \$8.96 per yard and 31 to 60 miles to a disposal site was \$15.88 per yard; that the contract had a CPI clause which went into effect in August where a 5% adjustment was made to the rates so the \$6.88 was now \$7.22 and so forth. Mayor White, Council Members Johnson, Sullivan, Holm and Noriega absent. Mayor Pro Tem Garcia presiding.

Council Member Johnson stated that a committee meeting would be held Thursday and Ms. Laws would be there talking on certification for some companies; that he did not want them to arbitrarily certify companies who came into the city to do business and then they become a part of the 25% they thought they would get here in the city and he thought NAMC could help with that, he wanted to reach goals and have all picked up, but it was still Council's responsibility to make sure contracts were done proper and in order; and Mayor Pro Tem Garcia stated that he had a conversation with Director Laws on his first point and if there were qualified folks in town he hoped they got their shot, that was how it should work. Mayor White, Council Members Johnson, Sullivan and Noriega absent. Mayor Pro Tem Garcia presiding.

Council Member Lovell stated that there had been much discussion and would like the discussion moved until Thursday and allow Mr. Hayes to go back out. Mayor White, Council Members Johnson, Sullivan and Noriega absent. Mayor Pro Tem Garcia presiding.

Captain Edward Alonzo, who was previously added to the speakers list, appeared and stated that he was representing the Salvation Army and Major Marshall Gessner the Houston Area Metropolitan Commander and was present to provide information on the Salvation Army disaster relief efforts; that they provided service the day before Hurricane Ike hit, they were serving the EOC in Houston and in Galveston with the State Strike Force so they would be there right after the storm hit and then in Conroe operating a shelter and to date they had served 1.3 million hot meals and provided over 2 million bottles of water, soft drinks and coffee; and they continued to serve victims with dignity and compassion and their greatest need was funds to be able to serve. Mayor White, Council Members Johnson, Adams and Sullivan absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia thanked Captain Alonzo for coming and for their great work and stated that he was proud to serve on his advisory board here in Houston. Mayor White, Council Members Johnson, Adams and Sullivan absent. Mayor Pro Tem Garcia presiding.

Council Member Noriega thanked Captain Alonzo for coming and stated that many only received a hot meal because of them and reminded all that though they were seeing stores and restaurants opening two to three blocks into the neighborhood people were still struggling and needing food and folks were still needed to volunteer and contribute. Mayor White, Council Members Johnson, Adams and Sullivan absent. Mayor Pro Tem Garcia presiding.

Ms. Debra Wilkerson, 1723 Desoto, Houston, Texas 77091 (713-972-4026) appeared and

stated that she lived in the Acres Home Community and her problem was a company who came in next door; that they had no deed restrictions, but the problem was the company was a fly-by-night and did not get permits or anything, they went to the city three times and never said they would be setting up shop; that it was a gunite company and caused lung cancer; that she noticed dust in her eyes and on her and it was called crystalline silica and OSHA had rules governing employees but she was not an employee she lived 10 feet away and she had to wear a mask out in her yard and it made no sense. Mayor White, Council Members Johnson and Sullivan absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia thanked Ms. Wilkerson for coming and stated that Ms. Kathy Barton with Health was present and he would ask they speak and also have a staff member of Citizens Assistance sit in and get information. Mayor White, Council Members Johnson and Sullivan absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Lawrence, Ms. Wilkerson stated that she lived in a house between Wheatley and Seabrook. Mayor White, Council Members Johnson and Sullivan absent. Mayor Pro Tem Garcia presiding.

Mr. Chris Hutto, 1449 Pearson, Houston, Texas 77023 (713-533-2903) appeared and stated that Council Member Adams had been very helpful, but many Houstonians may not be aware of an ordinance on the books since 1968 concerning bicycle registrations in the City of Houston, it cost \$1.00 to register at a local fire station and without that registration you could be fined; that about 4 months ago a number of people said police were issuing more tickets for the violation and the problem stemmed from not being able to get the registration from the fire stations as they did not have the paperwork or stickers to provide; and asked that a halt be put to the issuing of tickets until they had the ability to properly register or eliminate the ordinance. Mayor White, Council Members Johnson and Sullivan absent. Mayor Pro Tem Garcia presiding.

Council Member Adams stated that the Administration of Regulatory Affairs were tasked with the duty on behalf of the Mayor's Office to look at the permitting process of the bicycle license and permits and their recommendation was that they determined the bicycle permitting was outdated, not cost efficient and no longer necessary and it should come back to Council. Mayor White, Council Members Johnson, Sullivan and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Lawrence stated that Mr. Hutto had brought this up and now F & A had looked into it and said it started in 1968 and needed to be done away with; that she chaired the Regulation and Development Neighborhood Protection Committee and they would be bringing it forward; and thanked him for coming. Mayor White, Council Members Johnson, Sullivan and Green absent. Mayor Pro Tem Garcia presiding.

Ms. Kike Sholanke, 12424 Stapleway, Houston, Texas 77065 (281-888-1243) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding.

Rev./Dr. Mildred Henry, 4434 Oak Shadow, Houston, Texas 77091 (713-688-2765) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding.

Mr. Dell York, 8855 Gulf Freeway, Houston, Texas 77017 (281-995-5995) had reserved time to speak but was not present when his name was called. Mayor White, Council Members

Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding.

Mr. Barry Honeycutt, 8214 Colgate, Houston, Texas 77061 (713-824-2194) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding.

Ms. Brenda Thompson, 7014 Central Grove Drive, Houston, Texas 77069 (281-216-6544) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding.

Mr. Robert Kane, 8807 Grape, Houston, Texas 77036 (407-230-9889) appeared and stated that he knew many were impressed on how the city had handled things during Ike, but he came from Florida and they were hit by quite a few hurricanes and because of Houston's location they should be afraid of being hit by more; that he knew of the Mayor's frustration and in Florida he was there when three hit back to back and they could imagine the havoc; that they should be looking and preparing in case one came next week; that hurricanes came with warning but also other things happened such as 9/11; that in Florida they knew where to go for help for different areas, it was predetermined and with the number of traffic lights off he felt there should have been traffic control during the first days. Mayor White, Council Members Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that the Mayor's frustration heard of came from the fact he did not take kindly to delays in serving citizens, especially when they were following a play book and then someone decided to change rules; that also every experience was a learning experience and there were discussions going on now to make sure next June they would still be more prepared than the last time; and upon questions, Mr. Kane stated that an analogy was Cuba, they had millions of people and were hit by hurricanes and they had a chain of command where information could get out. Mayor White, Council Members Johnson, Sullivan, Holm, Rodriguez, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Lovell thanked Mr. Kane for coming and stated that he had raised important issues; that one thing they could do better and had learned was to get more information out about what they needed to be prepared, they may need things for weeks and not hours; that Houston had dodged a lot but was now in a cycle where more hurricanes were coming to the Gulf and it made all more keenly aware; and Mr. Kane stated that it should also be just for emergency preparedness and not just hurricanes. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Darryl Riser, 3462 Nathaniel Brown, Houston, Texas 77021 (713-741-8325) appeared and stated that he was a military veteran and a part of the FEMA team and currently a civil affairs officer and developed infrastructure and like the previous speaker was a little disappointed; that he returned back to Houston and found them no more prepared than 20 years ago; that the Mayor had a news conference and said he wanted to focus on providing utilities and service to outlying areas of Houston and he felt that was negligent because he and Council had a judiciary responsibility to citizens of Houston, as a result he still had no electricity or gas and street lights were out and stores were being looted; that his Mom's house was burglarized and there were no youth activities and he felt it stemmed from the Mayor's comments; that he was interested in being a part of an emergency management team for

Houston and they had his contact information. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that he would respectfully disagree with almost all he said; that the city was prepared and his colleagues were engaged and most citizens paid attention, but there was always opportunity to learn. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Mr. Riser for his services in the military and stated that one thing she had learned was every disaster there was something new to learn, none were the same, two weeks prior to the hurricane you were hearing the hurricane was coming, but afterward she realized people still did not get prepared, some did not even buy candles or food or get cash; that even churches were now coming to the city and asking they buy them a generator, they were not prepared; that preparedness started with them taking responsibility and being accountable for being prepared during the storm and storms could be regular storms of life and she felt the message was out, but it was up to individuals; that she knew he still had no lights and she understood how he felt, but even they as Council Members were not getting special treatment and some still in the dark, everyone was all going through the same things. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that he paid attention to almost every Mayor's press conference and did not hear that. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Noriega stated that in her situation the thing most helpful in preparing was having been through Alicia when she was without power nine days; that many times people don't think it's that big a deal until they were going through it and they could not control electricity and in many ways was glad, but did encourage all to take lessons from this; and Mr. Riser stated as a military person he was always prepared, but there should have been alarms if nothing else. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Jones stated that she and Council Member Sullivan were at TranStar and the electricity went off there and they used a generator; that nature showed all exactly how mortal they were; and even some Council Members did not have gas or know where to get it; that next time she would have a generator, but with the false alarms of previous hurricanes she did not prepare as she had before and now lost five windows. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Mr. Brad Baum, 3534 Glenwood Springs, Kingwood, Texas 77345 (281-360-2229) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Mr. Harvey Baum, 3534 Glenwood Springs, Kingwood, Texas 77345 (281-360-2229) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Ms. Nicolle Sanders, 2725 Reed Road #1701, Houston, Texas 77051 (281-703-0247)

appeared, presented information and stated that she was an employee of the City of Houston and member of HOPE, the city workers union, and greatly concerned about her purpose here; that in such crisis as Hurricane Ike, city employees were first responders and many were forced to leave loved ones and homes behind and sadly it was the last time many would see their homes in a livable condition; that because of the magnitude of the disaster HOPE reached out to parent organizations for resources for city employees; that they requested in a letter that all department heads authorize two dates, times and locations for HOPE relief staff to set up an intake table at worksites for union and nonunion employees to apply for resources during working hours and many department heads responded favorably, however, Ms. Candy Aldridge denied requests and replied, "At this time city facilities and services were not in working shape. All of our attention is focused on getting facilities repaired and services restored. It would be confusing to employees to have different groups offering different programs at a location." and she was strongly disappointed in the complete disregard Ms. Aldridge showed toward city employees wellbeing and if it was true all attention was focused on getting facilities repaired and services restored would it not be more efficient to have city workers apply for aid quickly and efficiently at the worksite and she was frustrated by the notion that city employees would be confused by a table set up at the workplace, how could they as city workers keep the fourth largest city in the country running if they were so confused by a table set up at the job site, the comment was offensive and she refused to accept it. Mayor White, Council Members Lawrence, Sullivan, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Adams stated that she was a former HOPE member and former City of Houston employee and they had employees working 12 hours a day, 7 days a week and she had calls where employees had not even been able to take care of their own homes or families; and she would like to know if they had contacted Council Members; and Mayor Pro Tem Garcia stated that he was contacted by HOPE and advocated with the Chief Administrative Officer and was disappointed they took the position they had when employees needed as much resources as their constituents did and he was very vocal about his disappointment; and Council Member Adams stated that she would send an email herself, it was never too late to change someone's mind and employees needed resources. Mayor White, Council Members Lawrence, Sullivan, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Jones stated that she would send something from her office as well. Mayor White, Council Members Lawrence, Sullivan, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Lovell thanked Ms. Sanders for coming and stated that this was unacceptable; that she did not know if the Chief Administrative Officer got to decide but she thought Council would have some ability to say what they would like to happen and she would ask Mayor Pro Tem Garcia as he was the Mayor Pro Tem to see if he could intervene and the library would walk people through the system; and Ms. Sanders stated that they were first responders and they also needed responding to. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that on a point of personal privilege since early this afternoon they were joined today by both Mr. Mark A. Kollmorgen, director of local relations in government affairs along with Mr. Scott Rozelle, general council and vice president of external affairs for Center Point Energy and he thanked them both for coming; that they came as a request of Council in case citizens had questions. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding.

Mr. Melvin Hughes, 4710 Charade Drive, Houston, Texas 77066 (281-685-6215) appeared and stated that he worked for Water Production in the Drinking Water Division and was a 17 year city employee; that several in his department had their houses flooded and they

were only trying to help themselves; that his wife worked for 311 and even when they should be out of the buildings they were there because they were taking care of the community and that was what they were being paid for; and urged Council Members to assist them. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that if HOPE was willing to meet employees where they were working everyday to make sure the people of Houston had what they needed she did not understand why that would be a problem; that this sounded as if they were being silly, folks needed to be expedited as quickly and easily as possible and she had a problem with this if it was as presented and wanted something done, period, done; and after this topic she would like to see if the rules could be suspended and allow those with Center Point to say where they were. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Brown thanked all those with HOPE for coming and stated that he wanted to echo his support for what Council Members Noriega and Lovell said; that his observation and recovery from Ike and other challenges was they needed to use the existing infrastructure to deliver the goods and HOPE was a part of that; that churches for example were not involved in the recovery like they might have been and all sorts of things that should have happened did not and this was a good offer from HOPE and they should be an integral part of the process. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Alejandra Valles, 4299 San Felipe, Houston, Texas (832-331-0938) appeared and stated that she was executive director for the Houston Organization of Public Employees (HOPE) and as a union for the City of Houston over 14,000 employees they reached out to the city and many Council Members to offer assistance to city workers in this time of need after Hurricane Ike; that at first they received no response from the City Administration or City HR, but thanks to Council Member Garcia, Jones and Brown they were able to partner with the City of Houston's Health Department in deploying union nurses to the George R. Brown Center so they could do house visits and provide free healthcare to all city workers and community; that HOPE also offered help to city workers with gift cards for gas, groceries and water as well as partner with the City Parks and Recreation Department to do a day of cleanup in which they spent all day Saturday at Hermann Park with over 20 volunteers who were City of Houston employees; that the packet presented to Council Members illustrated HOPE's outreach from the beginning; that most recently the parent unions AFSCME and SEIU donated \$150,000 to relief efforts to City of Houston employees and that would be \$100.00 gift cards for immediate relief on groceries, etc., and total loss intake ranging from \$2,000 to \$5,500 for City of Houston employees; that immediate assistance was for union members, but assistance such as filling out forms, directing to FEMA resources, etc., were for all City of Houston employees; that they requested to set up intake tables at worksites and in the packet was their information along with responses to her on their requests; and urged Council for assistance. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding.

Upon questions by Mayor Pro Tem Garcia, Ms. Valles stated that the assistance to taxpayers was from AFSCME and SEIU; that she was aware city employees also went to the POD's for MRE's and water; that there were two types of assistance, monetary assistance for union members and assistance in terms of attorneys and filling out forms were for all city employees; and Mayor Pro Tem Garcia stated that many employees carried the title essential employees and in the aftermath many had been helping and again he was disappointed the union received the answer they did because there was concern of signing members instead of assistance; and if she could promise they were giving assistance Council would keep pushing to

have that help provided; and Ms. Valles stated that they did have their commitment, they had already been partnering on efforts which had nothing to do with union members. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Lovell and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Khan thanked all HOPE representatives for coming today and all city employees and stated that personnel from every department had been doing a wonderful job and all should be proud; that he also saw many working as volunteers; that the letter from Ms. Aldridge said employees were getting assistance; and upon questions, Ms. Valles stated that this did not have to be an adversarial process, the city and HOPE were partners and a part of the community and they were committed to providing the best services; that city employees needed help and what was enough, if they had \$150,000 in free money it should be made available; that any organization offering assistance should be taken. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Garcia presiding.

Council Member Adams stated that they appreciated all the union was doing on behalf of the HOPE employees, she was most grateful; and upon questions, Ms. Valles stated that she did not know who the emergency management team was; and Council Member Adams stated that if Ms. Aldridge was listening she would like an email of who the emergency management teams were as all Council Members should know; and Mayor Pro Tem Garcia stated that he and Council Member Adams had been city employees and one comment to him was the offer from HOPE was not FEMA money, but city employees could decide on assistance and he could not see why the offer would be blocked and the opportunity should be made available; and Council Member Adams stated that the HOPE office number was 713-403-8888 for assistance and for non-HOPE employees they could call it for nonfinancial assistance. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that there was such a great attitude in Houston all week she was astounded by the response to HOPE, if someone wanted to give an employee assistance she did not know why it would not be made available, especially when the Texas Workforce Commission decided they would delay unemployment assistance for one week due to a state statute and she hoped they would reverse their reaction. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Mark Smith, P. O. Box 896, Bellaire, Texas 77402 (713-867-5998) appeared and stated that he had been without power for over 10 days and about 6 days ago a number of people where he lived had power; that also he knew other seniors who did not have power; and he would like to speak with someone from Center Point. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that representatives were present with Center Point and if he would like to wait he would be able to speak with Mr. Rozelle after he spoke to Council. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Jones stated that facilities which housed seniors or disabled or children should be required to have a generator before they received an occupancy permit because such people did have special needs and maybe they should look into this. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Adams moved to hear from Mr. Scott Rozelle with Center Point at this time, seconded by Council Member Lovell. A vote was not called as no quorum was present and Mayor Pro Tem Garcia stated that Mr. Rozelle would be heard by consensus of Council. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia thanked Mr. Rozelle, executive vice president of Center Point Energy, for coming and stated Council would like an update as to where things were with the City of Houston. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Scott Rozelle, executive vice president of Center Point Energy, appeared, presented maps to Council Members and stated that at Center Point they knew who was responsible for restoring power in the city and it was their company and the 6,000 employees they had locally and they took the responsibility seriously and they were proud of how it was being discharged; that as of today, 10 days after Hurricane Ike, about 75% of those who lost service were now restored to power and they still had a little less than 600,000 who continued to be out of service; that he thanked the 3,500 linemen and tree trimmers who were out working 16 hour shifts around the clock to achieve this result as well as the 9,000 people who came from 26 states and Canada to help in the effort; that he also thanked a group who did not get much air time and that was the 2,500 remaining employees working behind the scenes to help make this possible; that the last major storm to hit Houston was Hurricane Alicia with 750,000 customers out of service and it took 16 days to get them back on and here after 10 days they had restored service to twice that many people, but there was still much to do and they were working as hard as they could to get all back on the grid; that they had the right resources in place and a good plan and they had people in every part of the city; that they had significant crews and the work was coming along as well as expected; that when the storm cleared they said they would have 50% to 75% of the customers restored within 7 to 10 days and they hit the 50% level in 7 days and 75% level at day 10; that his neighborhood had 66 houses and 4 laterals which fed into it and they had people coming on at 4 different times; and he would be delighted to answer any questions. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia thanked Mr. Rozelle and Mr. Kollmorgen and others with Center Point and in particular the linemen including those who came from all over and they should be viewed like firemen and policemen coming to our rescue. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Rozelle described Center Point's priority which was fixing power for the largest amount of people first and stated that the time frame depended on the amount of damages in the areas; that the largest amount of problem was the wind, trees, etc. falling on lines; that if poles were leaning they should report that and fallen lines to 713-207-2222; that all line fuses had to be fixed before going back to individuals on lines who did not come on; that mutual assistance crews were paid over time by their home utility company and then they were reimbursed and it was also Center Point's responsibility to house and feed them while they were here; that they were very competitive in demonstrating how much faster they could work than another so they never had a complaint about their productivity or efficiency; that undergrounding was a subject which could be debated a long time, it was a policy question; that most did not realize 40% of their distribution lines were underground now, all new subdivisions were put underground and the reason was it was the least expensive way to do it, over the last

five years the electric, gas, phone, cable and water were all put into a single trench dug at the time the new subdivision was developed; that all subdivisions, even those with underground utilities had overhead service at some point in the process but it was much more reliable and it was worth noting that undergrounding was not necessarily an answer to all as it had its own problems in flood prone areas and though they were much more reliable when they broke it took much longer to fix them; that the issue in Houston was the 139 year old infrastructure and putting underground in an existing infrastructure was extraordinarily expensive; that the estimate for restoration cost for this storm would be between \$350,000,000 and \$500,000,000 and undergrounding parts of their overhead system would be measured in tens of billions of dollars; that their preference for doing things was whatever made the most sense for their community and presented Ms. Vasquez 250 copies of their most often asked questions and answers in English and Spanish to distribute to Council Members. Mayor White, Council Members Lawrence, Johnson, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding.

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, Sullivan, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (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. Mayor White, Council Members Lawrence, Johnson, Sullivan, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Chris Confer, 2420 Louisiana #2, Houston, Texas 77006 (832-576-0184) appeared and stated that before they made a final decision on the booting and minimum parking ordinance he wanted to ask they should really think about it and decide if they wanted to move it through without any other discussion as they would like more stakeholder meetings, but if it were to go through they would ask for extra time to be able to put in the machines. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Brown, Lovell, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that he understood there was movement on this and some things they would require would not go into effect for a year. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Rodney Slaughter, 4265 San Felipe, Houston, Texas 77027 (713-840-7275) appeared and stated that there were many different manufacturers of the machines they would need for the parking and needed to know the wear and tear and maintenance, etc., that he was concerned about passing the cost on to the customers. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that they were giving a choice on the \$8.00 lot if they wanted to provide a receipt that was great and then they could boot or tow, if they wanted to charge 25¢ a day and not get a receipt that was okay, but then they could not boot or tow so they had given them options; and Mr. Slaughter stated that they were saying they had to be

their own police officer, but if they did not place the machines they could not do anything and that space was being stolen. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Adams, Mr. Slaughter stated that on surface parking lots he had 18 with 2 having attendants and then around Minute Maid Park some lots had attendants during special events; that he only towed a car after having the vehicle on one of his lots 3 times without paying, he would first leave them a note and record their license plates and the 4th time he would have them towed. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Louis Macey, 1717 St. James Place #118, Houston, Texas 77056 (713-960-0690) appeared, presented information and stated that he was owner of LAM Parking and after seeing proposed changes to the minimum parking lot ordinance he was still opposed, it still required parking receipts if the operator chose to enforce payment by towing and that would greatly affect those who charged low rates; that a simple solution to expensive machines would be requiring lots who chose not to install receipt-giving machines to post signs stating that they did not provide receipts but were required to provide photo or video evidence of non-payment as it was more affordable; that the proposed ordinance would reduce parking spaces in downtown and increase rates and urged a no vote. Mayor White, Council Members Lawrence, Johnson, Adams, Khan, Holm, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that her question was for the chair of the committee which processed this, Council Member Lovell, and upon questions, Council Member Lovell stated that stakeholder meetings had been held about one year before it ever came to her committee; Lilliana Rambo and others brought people together in response to Council Members request who had received complaints on booting downtown; that it had gone through the Parking Commission and they held meetings and it came down to a very simple thing, if they wanted the ability to take her property, her car, and boot it or tow it they had to give her a receipt so she could prove she paid and if they did not want to do that then they did not have the right to move her property because they had given her no defense to them locking up or taking away her property; and Mr. Macey stated that he disagreed and towing was regulated by the state and there was a tow court; that booting and towing should be separated as towing was already regulated and they should do something for booting. Mayor White, Council Members Johnson, Adams, Khan, Holm, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Macey stated that the ordinance came about because there was a problem with booting, it was not regulated by anyone, they started stakeholder meetings for booting and then they were told if they had to give receipts then everyone had to give receipts so then the minimum parking lots got thrown in which included everyone, but the fact is towing was regulated by the state and they wanted their customers to come back so they did not just tow; that when you went to tow court you had to show evidence or you lost and in booting there was no booting court and it was not regulated by the state so there should be a booting ordinance; that he operated over 20 lots and charges were from 50¢ to around \$6.00 which was their maximum daily rates. Mayor White, Council Members Johnson, Adams, Khan, Holm, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Clutterbuck, Mr. Macey stated that they did not boot, they did tow a repeat offender or circumstance which justified it; and Council Member

Clutterbuck stated to the Mayor Pro Tem and Chairperson Lovell that perhaps if they considered amending the ordinance to address only those who wanted to boot since amendments were going forth to address the parking lot standards and since the state already regulated towing from parking lots perhaps they should contemplate limiting the ordinance to just apply to booting; and Council Member Lovell stated that it would be on the agenda tomorrow and if she would like to offer an amendment that would be the time to do so. Mayor White, Council Members Johnson, Khan, Holm, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Bo Eby, 1001 McKinney #450, Houston, Texas 77002 (713-659-8799 X110) appeared and stated that last time he made comments on action they took when they implemented booting he said in the first month to six weeks they refunded between 30% to 40% of the fees and it was misconstrued, as a percentage of errors they made and that was not the case, but instead they were trying to provide a learning curve to let them know the program was in place and if they did not pay on the first offense they would be booted so if they came and said they did not pay and promised to pay in the future they refunded their money; that there also seemed to be a perception they were trying to swindle customers by enforcing fees on their lots. Mayor White, Council Members Lawrence, Johnson, Khan, Holm, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that from all conversation there were many thoughts on this and no one thought anyone was swindling anyone, but they were trying to find a good place for all to be. Mayor White, Council Members Lawrence, Johnson, Khan, Holm, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

At 5:58 p.m. City Council recessed until 6:00 p.m. Council Member Noriega absent on personal business. Mayor White, Council Members Lawrence, Johnson, Khan, Holm, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

HEARING - 6:00 P.M.

At 6:02 p.m. the City Council reconvened and Mayor Pro Tem Garcia called the meeting to order and requested the City Secretary to call the public hearing. Mayor White and Council Members Johnson, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding.

1. **PUBLIC HEARING** on the proposal to establish a tax rate of \$.63875/\$100 of value for Tax Year 2008 – was called. Mayor White and Council Members Johnson, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding.

The City Secretary stated that no one had reserved time with their office to be heard. Mayor White and Council Members Johnson, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding.

Council Member Khan moved to suspend the rules to hear from Mr. Paul Bettencourt, seconded by Council Member Sullivan. All voting aye. Nays none. Council Members Johnson, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0710A ADOPTED.

Mr. Paul Bettencourt appeared and stated that he was present to talk about some of the numbers and to show them some of the trends in the area, that he wanted to thank them for considering property tax relief in the form of a half penny, that he and the taxpayers appreciated that; that they did a calculation and saw in the Chronicle that they were talking about a \$54

million increase, they had calculated about a \$76 million increase and he guessed the difference would be how much went to TIRZs, that obviously when they collect they give it to the City and then they had to move that money into the TIRZ accounts, but with the property tax rate proposed reduction that would be about an 8.7% increase or about a \$76 million increase, their tax revenue would go up from about \$880 million to a little bit over \$950 million this coming year, that he knew with Hurricane Ike, and everything else, any tax relief would be appreciated by the public; that last year they collected 101%, the Harris County Tax Office did, for the City, including about \$26 million in delinquent taxes in conjunction with the City's delinquent tax attorneys. Mr. Bettencourt displayed a charted map with zip codes and stated that he hoped they would join an effort to reduce the appraisal cap. Council Members Johnson and Jones absent.

Members of Council thanked Mr. Bettencourt for coming forth and presenting information, and Council Member Sullivan requested that Mr. Bettencourt email the charts to all the Council Members and Mr. Bettencourt stated that they would be happy to email everyone on the Council, and Mayor White stated that there were two different fact sheets that they had prepared, one he thought went out two days ago to Council Members and another one was prepared and was to be disseminated at this meeting and would be here momentarily. Council Members Johnson and Jones absent.

After further discussion Mayor White stated that he wanted to tell them, and Ms. Travis could report back and share with all of them as elected officials, that he had met with the Mayor's of Dallas, Fort Worth, San Antonio, Austin, Arlington and a couple of cities around Fort Worth, approximately three or four weeks ago and he made the pitch to actively support the City of Houston's position that local government entities should have the power to reduce the residential property cap, that it should be a mandate imposed by the State, but they should be given the authority to, and some of them needed to think about that, but they were constantly advocating that, and he thanked them all for participating in the Texas Municipal League, where they moved them off of opposition to neutrality on that concept; and the second thing was that the Mayor's were sort of resolved to ask their Legislative groups to support the idea of sales disclosure so that those serving on the Appraisal Board had more information rather than less in making the appraisals, so they were making progress, and all the elected officials who participate and go to Austin to advocate for reforms like this their voices eventually shall be heard. Council Members Johnson, Noriega, Green and Jones absent.

After further discussion by Council Members, Mayor White stated that if they adopted the budgeted amount of the tax cut the average increase for taxpayers, in ad valorem, in the City of Houston, excluding the TIRZ, was 3.83%, excluding the new improvements, that the 2.95% was due to the value of improvements, so they had 3.83% for ad valorem taxes, after the tax cuts and senior exemptions, that the CPI increase, the inflation increase from December through August, the last month that they had the figure, was 3.8%, that it went to some issues of fiscal discipline that he thought they could be proud of; that he would tell them that there would be some mandates under State law in the so called truth and taxation for which they would be guilty of fraud based on the things that they had to say they were doing because it was not true, for example, there was a mandate from another level of government saying that they had to identify, as a tax increase, amounts that would be due even though they cut the rate, by that measure then every budget submitted by every governor of Texas for the last 20 years and every budget submitted by every president, including President Reagan, created massive tax increases because they were based on revenues because the revenues went up, in fact those who supported the Reagan tax cuts and defended them based on the fact that revenues could increase if they cut the tax rate, that was the point, they do not measure the taxes by the revenues they measure them by the tax rate; that second point, they were required to exclude from the public disclosure the amounts of their senior exemptions, so that they over state the amount of the year to year increase because they had been using one of the tools that they had

at their disposal, the senior exemptions, to provide tax relief to some targeted population, that was misleading, they knew it was misleading, they were required by the government to do a misleading thing, that he would also note that in making year to year comparisons, and that some people compared the certified roll last year for 2006 with 2007, because, and Mr. Bettencourt knew because he served on the Board of the Appraisal District, the uncertified values, or less on average for residents than the certified values, strike that, they compared certified values to certified values, that they had to take a look at the certified values of the prior year compared to all the values this year, that to put it another way, if they just compared the values that were certified with the values that were certified and did not take into account the uncertified values, the uncertified values had increased, they would have less of a revenue increase or an average revenue increase per household; that he would also note the following, that those who were on Council with him, often with some dissent from those who thought that they were doing too much property taxes, including his colleague and dear friend, former Council Member Edwards, that the average increase in total property tax collections, in the budgets that they had submitted, had been 6%, for the same period the increase in population and the increase in inflation was 6.1%, and that was over a period of 5 years, that finally, and it would come to them in hard copy, and some of the numbers would be circulated and others he would circulate at a later time, but the one he was circulating would contain these numbers, in aggregate the amounts fall within both the Proposition 1 and Proposition 2 limits as modified by 80% of the voters when they had the proposition allowing extra spending for public safety and they did intend to increase the public safety spending significantly as they bring up the number of police officers to some 5,178 or so during this fiscal year up from 5,000, during this fiscal year, that they would ask the Members of the Council to adopt the tax rate that they put in the budget, which had a significant tax cut, personally he had been persuaded by the strong arguments made by Council Member Lawrence and Controller Parker and others that particularly in this time of emergency, if there were collections in excess of what they estimated, that last year they put those towards the drainage improvements to address infrastructure, that this year they used those amounts to replenish the Rainy Day Fund, which was depleted as they dealt with the largest natural disaster in their City and County's history; that finally he would say that he really applauded Tax Assessor Collector Bettencourt because he was a person, in whose office he sat, who gave him a notebook and walked him through figures when he was a candidate, that he was not doing it to support him as a candidate, he was doing it because he asked him for the information and he really respected the fact that he was willing to provide to somebody he may not have supported with the facts and figures and their tax assessor collector made a point to him, and he still had the notebook at home, that had both the chart and title by the tax assessor collector, that he used his numbers to point out the fact that they had significant increases in their appraised values for residences far and above what had occurred on commercial property, and after the election he had told the members of the Harris County Appraisal District Board, certainly the City's appointee, that they wanted fairness for residential property owners, that he showed him the chart that Mr. Bettencourt had prepared, a problem with the fact that it had gone on so long and because they had a very strong economy, was that there were significant increases in commercial property valuations, but he would point out that was what many people had advocated for a long time that there was an equity that was resulting in the fact, as Council Member Clutterbuck pointed out, that many residences were going up at a much faster rate than commercial properties over time and he did not think it was simply due to the fact that they were becoming more and more valuable relative to commercial properties over time, and he applauded the appraisal district, that they take a lot of hits, and taxation by estimate was not his cup of tea, but he would say for those who served on the appraisal district, which did not include any of them but did include Mr. Bettencourt, that the increase in the commercial property values were the type of issues that he brought to his attention and to the extent that they were lowering the difference between the annual and historical increase over the last 10 years then he thought it was a step in the right direction and the chart that Mr. Bettencourt presented him and the advocacy of some of them he hoped had yielded some fruit; that finally he would say that Council Member Lawrence was at a meeting

that they had with the Mayor's of all of the municipalities within Harris County or at least within the Senate district represented by Senator Patrick, there were some very agitated Mayors that were not representing left wing constituencies, they were extremely agitated about the fact that their citizens were confident that they were good stewards of their dollars, one Mayor articulated the fact that in two years of serving as Mayor she had gotten not one complaint about her City's tax rate, not one, but it happened to be in the Spring Branch School District and her point was that the State had failed in relieving some of the burdens on the local school districts; that when he was governor, Governor Bush stated that there ought to be 50% State funding and 50% local funding, that he agreed publicly at a time when he did not agree with some of the things that Governor Bush did and worked together to try to obtain that goal, that since that time there had not been progress, in fact it had gone the other way where more and more, as a result of the State's failure to have it's constitutional mandate to provide education, more and more of that fiscal responsibility had been on local school districts, that he pointed that out just to say that he did not make that point, but it was a point that he heard from the other Mayor's who were in their vicinity when the issue of State mandated municipal local tax rates came up, that each person was for the State assuming more responsibilities for the schools and each wanted the local option to be accountable to their voters. Council Members Johnson, Green and Jones absent.

Mayor White stated that finally, it was a related issue, on which he thought he and Mr. Bettencourt may agree, but it would be in the category of news, that they had worked very closely, arm in arm, with County government, that they could not describe hurricanes as anything other than unpleasant, except when they saw all those people with chainsaws or neighbors helping neighbors, that was heartwarming, but he was told that tomorrow Harris County had been lobbying to have all the responsibility for providing the housing for those where a tree was through their roof and they could not get back in their house and they had lots of people in the City of Houston to do that not only for the residents outside of the city limits but for those inside the city limits and that tomorrow, against the objection of the City of Houston, which had been made on numerous occasions and numerous times, that nobody at the County had ever talked to him about it, not one person, then he believed in local accountability, that a situation that he wanted to avoid was that there were some apartment complexes by the Westside Tennis Club, there were people who received housing vouchers under a program administered by Harris County and there were some of them who had seen able bodied individuals, capable of working, who were receiving housing vouchers as a result of the Katrina disaster that occurred two years ago, that within the City of Houston, they thought, if people were able bodied and were able to work they would think that their rent would not have to be paid, not if they were seniors or disabled, that was another issue, but if they were able bodied then it should not be a perpetual program, that he thought it disrespected the many evacuees who came here and needed a shelter and needed to get on with their lives, and to work, and they sought jobs and were living in our community and other communities, that he thought it disrespected the efforts that he and Judge Eckels set up and the announcements they made at the first meetings that their goal was to put people who were capable on the road to self sufficiency so they could live with dignity and independence, and asked Mr. Bettencourt if he had heard of any of these things he was talking about, and Mr. Bettencourt stated that certainly and he would tell Mayor White that Judge Emmet was aware of the program, and even though this was a property tax hearing he would be happy to, after he stepped away from the podium, to dial his cell phone number and tell him to call Mayor White directly; and Mayor White stated that he was making two different points; that he was told that there was an announcement to be expected yesterday that affected the constituents in each of the Council districts, where the amount that they would be available to receive from FEMA, it could be that it would be reduced and there would be a government housing program into which they would be put, that he was not saying that he would agree or disagree with the nature of the program, but he would say that the pitch that he made in Washington, DC today was that Harris County, not any other level of government, federal or State, should be given the responsibility and the full authority for people outside the city limits within Harris County to be able to administer programs to make sure that

people who did not have shelter were given shelter and that the City of Houston should have that authority and that they should use the policies and the procurement policies of their respective governments to make those decisions locally, that they wanted to help people who needed help, they did not want funds to be used for people who were in perpetuity, who were able bodied, because it disrespected the work ethic of which they were so renowned within their particular community. Council Members Johnson, Green and Jones absent.

After discussion by Council Members, the City Secretary stated that it was required by law that she announce that the vote to adopt a property tax rate for the City of Houston for 2008 will be considered at the City Council meeting to be conducted in City Council Chambers, Second Floor, City Hall, 901 Bagby, on October 22, 2008, convening at 9:00 a.m. Council Members Johnson, Clutterbuck, Lovell, Noriega, Green and Jones absent.

Council Member Sullivan moved to close the public hearing, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Members Johnson, Green and Jones absent. MOTION 2008-0711 ADOPTED.

At 7:03 p.m. Council Member Sullivan moved to recess until 9:00 a.m., Wednesday, September 24, 2008, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Lovell, Noriega, Green and Jones absent. MOTION CARRIED.

The Houston City Council reconvened at 9:00 a.m. Wednesday, September 24, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega and Ronald C. Green; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Susan Taylor, Assistant City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Jolanda "Jo" Jones absent on personal business.

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

At 9:32 a.m. Mayor White called the meeting to order.

MAYOR'S REPORT - Post Hurricane Ike Update

Mayor White stated that he would give a brief status report and second he would like to ask certain Council Members to be chairs and vice chairs of very special purpose Hurricane Ike committees in the next six weeks to help their oversight on some of the issues in the City; that their City employees had been great and had been working extremely hard under extraordinary circumstances and they saw a lot of every day heroes out there; that as they knew their water operations were back to normal and the water was clean, two of their ground water pumping systems were still operating on generators, that all 39 wastewater treatment plants were powered, ten of those by generators, that Mike Marcotte and his team and the Corp of Engineers had played a role in these plants and they wanted to applaud their effort; that 307 of the 413 wastewater pumping stations were up and 30 of those were being powered by generators; that Right-of-way Maintenance, there was a lot of storm debris cleared from their thoroughfares and streets, on the streets mostly by citizens but they did have a lot of equipment working to clear those streets and thoroughfares, that close coordination with CenterPoint had allowed them to go back and clear those areas where there were lines down and that effort was a continual operation effort; that now efforts had shifted to helping with debris removal and using their equipment for debris removal, that there had been an additional area of concentrated

efforts on some of the pumps that were on the underpasses, that some of the pump stations were not yet powered, that they would ask for a progress report on that; that they had performed over 50 inspections of multi family units, building permits were up and running, and then to the issue of traffic signals, that was more of a problem because of the nature of the traffic signal, some of the equipment which had been disabled and damaged as well as the power system, that they had made emergency repairs on 1,300 of 2,500 signalized intersections, 90% of the synchronizing had now gotten back to working in the largest employment center, downtown; they may have 7,500 heads, the unit consisting of three indicators, red, green and yellow, that may require replacement, they were trying to complete the damage assessments by all the signalized intersections by mid week, that they were adding additional crews, they were adding more contractors; that obviously they were looking at major commuting thoroughfares for major employment centers such as the central business district, the medical center and places where they had the most traffic, that there were a lot of HPD officers working out there the old fashion way to keep traffic moving; that as to debris removal, as of the weekend there were 222 contractor trucks, that there were heavily wooded areas all over town in all income levels, that some people were moving their own waste, that there was a responsibility of citizens to when it came to trash, if they wanted something to be picked up, every leaf or piece of grass picked up it was a good thing to bag it, that there was work to be done but there were a lot of people working very hard on the solid debris removal and what they got through doing once they removed it; that they wanted to make sure that citizens had information about places that they could take stuff, that he wanted to work on a coupon or something if they helped out and brought trash to some of the sites, that they did not want them to jam up the lines of the eighteen wheelers so they were looking at sites and alternatives, that they were going to be piling up a lot; that contractors had been working hard to make sure there were remote sites; that he could think of four things, and there could be more, where he would ask Members of Council to serve on special committees, which hopefully would have a very short life; that he would ask Council Member Johnson to be Chair and Council Member Lovell to be Vice Chair of a special committee on information to help City employees through a FEMA process or special needs that could be met by social service agencies, that every employer in the community should be looking after their employees who did not have shelter, and they did have both City offices and the HOPE Union and others who were working on it; that second, he had asked City Controller Annise Parker and Council Member Clutterbuck as Vice Chair to get periodical reports on accounting for all the incremental costs; that on committee number one the chief leads within the administration would be Anthony Hall and Candy Aldridge; that the lead person on committee number two, with others participating, would be Michel Mitchell, that important on this would be Robert Johnson from the Legal Department, who also had some experience with the FEMA claims; that third committee, he would ask Council Member Sullivan to Chair and Council Member Rodriguez to be Vice Chair of how they were doing on traffic lights and intersectional control, what was their progress and were there impediments to progress on that; and on committee number four he would ask Council Member Adams to Chair and Council Member Lawrence to Vice Chair something to get periodic reports on debris removal efforts within the City of Houston; that there may be others that they would consider from time to time, there were regular committees that would continue to do their work, that there were issues involving Ike that would be within all the Council committees; that he wanted to say thank you to all the City departments and to each of the Council Members.

Members of Council thanked Mayor White for all that he had been doing and all that he had done and for his leadership, to all the employees of the City of Houston, all of the citizens of the City of Houston, all churches and religious leaders and all the corporations for all of their help and support.

Council Member Lovell stated that as to traffic control, could they require the officers directing traffic to wear an orange vest, that it was much easier to spot who it was that they needed to see to direct them; that they had already had questions about trailers, or mobile

homes, or temporary housing and asked if they could get from the Planning Department, the Rules and Regulations on what happens, if they had deed restrictions that would not allow a mobile home to be in a neighborhood waived because it was an emergency situations, how many did the same platting regulations apply, could they have clarification on temporary housing, how many mobile homes could they put on a piece of property, and Mayor White asked Council Member Lovell if she could get to Ms. Stein her thoughts, he would say probably they could do what they wanted to on that, that he could figure out a way of dealing with the City ordinances and FEMA and every thing else to do what they wanted to do, but what did they want to do, that he wanted them to help him think about what they wanted to do. Council Members Garcia and Green absent.

After further discussion by Council Members, Council Member Holm asked if there was a way that CenterPoint could use Mayor White as a spokesman to provide information for all of them she thought it would be helpful in giving assessments and analysis of where they were going and expectations for those communities that were left without power. Council Members Clutterbuck, Adams, Lovell and Green absent.

After further discussion by Council Members, Council Member Noriega stated that she thought it would be helpful to look at having registration for seniors, not to evacuate, not an official registration but to allow people a way to let them know they were there, not to evacuate them but to provide resources in a situation like this. Council Members Johnson, Adams, Holm and Lovell absent.

After further discussion Council Member Lawrence stated that CenterPoint did not have a database of all the senior assisted living centers, databases like that; and a database of people who were willing to give up their job for a week and step up to help, that not knowing where all the senior assisted living centers were all over the City was uncalled for, that CenterPoint should know that, and Mayor White stated to Council Member Johnson that in his committee, at some point, he would like to do a post operations analysis after they finish the job, that maybe they ought to have a hearing to review experience of both assisted and independent living centers to see what the state of their current standards were and if a database would be useful. Council Members Clutterbuck, Holm, Lovell and Noriega absent.

At 10:45 a.m. Mayor White stated that they would move to the consent agenda.

CONSENT AGENDA NUMBERS 2 through 32

MISCELLANEOUS - NUMBER 2

2. REQUEST from Mayor for confirmation of the appointment of **MR. FRANKLIN J. "JAY" HARBERG, JR.**, to Position One of the **CIVIL SERVICE COMMISSION FOR MUNICIPAL EMPLOYEES OF THE CITY OF HOUSTON and THE FIREFIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION**, for a term to expire June 14, 2010 – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2008-0712 ADOPTED.

Mayor White asked Mr. Harberg to stand and be recognized and thanked him for his service to the City of Houston.

Mayor White stated that he may have to leave after they get through a couple of the

categories for a meeting with federal officials on the issue that they talked about yesterday evening.

ACCEPT WORK - NUMBERS 4 through 6

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,147,395.88 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Ley Road Paving, Homestead to Kirkpatrick, WBS N-00587A-0002-4 - 6.03% under the original contract amount - **DISTRICT B – JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2008-0713 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,826,507.43 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection Rehabilitation and Renewal Contract, WBS R-0266-E4-3, (WW4235-28) - 4.8% over the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2008-0714 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,785,599.42 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.** for Citywide Fire Hydrant Replacement and Height Correction, WBS S-000035-00V4-4 (10866) - 0.14% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2008-0715 ADOPTED.

PROPERTY - NUMBER 8

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ankur Desai, for the sale of a ±3,779 square-foot portion of Lot 10, Block 542, within South Side Buffalo Bayou, out of the James Wells Survey, SY8-096 - **STAFF APPRAISERS - DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2008-0716 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 10A

9. **STATE OF TEXAS COMMISSION ON FIRE PROTECTION** for payment of Annual Certification and Re-certification fess for Firefighters for Fire Department - \$102,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2008-0717 ADOPTED.
10. ORDINANCE appropriating \$9,915,908.00 out of Equipment Acquisition Consolidated Fund for Purchase of Patrol Vehicles and Ancillary Equipment for Police Department – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0829 ADOPTED.

- 10a. **PHILPOTT MOTORS LTD, d/b/a PHILPOTT FORD** - \$7,258,728.00 and **BABY JACK II AUTOMOTIVE, LTD, d/b/a CALDWELL COUNTRY CHEVROLET** - \$92,436.00 for Patrol Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Police Department – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2008-0718 ADOPTED.

ORDINANCES - NUMBERS 12 through 32

12. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of ±2,948 square feet of excess, fee-owned, Kirkwood Drive right of way, out of Tract 3B, Block 60 of the Dairy Townsite Subdivision, Houston, Harris County, Texas, (Parcel SY7-134), vacating and abandoning said parcel to Preach The Word Evangelical Church Inc., the abutting owner, in consideration of its payment of \$22,110.00, and other consideration to the City - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0830 ADOPTED.
13. ORDINANCE consenting to the creation of **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 48** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0831 ADOPTED.
14. ORDINANCE consenting to the addition of 2.7652 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0832 ADOPTED.
15. ORDINANCE consenting to the addition of 1.445 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0833 ADOPTED.
16. ORDINANCE consenting to the addition of 42.60 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 393**, for inclusion in its district - **DISTRICTS B - JOHNSON and D - ADAMS** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0834 ADOPTED.
17. ORDINANCE consenting to the addition of 70.295 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 84**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0835 ADOPTED.
21. ORDINANCE approving and accepting the Budget Submission of a grant from the Department of State Health Services for the City's Readiness Initiatives Program; declaring the City's eligibility for such grants; approving and authorizing contract between the **DEPARTMENT OF STATE HEALTH SERVICES** and the City (2008-028270-001); authorizing the Director of the Health & Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0836 ADOPTED.
22. ORDINANCE approving and authorizing eight (8) Single Family Home Repair Contracts between the City, as the Repair Agency acting on behalf of eight (8) homeowners, and five

- (5) construction contractors (**MARCO ANTONIO RAMIREZ FRAMING, PPMG CUSTOM HOMES, CM CONSTRUCTION, KIRKLAND HOMES** and **JOSHUA DADE HOMES**) and providing \$656,503.44 in Home Investment Partnerships Grant Funds and \$20,058.85 in Community Development Block Grant Funds for a total of \$676,562.29 (including a 10% contingency of \$61,505.66) for the demolition and reconstruction work (Tier III) on eight (8) houses under the Single Family Home Repair Program Administrative Guidelines, as amended – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0837 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON HELP, INC**, providing up to \$620,000.00 in Housing Opportunities for Persons with AIDS (“HOPWA”) Funds, which amount includes a limitation on additional funding in the amount of \$310,000.00, for the administration and operation of a community residence - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0838 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City of Houston and **STOP TURNING ENTERING PRISON, INC**, to provide \$119,733.00 in Housing Opportunities for Persons with AIDS (“HOPWA”) Funds for the administration and operation of a transitional housing program located at 5509 Wipprecht - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0839 ADOPTED.
25. ORDINANCE appropriating \$215,000.00 out of TIRZ Affordable Housing Fund (Fund 2409) and authorizing issuance of purchase order to the Land Assemblage Redevelopment Authority (“LARA”) to cover costs to promote home ownership opportunities in Houston Hope Areas of the City of Houston – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0840 ADOPTED.
27. ORDINANCE appropriating \$300,000.00 out of Public Health Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to construction contract (Approved by Ordinance No. 2007-1329) between the City of Houston and the **GONZALEZ GROUP, LP** for the Renovation of Kashmere Multi-Service Center, WBS H-000053-0001-4; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0841 ADOPTED.
28. ORDINANCE appropriating \$59,000.00 out of General Improvement Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to construction contract (Approved by Ordinance No. 2007-1361) between the City of Houston and the **GONZALEZ GROUP, LP** for Miller Outdoor Theatre Improvements, WBS D-000125-0001-4; providing funding for contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0842 ADOPTED.
29. ORDINANCE appropriating \$408,088.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 382** for the Monroe Paving Improvements Project, WBS R-000521-0043-4 - **DISTRICT E - SULLIVAN** – was

presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0843 ADOPTED.

31. ORDINANCE appropriating \$62,136.00 out of Police Consolidated Construction Fund as an additional appropriation for Professional Architectural Services Contract between the City of Houston and **MORRIS ARCHITECTS, INC** (approved by Ordinance No. 2008-0183) for Tactical Training and SWAT Rifle Ranges, WBS G-000088-0004-3 - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0844 ADOPTED.
32. ORDINANCE No. 2008-0728, passed first reading August 20, 2008
ORDINANCE annexing to the City of Houston, Texas territory located adjacent to I-10 and in the vicinity of Barker Cypress and Park Row, in Harris County, Texas; extending the corporate limits of the City of Houston, Texas, to embrace and include territory within such boundaries; instituting proceedings to annex to its corporate limits the territory included in such boundaries; containing findings and other provisions relating to the foregoing subject; adopting a service plan for certain areas adjacent to I-10 and in the vicinity of Barker Cypress and Park Row; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter; providing for severability **DISTRICT A - LAWRENCE - SECOND AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2008-0728 ADOPTED
SECOND AND FINAL READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$2,529,096.80 and acceptance of work on contract with **BOYER, INC** for Tidwell Park, WBS F-504A05-0010-4 - 10.00% over the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2008-0719 ADOPTED.
7. ORDINANCE appropriating \$58,825.11 out of Water & Sewer System Consolidated Construction Fund as additional appropriation to Construction Contract with **D. L. ELLIOTT ENTERPRISES, INC** for 12/16/20-inch service upgrades and grid extensions in the Greater Greenspoint Area, WBS S-000900-00A4-4, (approved by Ordinance No. 05-0683) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0845 ADOPTED.
- 7a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,432,000.41 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for 12/16/20-inch service upgrades and grid extensions in the Greater Greenspoint Area, WBS S-000900-00A4-4 - 9.50% over the original contract amount - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Green, and tagged by Council Member Johnson. Mayor White absent. Mayor Pro Tem Garcia presiding.

Council Member Johnson moved to suspend the rules to consider Item No. 34 out of

order, seconded by Council Member Khan. Mayor White absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia requested that Council Member Johnson do a friendly amendment to his motion to consider Item Numbers 34a, 34b and 34c. Mayor White absent. Mayor Pro Tem Garcia presiding.

A vote was called on Council Member Johnson's motion to consider Item Numbers 34, 34a, 34b and 34c out of order. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0720 ADOPTED.

34. MOTION by Council Member Clutterbuck/Seconded by Council Member Khan to amend Item 34B below, to delete the following sections:

Sec. 26-631 - Marking of spaces

Sec. 26-632 - Parking lot surface

Sec. 26-633 - Lighting

Sec. 26-634 – Maintenance – **(TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. Mayor White absent. Mayor Pro Tem Garcia presiding.

Council Member Clutterbuck stated that she had a substitute motion for Item No. 34, which she had distributed, seconded by Council Member Lovell.

"I move to substitute my previous amendment in Item 34 by amending Item 34b to make the following change in Section 3 of the proposed Ordinance:

Delete Division III of the proposed new Article IX of Chapter 26 in it's entirety". Mayor White absent. Mayor Pro Tem Garcia presiding.

A vote was called on the motion to substitute language for Item No. 34. Council Members Sullivan and Rodriguez voting no, balance voting aye. Council Member Jones absent on personal business. Mayor White absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0721 ADOPTED.

A vote was called on Item No. 34 as substituted. Council Members Sullivan and Rodriguez voting no, balance voting aye. Council Member Jones absent on personal business. Mayor White absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0722 ADOPTED.

34a. WRITTEN Motion by Council Member Holm to amend Item 34B below, for Section 26-602 to read as follows:

"The provisions of this article shall apply to parking lots that are open to the public and operating 10 days or more per year" – was presented.

After discussion Council Member Holm moved to table Item No. 34a. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0723 ADOPTED.

34b. ORDINANCE **AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to parking lot standards; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; providing an effective date; providing for severability – **(This was Item 13 on Agenda of September 10, 2008, TAGGED BY COUNCIL MEMBERS RODRIGUEZ, SULLIVAN, HOLM, KHAN, GARCIA and CLUTTERBUCK)** – was presented. Mayor White absent. Mayor Pro Tem Garcia presiding.

Council Member Lovell presented a written motion to amend Item No. 34b as follows:

"I move to amend Item 34b by:

1. In Section 2 of the proposed Ordinance, amend Section 26-602 to read as follows:

Sec. 26-602. Application.

The provisions of this article shall apply to parking lots within the central business district used for paid motor vehicle parking that are open to the public

2. Amend Section 3 of the proposed Ordinance to read as follows:

Section 3. (a) That, for purposes of this **Section 3**, the term *central business district* has the meaning ascribed in Section 26-2 of the Code of Ordinances, Houston, Texas. The provisions of this Ordinance shall be applicable and take effect on the one hundred eightieth day following passage and approval of this Ordinance.

(b) That Article IX of Chapter 26, as adopted in Section 2 of this Ordinance, shall be reviewed by the City Council Committee on Transportation, Infrastructure, and Aviation not later than March 31, 2010, for the purpose of ascertaining whether the provisions should be extended to apply throughout the City." – Mayor White absent. Mayor Pro Tem Garcia presiding.

After discussion by Council Members, a vote was called on Council Member Lovell motion to amend Item No. 34b. Council Members Sullivan and Rodriguez voting no, balance voting aye. Council Member Jones absent on personal business. Mayor White and Council Member Johnson absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0724 ADOPTED.

A vote was called on Item No. 34b as amended. Council Members Sullivan and Rodriguez voting no, balance voting aye. Council Member Jones absent on personal business. Mayor White and Council Member Johnson absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0846 ADOPTED AS AMENDED.

- 34c. ORDINANCE **AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the immobilization of vehicles in parking lots; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; providing an effective date; providing for severability – **(This was Item 13A on Agenda of September 10, 2008, TAGGED BY COUNCIL MEMBERS RODRIGUEZ, SULLIVAN, JOHNSON, HOLM, GARCIA, KHAN, CLUTTERBUCK and BROWN)** – was presented. Mayor White and Council Member Johnson absent. Mayor Pro Tem Garcia presiding.

After discussion Council Member Lovell offered the following motion to amend Item No. 34c:

"I move to amend Item No. 34c by:

1. In Section 2 of the proposed ordinance, Amend Subsection (a) of Section 26-642 to read as follows:

(a) This article applies only to parking lots within the central business district access to which is not regulated by barrier gates.

2. Amend Section 6 of the proposed Ordinance to read as follows:

Section 6. (a) That, for purposes of this **Section 6**, the term *central business district*

has the meaning ascribed in Section 26-2 of the Code of Ordinances, Houston, Texas (the "City Code").

(b) That, only for purposes of implementation of Items (1) and (3) of Section 26-644(b) of the City Code adopted in this Ordinance, the signage and receipt requirements of Sections 26-616 and 26-617 of the City Code, as adopted in Ordinance No. 2008-____, shall be treated as if in effect concurrently with the effective dates of this Ordinance.

(c) The provisions of this Ordinance shall be applicable and take effect on the ninetieth day following passage and approval of this Ordinance.

(d) The provisions adopted in **Section 2** of this Ordinance shall be reviewed by the City Council Committee on Transportation, Infrastructure and Aviation not later than March 31, 2010, for the purpose of ascertaining whether the provisions should be extended to apply throughout the City." – Mayor White and Council Member Johnson absent. Mayor Pro Tem Garcia presiding.

A vote was called on Council Member Lovell's motion to amend Item No. 34c. Council Member Sullivan voting no, balance voting aye. Council Member Jones absent on personal business. Mayor White absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0725 ADOPTED.

A vote was called on Item No. 34c as amended. Council Member Sullivan voting no, balance voting aye. Council Member Jones absent on personal business. Mayor White absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0847 ADOPTED AS AMENDED.

ORDINANCES - NUMBERS 11 through 32

11. **ORDINANCE AMENDING SECTION 2-2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the City Council rules of procedure; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability - was presented. Mayor White absent. Mayor Pro Tem Garcia presiding.

After discussion by Council Members, a vote was called on Item No. 11. All voting aye. Nays none. Council Member Johnson absent on personal business. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0848 ADOPTED.

- 11-1 ORDINANCE temporarily providing for accrual of vacation time over the vacation accrual maximums set out in Sections 14-170(a)(1) and (2) and 14-170(e), Houston Code of Ordinances, for a period of 90 days and allowing a maximum period of 180 days to use such temporary accruals; containing other provisions relating to the foregoing subject; containing a savings clause; providing for severability - was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0849 ADOPTED.

18. ORDINANCE amending Ordinance No. 2007-315 to increase the maximum contract amount for an Animal Shelter Feeding Services Agreement between the City of Houston and **HILL'S PET NUTRITION, INC** - \$60,000.00 - General Fund – was presented, and tagged by Council Member Lawrence. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Lawrence stated that she would like to get some numbers, that the department had no idea locally how much it would cost, that they had all seen ads on television saying they would give them free medicine or a free gadget and they just had to pay postage and handling and if they called the 800 or 888 number they find out that postage and handling

was \$15.00 so really it was not free; that she would like an analysis of what locally they could get that food for, that they were willing to pay \$60,000 with taxpayer dollars but they may be able to get it locally and not have to pay postage. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding.

19. ORDINANCE amending Ordinance #2008-191 to provide a maximum contract amount to contract for elderly services between the City and the Salvation Army, and approving and authorizing first amendment to the aforementioned contract; amending Ordinance Numbers 2003-1052, 2003-1022, 2003-0933, 2003-0981, 2003-0848, 2003-0849, 2003-0934, 2003-0185, 2004-0022 and 2004-0023, as amended, to increase the maximum contract amounts; approving and authorizing second amendments to contracts between the City and (1) **ALZHEIMER'S DISEASE AND RELATED DISORDERS ASSOCIATION, INC - HOUSTON** and **SOUTHEAST TEXAS CHAPTER**, (2) **ASIAN AMERICAN FAMILY COUNSELING CENTER**, (3) **CHINESE COMMUNITY CENTER, INC** (4) **THE CITY OF JACINTO CITY, TEXAS**, (5) **THE CITY OF LA PORTE, TEXAS**, (6) **THE CITY OF SOUTH HOUSTON, TEXAS**, (7) **EYE CARE EXPRESS LAB, INC** (8) **FAITH PRESBYTERIAN CHURCH OF BAYTOWN, TEXAS (Formerly known as FIRST PRESBYTERIAN CHURCH OF GOOSE CREEK, TEXAS)**, (9) **INTERFAITH CAREPARTNERS, INC**, (10) **INTERFAITH MINISTRIES FOR GREATER HOUSTON**, (11) **JEWISH COMMUNITY CENTER OF HOUSTON, TEXAS**, (12) **LONE STAR LEGAL AID**, (13) **NEIGHBORHOOD CENTERS, INC**, (14) **PERRYLEE HOME HEALTH CARE SERVICES, INC**, (15) **ROBERT C. GOLKE, D.D.S., INC**, (16) **THE SHELTERING ARMS HOUSTON, TEXAS**, (17) **TEXAS SOUTHERN UNIVERSITY**, (18) **THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON**, and (19) **YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON** for various elderly services provided under the Harris County Area Agency on Aging - \$3,319,900.98 - Grant Fund – was presented. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding.

After discussion by Council Members Clutterbuck and Noriega a vote was called on Item No. 19. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0850 ADOPTED.

20. ORDINANCE approving and authorizing applications and Budget Submissions to the Department of State Health Services (DSHS) for the following four (4) Public Health Services: (1) Tuberculosis Control; (2) Titles V, XX, & X - Family Planning Services (3) Immunization Program; and (4) Bureau of Nutritional Services for the WIC Program for the 2008-2009 contract period; authorizing the Director of the Health & Human Services Department to accept the initial funding and applicable contract change notices and expend approved funding as awarded; to accept any supplemental change notices during the grant period; declaring the City's eligibility for such grants; authorizing the Director of the Health & Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any - 1 Year \$17,644,397.00 - Grant Fund – was presented. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.

Council Member Sullivan stated that he would tag Item No. 20 and would ask that the administration provide a full explanation and breakdown of Section 2, "Family Planning Services", to him. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.

26. ORDINANCE approving and authorizing first amendment to contract for Professional Consulting Services for the City's Public Safety Video Initiative between the City of Houston and **VIDSYS, INC**, to allow the City to use allocated funds more efficiently – was presented. Council Member Clutterbuck voting no, balance voting aye. Council Member Jones absent on personal business. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0851 ADOPTED.
30. ORDINANCE appropriating \$294,732.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Public Road At-Grade Crossing Agreements between the City of Houston and **UNION PACIFIC RAILROAD** at Armour Drive and Gazin Street for the Armour Drive Paving Project, WBS N-000733-0001-4; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT I – RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0852 ADOPTED.

MATTERS HELD - NUMBERS 33 through 34C

33. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Frederick Newhouse of Valero Houston Refinery, for the abandonment and sale of (a) East Avenue Q, from Central Avenue to 95th Street; (b) East Avenue P, from Central Avenue to 96th Street; (c) East Avenue O, from 95th Street east to the west line of Lot 39, Block 66; (d) East Avenue N, from 95th Street east to the west line of Lot 8, Block 66; (e) 95th Street, from the north line of East Avenue Q to East Avenue O; (f) 96th Street, from the north line of East Avenue P to Manchester Avenue; (g) a 55-foot-wide sanitary sewer and water line easement in former East Avenue R, from Central Avenue east to the west line of Lot 47, Block 94; (h) 30- to 55-foot-wide sanitary sewer and water line easements in former East Avenue P (from 96th Street to 97th Street), in former East Avenue O (from the west line of Lot 10, Block 76 east to 97th Street), former East Avenue N (from the west line of Lot 8, Block 66 to 97th Street), and in former 97th Street (from the north line of East Avenue P south to Manchester Avenue); and (i) 55-foot-wide sanitary sewer and water line easements in former East Avenue S (from Central Avenue east to the east line of 96th Street), in former East Avenue R (from the west line of Lot 47, Block 94 east to 96th Street), in former East Avenue Q (from 95th Street to 96th Street), in former 95th Street (from East Avenue S to East Avenue Q), and in former 96th Street (from East Avenue S to East Avenue P); all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9, Parcels SY8-009A through I **APPRAISERS - DISTRICT I – RODRIGUEZ – (This was Item 8 on Agenda of September 10, 2008, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** – was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0726 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Brown stated that he wanted to add commendations, that the police officers and firefighters were still out there, the Public Works Department, Mr. Hayes and the Solid Waste Department, that all of the staff of the City Council offices were out there working 12 to 14 hours a day, that the United Way and the Salvation Army did a great job, that it was a huge effort and he thought they all actually enjoyed the challenge and got some good results; that he wanted to mention the question of increased utility rates, which was something that he thought the Council should be concerned about, that they had perhaps the highest utility rates

of any city in the Country, their electrical utility rates, which in part were the negative impacts of deregulation and sort of creeping increases that went through the public utility commission, that their citizens should know that their electrical rates were almost double than those in Austin and San Antonio and much higher than those in regulated States; that it was not an easy problem to solve but something they owed to their taxpayers to take a serious look at and he did not think that Hurricane Ike or any other disaster like that ought to be an excuse for any company to run to the Public Utility Commission and seek a rate increase; that there was a lot of assistance coming from the federal government and somehow they needed to balance the cost of this disaster with keeping their utility rates down; that he had experience with Mike Boone at CenterPoint and he had done a great job, that he was a senior field officer for CenterPoint, but on the other hand there were some cases where people were really frustrated with CenterPoint and they needed to look at how they could do a better job of getting back in business more quickly after the storm; that if they go out to the substation at Newcastle and Westpark they could see a huge main feed from that substation that went underground and served the entire Uptown Galleria area, and all those utilities were underground and for that reason they did not lose power, that they could look at that as a model that needed to be replicated in other parts of the City so that they would not have the power outage as long as many of them were experiencing; that they learned from the scriptures and the wisdom of their civilized society that they were all called on to be good stewards of the earth and of their town and City, that government in part was instituted to make it possible, but they had to recognize, as stewards, the reality and geography and climate in Houston, it was very similar to New Orleans, a city extremely vulnerable to the forces of nature, so what informed standards and regulations, what kind of forward looking planning, what kind of framework for a sustainable built environment was needed in their City to make certain that under these geographic and climatic conditions their City prevailed and thrived, that he thought it was a very important question that all of them at the Council table needed to ponder as they went through the recovery process from Hurricane Ike. Mayor White and Council Members Sullivan, Lovell and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Adams stated that she wanted to remind everyone that they still had people without electricity, that this morning, while watching the news, she noticed that they had several fires related to candles, so they wanted to ask everyone to be safe and monitor their candles; that she wanted to thank Council Member Lovell because she made sure, even at their POD sites, that she contacted, along with Christopher Banks of her office, to make sure that those social service areas in the Montrose area, the ones without lights, like Legacy, Covenant House of Texas and others agencies, to make sure they had the necessary products and materials that they needed to get taken care of in that area; that she wanted to thank her staff, that she wanted them to know that she really appreciated them during the time of disaster, that two of her staff did not have lights but they still came out for their normal duty to make sure that the constituents of District D were taken care of by delivering food personally, and to Pedro Ramos for coming out in the midst of the storm and making sure that she was safe; that finally she was asking that they continue to pray for Houston as they continued on their road to recovery because as scripture said they could do anything according to the power that worked in them, that even though they did not have the human electricity as long as they were connected to the power source they would always have the light, which was Jesus Christ. Council Members Clutterbuck, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Rodriguez stated that he wanted to offer his condolences to the family of Mr. Rudy Bruhns of Yellow Cab who passed away, and asked for a moment of silence for Rudy and for Ms. Catarina Garcia, who was the matriarch of the Carlos Garcia Realty Family, who passed away also. Council Members Clutterbuck, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Sullivan stated that he wanted to acknowledge a significant contribution, that all Council Members received an email, that he wanted to recognize the HESS Corporation for making a \$3 million donation to the Gulf Coast Ike Relief Fund, that Mr. Drayton McLane had contributed \$1 million, Mr. Bob McNair half a million dollars and others were stepping up to the plate as well; that Mr. John Hess needed to be singled out for stepping forward, especially since HESS was not headquartered in Houston, that he was doing this out of the goodness of his heart in his concern for the citizens; that he wanted to thank three City of Houston employees for stepping up and helping his office and district during the hurricane, Jesse Bounds, Claudia Vasquez and Darren Hall; that he also wanted to thank Grace Community Church, Pastor Steve Riggle for conducting a community townhall meeting earlier in the week, and they were going to do one next week, that Pastor Riggle was trying to reach out to as many people as he could in the community, not just in his district, but in the south sector as well; that he also wanted to thank Marty Stein and the administration, Arturo and every one who worked on the Council rules. Mayor White and Council Members Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Lovell stated that she wanted to thank everyone on the ordinance they passed and thought it would help their situation downtown, that it was unfortunate that they had to get to this point, but she thought it would be better that people get receipts; that she also wanted to thank Mayor White for giving her a project during the hurricane, that they have many employees who had children, herself included, and school was closed and they were at a quandary as to what to do, that she went to the Mayor and he gave her the green light on the project to use the downtown public library to setup as a child care center for the City employees to bring their children so they could go to work and help the citizens; that she wanted to thank her Chief of Staff, William Paul Thomas for taking the project on, they sat down with Dr. Lawson at the public library system and her staff, they talked with Joe Turner and he sent his crew over there and Neighborhood Centers and they provided some assistance to help set it up, that the next morning by 7:00 a.m. they were open for business for people to bring their children, that they had one room set up for the teenagers and one for the little ones, that she wanted to say thank you to all of them because she knew it gave their employees a comfort level to know their children were well taken care of, that it was a great way to showcase the \$17 million they invested in the library. Mayor White and Council Members Sullivan, Adams, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that he wanted to thank Council Member Lovell for being the chief advocate for getting the library up and going and wanted to thank her for her leadership and for thinking about the City employees. Mayor White and Council Members Sullivan, Adams, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Lovell stated that she knew they had a lot of responsibility placed on them because another agency dropped the ball and did not provide, that she thought it was an issue, when it was over, that they needed to look at and figure out how they do better because when they looked at the map of outages and within the inner City there were still a lot of outages in their inner neighborhoods, that there was not one POD placed any where in the inner City to assist the citizens who lived there, there were a lot of other PODs placed around other areas and some within walking distance of each other, but there had to be a better way to do this, and a suggestion would be that there were incredible social service agencies out there that had centers set up already all over the City of which they ought to contract with them, let them do what they do best and deliver those services, so she would ask that next time they use their social service agencies. Mayor White and Council Members Sullivan, Holm, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Lawrence stated that they all knew that last Saturday the Solid Waste Department worked 16 hours and on Friday it was decided that food would be taken to those

drivers so she wanted to thank the Randalls on 34th Street, Kroger on 43rd Street, La Mexicana on Long Point, the Kroger on Wirt Road, WalMart on North Gessner, WalMart on Long Point and Fiesta on Wirt Road, that in less than four or five hours they provided food for 300 plus workers, lunch and dinner on both days, that they had wonderful merchants in the City that stepped up and took care of it, even though they had already donated water and ice, that they were all fortunate to have such wonderful merchants in the City. Mayor White and Council Members Sullivan, Adams, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that he wanted to thank Council Member Lawrence constituents, the day after the hurricane he was on his way to meet the Mayor at TranStar and his truck got stuck in a rut and her constituents came out and pulled him out, so thank you to District A. Mayor White and Council Members Sullivan, Adams, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Johnson stated that as they look at the storm they were still in the aftermath because there were still many people that were without lights and electricity and he happened to be one of them in his neighborhood, that as they were continually trying to get lights on he would say that the City was very resilient, that it had been said over and over again that they had been a City that had responded from the Houston Police Department to Solid Waste and the great job that Harry Hayes was doing in picking up the trash, that even though people were saying that they still had trash in their yard they had to understand that this was a disaster that no one could ever judge or underestimate the awesome power of God and what he had in store, but at the same time he thought that Rudy Tomjonovich put it best when he called Houston the Clutch City, and in the clutch they came through, that the City had really come through, that he wanted them to continue to remember while the PODs were gone and while some of them might be returning to normalcy that there were still a lot of senior citizens out there that were without and even before the hurricane they were in need and hurting and now the hurricane only made it worse, that it was important that they start to create a database that would start to look at where they were in the City, finding out what their needs were; that currently he was asking his staff to call around to the super neighborhoods and civic clubs to find out and do a needs assessment because as they were now moving and trying to get trees and things up there were still people without ice and electricity who needed their medicine cooled and the baby still needed milk, that while he knew the stores were open and people had an opportunity to go the store when they come home they had no place to keep the milk or no ice to be able to keep the medicine in a cool place, that he wanted them to keep that in mind and certainly as the Mayor has championed the cause of wanting to go out there and do an assessment and maybe come back to the Health and Human Services Committee to look at how do they put forth a task force or hearing on creating a database he certainly wanted them to keep all of that in mind and he applauded his efforts for wanting to do that, that many people continue to call him all the time and ask when were they going to get their power back on, he could not reiterate enough that the City of Houston did not regulate CenterPoint, that he did not have any voting right over CenterPoint, but at the same time they still understood their pain and had been calling on CenterPoint and asking what was going to be the process, that the meetings that they had been having, the conference calls had been necessary but he still thought there needed to be more, that his constituents were hearing from him but at the same time they needed to know what CenterPoint was doing, so he was calling on CenterPoint to start going into the community because even if they had a press conference many of the residents without lights could not see the press conference so it was important to deploy into the neighborhoods and work with the social service agencies and work with his office and his colleagues offices and say where they needed them to go to get the information to the residents because if they were going door to door and saying they were having a meeting that night they needed CenterPoint there to give them some input, so he hoped that in the days to come that they would be getting lights, that he looked forward to their getting to a level of normalcy and as the healing begins that they could keep their neighborhoods safe, but they were going to have

to do a better job of disseminating information to the people who felt like they had been left without. Mayor White and Council Members Sullivan, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Holm stated that as they were giving their thanks to City employees there were five that she particularly wanted to recognize and that was the District G team, Brittany Phillips, Amy Yancy, Jamail Waylan, Yvonne Clinton and their intern, Rachel Parker, that when their homes, like everyone else, had damage, and when all their spirits were low and they had no power they were there with a positive attitude for everyone that was responding and seeking some assistance or support from an office; that their effort had been successful and they had individually answered every call and email, literally hundreds that had come into their office as well as been out there, so to the five District G members they were true troopers and team mates, and to the citizens of Houston thank you for the way they had responded and come together in the time of need it was really amazing, that to the thousands that were still out of power because they were so resilient and because sometimes they did forget pain, once their power was restored they sometimes tended to go on about their lives and forget that there were still thousands in need, so if they would just remember those people and be considerate and thoughtful that many thousands of people were still in the position of trying to get information and exist without not only the electricity and the coolness but the basic life functions that they were so dependent on with electricity. Mayor White and Council Members Sullivan, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that he also wanted to give appreciation to his staff, that to Rhonda Sauder thank you for everything, that she had spent all day at the POD, that to all his staff, Jason for kicking in his CERT training and taking control of the POD, to Dawn and John for holding down the office and taking calls from constituents, to Tanya and Edward, thank you to the entire District H staff. Mayor White and Council Members Sullivan, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Khan stated that he wanted to address the citizens of Houston, that he knew a lot of them were still not out of the problem, many of them did not have power and many of them had sustained a lot of losses due to the hurricane and they all shared their sorrows and grief and everyone of them were there to help, so please call any Council Member or the Mayor, reach out to them to see if there was anything they could do, to rest assured that they would do whatever they could to help get them through the difficult time, that they still had a lot of challenges, like the challenges faced by small business, the faith based group and non profit organizations, that many of them were on a very shoe string kind of operation, so they all still had to come together and do a lot of things to pull all of them out of the terrible situation caused by Hurricane Ike, but he was optimistic because he had seen some of the most wonderful things happen in Houston during the time of crisis, that neighbors came together and kids played with each other, there was no television because of no power, that a lot of husbands finally learned the art of listening to their wives, that there were a lot of people they needed to thank; that he wanted to thank his Chief of Staff, Mr. Earnest McGowen, he singlehandedly worked around the clock to not only get the POD approved and took care of all the logistics and all the volunteers and was there at 6:00 a.m. to man it and was there for the three days it was open, that there were so many other people that without their help this could not have been possible, business leaders in the community and faith based religious groups, that he had called Congressman Green who instructed his staff to help them and State Senator Rodney Ellis took the initiative of reaching out and asking if they needed help and he provided the help, the Taxi Cab Association, a lot of people came to the POD site and did not have vehicles and the Taxi Cab Association waived the fares and dropped them off at their homes, that he wanted to thank the Fire and Police Departments and all officers in uniform, and the administration staff. Mayor White and Council Members Sullivan, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Adams stated that she wanted to thank Carolyn Heller and Shavonda Johnson worked so diligently in her office all week; that since their lights were off they had people who were purchasing generators and they had to be reminded because in District D they had several deaths due to the generators; that she wanted to give condolences to one of the Channel 11 cameramen's family, that Kaven Randle, Rekesha Hopkins and Rogers Smith III, who lived in the Green Valley Estates Community, passed away due to carbon monoxide poisoning, that they lived in District D; that they had a lot of family members who lost loved ones due to this because they were fearful that the generators would be stolen so they put them inside their homes, that the funeral services would be held this weekend in Beaumont; that they knew that the lights were off and if they purchased a generator they were asking them to please place the generators outside, not to leave them inside their homes because death would reside; that she was asking those with email to email this information about generator safety. Mayor White and Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that while they were working to set up the PODs, late in the evening, Bishop Dixon and everyone who stepped up in the middle of the night to start calling their volunteers, after all the criticism they did get the PODs up in extremely short order and staffed, that Michael Moore was a dynamo, to everyone involved he wanted to say thank you; that the local media were running around the clock and putting themselves in harm's way so that they knew what to tell citizens, that at some point or another messages were getting out so he wanted to thank all the members of the media, the cameramen in particular, that it was a tremendous effort, that he wanted to thank them for keeping the community informed; that as TranStar there was a time kid reporter who was a sharp guy and the mature reporters needed to take a lesson from this guy who was asking the Mayor and the Judge some tough questions, that he was nine years old. Mayor White and Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that she was grateful to have such an incredible staff who worked day and night, William Paul Thomas, Chief of Staff, Karen Gill, who lived in Wharton and had to evacuate her family and after that came back to the office and worked all the time, Tim Brookover and Albert who were in the office the whole time and working, Tom Daniels and everybody on her staff, that she was grateful as she knew the citizens were, that none of them had electricity, and managed, during that time, to have a great time serving the citizens of the City; that she wanted to thank her son Robbie, who right after the storm had passed went out with some of his friends in the neighborhood, gathered them up and got some shovels and rakes and gloves and went around the neighborhood clearing out the storm sewers that were clogged with leaves so that the rain could not flow, that she was proud of their doing that and taking the initiative themselves, that all the neighbors were grateful for what they were doing, that they followed their lead and were clearing out their storm sewers, that she wanted to thank them, that she wanted to say thank you to the Mayor's staff, who when they needed information or needed to help someone they were there, and to all of the department heads. Mayor White and Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that his staff did a great job at the POD at Mesa and Tidwell, that they did a great job in coordinating and staying out there all day long; that he also wanted to thank all of the Super Neighborhood Council presidents and the civic club leaders who understood that they needed to take supplies to the homebound senior citizens, that they used their gas, time and energy to make sure they got it to them. Mayor White and Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to talk about the efforts at the George R. Brown Convention Center, that Benjamin Hernandez from his office volunteered to help there and he had many people call and tell him how great a job Benjamin did over there, so he wanted to thank Benjamin and appreciated his efforts; that there were over 17,000 who were temporarily sheltered at the convention center at one point and volunteers from all over the City were there to help, that he wanted to thank all the department directors who helped and all the City staff who assisted. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that the holy month of Ramadan was coming to an end and the last day would be on Tuesday, September 30, 2008 and on October 1, 2008 was a big celebration at the end of the 30 days of fasting and would be at the Reliant Center. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Garcia stated that they wanted to take time to salute Dennis Storemski, Sharon Knowles and all of the Office of Emergency Management personnel, all of Mr. Storemski's staff, that they sure carried the load of the tough times, that he would ask his colleagues and personnel to send a note of appreciation to the Office of Emergency Management and the Office of Public Safety and Homeland Security. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that the fact of the matter was that in their Country they did have a professional independent journalists, and there were a lot of things that did not go on for twenty four hours a day but there were people working in the print media, broadcast and radio continually through this time. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:16 p.m. Council Member Jones absent on personal business. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega and Green 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