

City Council Chamber, City Hall, Tuesday, September 30, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 30, 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; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Marta Crinejo, Assistant Agenda Director, present.

At 2:04 p.m. Mayor White called the meeting to order and stated that Council Member Noriega would begin presentations. Council Members Johnson, Clutterbuck, Sullivan, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that it was her honor to welcome Felicita Menjivar and invited her and those with her to the podium and stated she was a native of El Salvador and now called Houston home and embraced all with her passion of caring for their health and quality of life and was now the 2008 recipient of the Mayor's Hispanic Heritage Health Award; all saluted her and wished her the best in other endeavors; and presented her a Proclamation proclaiming today as "Felicita Menjivar Day" in Houston, Texas. Ms. Menjivar thanked all for the recognition. Council Members Lawrence, Johnson, Garcia, Rodriguez, Green and Jones absent.

Council Member Khan stated that on August 8th there was a tragedy in Sherman, Texas where 38 people were injured and 17 lost their lives and many families have suffered in a very personal way and today they were remembering the victims and praying for all; that they had invited leaders and members of the community to join and memorialize victims and invited all to the podium. Mayor White stated it was a sad day for all Houstonians from all backgrounds when members of the four parishes were a part of the Marian Days Migration Celebration of their faith; that when something like the Sherman bus crash happened you ask why such a thing would happen, but the nature of the Vietnamese community was a lesson to all that out of tragedy could come strength and life could have odd turns but with a positive attitude and remembering life was a gift there could be lessons learned; that on this day they joined them in mourning their loss and in lifting up the memory of 17 who were no longer with us and 38 injured; and presented Proclamations, proclaiming today as "Sherman Bus Crash Victims Day" in Houston, Texas. Mr. Tai Pham stated that today he represented the victims and families of the crash and thanked all for the recognition and asked that all continue to pray for them. Mr. Peter Pham stated that on behalf of the Vietnamese community they were proud to have this Mayor and Council and their support and thanked all for the recognition. Council Members Garcia, Green and Jones absent.

At 2:19 p.m. Council Member Lawrence led all in the prayer and in the pledge. Council Members Garcia, Green and Jones absent.

At 2:21 p.m. the City Secretary called the roll. Council Member Jones absent.

Council Members Khan and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Garcia and Jones absent. MOTION ADOPTED.

At 2:22 p.m. the City Secretary began calling the public speakers. Council Members Johnson, Garcia and Jones absent.

Ms. Mary Hangs, 1423 Adkins, Houston, Texas 77055 (713-468-0636) appeared, presented information and stated that Houston was hit two weeks ago with a big hurricane with trees uprooted, telephone poles swinging from wires, etc., electricity was off and mail and garbage services seemed like past civilization, but Houston had wonderful people and a good Mayor who organized and a curfew which worked; that police and firemen had protected and all damages were assessed; that our water and garbage services were restored and mail again delivered; that she was saying thank you and she had more information in her presentation. Council Members Johnson and Garcia absent.

Upon questions by Mayor White, Ms. Hangs stated that she was on Adkins in Spring Branch which was one of the hardest hit areas. Council Members Johnson and Garcia absent.

Mr. Dell York, 8855 Gulf Freeway, Houston, Texas 77017 (281-995-5995) appeared, presented information and stated that whatever Dolly Marchena was being paid was not enough, she was very sweet and helpful; that he was present on two issues, one being on the composting facility in Rancho Cucamonga, California, with all the wood waste after the storm he hated to see it go into a landfill; that he had come before and was trying to get heavy trash separated from wood waste and now they were doing an excellent job at it, but after following the truck to the Bacardi Landfill he saw it ground which was good, but then they took it in and left it in the landfill where the rest of the waste was going; that in California they had to buy their wood and were able to sell every bit they composted and had no odor problems; that wood was a valuable resource and his desire was the city to work hard on not placing it in the landfill. Council Members Johnson and Garcia absent.

Mayor White stated that for the last 8 business days he was involved in a process with Mr. Hayes and others and it was their intention to put very little in a landfill; that they picked up about 1.5 million cubic yards so far, in two weeks the amount of wooded waste was picked up equal to 3-1/2 years or imagine 363 football fields filled 6' tall with debris; that with the contract approved with Living Earth they thought they could place approximately 1,000,000 cubic yards of the material which translated to about 200,000 or 250,000 cubic yards of chips and they were working with Allied and DRC and many other proposers to avoid putting this in the landfill; that they would probably have a competition for other products and ideas for the wooded waste and citizens could help by separating wooded waste from grass and leaves, etc. Council Members Johnson and Garcia absent.

Council Member Brown thanked Mr. York for coming and stated the city was already grinding and selling much of the green waste; that they did have temporary dumpsites for the debris cleanup; and the more that could be recycled the better. Council Members Noriega and Green absent.

Council Member Holm thanked Mr. York for coming and stated that this was an enormous project and what the city did was significant and unlike anything done anywhere in the country; that her office was hearing two things and one was the primary sites were landfill sites and there were concerns for it to not get mixed up with the trash and secondly they had questions on whether there was a plan for cleanup; that Council Member Lawrence told her there were trucks in every subzone; and upon questions, Mayor White stated that first he misspoke earlier, it was 393 football fields of debris 6' tall and second, on a point of clarification, they would investigate; that they were in the learning mode and on occasion sometimes at McCarty they did use chips to top off for odor control, but the idea was not to put fresh and uncontaminated chips at McCarty Road except for that purpose; that they had now in extra contractor heavy equipment, over 1,500 pieces, in addition to Solid Waste working through the city; that yesterday's collection was well over 100,000 cubic yards and was the biggest day so far; and in response to her email he asked Mr. Hayes to respond to her and answer her questions; that it sounded good on paper to run heavy trash routes regularly through a massive amount of equipment, but in

certain zip codes they were doing a 60 cubic yard eighteen wheeler trailer and topping it off every two blocks, it was one of the most massive things ever done and as a result of that they were securing additional sites and under leadership of Council Member Adams working with Council Member Noriega they were setting sites for people to take the waste. Council Members Lawrence, Johnson and Green absent.

Council Member Sullivan stated that he appreciate him bringing up additional sites, less than two hours ago he was on the Ellington site, he followed the trucks in and in Clear Lake City they were filling up trucks and running them to Ellington, unloading them and getting them right back in the neighborhood and it was working flawlessly and he applauded all who had a hand in it. Council Members Johnson, Rodriguez and Green absent.

Council Member Adams thanked Mr. York for coming and stated with all the questions on debris removal she wanted to remind everyone a committee meeting would be held this Thursday at 10:30 a.m. and for all those who applied to be a part of it she thanked them. Council Members Johnson, Rodriguez and Green absent.

Mr. York stated that he had 16 acres on the freeway and thought the TCEQ would allow him a temporary hold to take ground chips only and from there he would take it to Rusk, Texas, to a bagging operation to bag it and sell it to Home Depot; and Mayor White stated to Marta Crinejo that a note should be given to Mr. Chris Eugster and then someone would follow-up. Council Members Johnson, Rodriguez and Green absent.

Mr. Barry Honeycutt, 8214 Colgate, Houston, Texas 77061 (713-824-2194) appeared and stated that he was a demolishing contractor out of Houston and there might be five contractors in the City of Houston/State of Texas doing this work and only storm chasers were doing all the work; that DRC was a contractor and people followed them to every storm and did the work and no one in Houston was doing any; that Mayor Welch once told him do all your business in the city and keep all your money in the state; and he signed a contract this morning and had every cubic yard, every cubic ton of mulch sold to a paper mill in Silsbee, Texas, they wanted every bit; and there were grinders here in Houston and they could grind the mulch but the DRC got contractors out of state. Council Members Johnson and Green absent.

Council Member Lawrence thanked Mr. Honeycutt for coming and stated over a year ago the contract was put out and DRC got the contract; that she did ask DRC to furnish a list when they were through of all contractors used and she asked they consider using Houston and Texas people first; and if he was passionate about certain issues such as keeping work in the state he needed to speak to the state legislators. Council Member Green absent.

Council Member Jones thanked Mr. Honeycutt for coming and stated that she spoke with the DRC in her office and let them know it was important to use local contractors and other Council Members had also; and Mr. Honeycutt stated that he was told by them they would use them but they had not. Council Members Garcia, Noriega and Green absent.

Council Member Brown stated that he was a Houston business man and they wanted him to get the business, he had to be competitive; that two representatives with DRC were present at this time and he would suggest they go to the lobby and make a deal; and Mr. Honeycutt stated that they would do it for the same price they were paying. Council Members Garcia, Noriega and Green absent.

Mayor White stated to Mr. Honeycutt and those with DRC did he understand him to say he would pickup woodchips and dispose of them on his own nickel; and Mr. Honeycutt stated yes, they should go to West Bellfort and let his machine grand the trees, shrubs, debris and then they would load it into a 106 yard trailer and haul it to Silsbee, Texas, they would take it 24

hours a day, they used it for fuel in a paper mill; and Mayor White stated he should sit down with them and he would say there should be more people working than less and they did have woodchips to get rid of and if he was paying someone to take them away, he did not want it to be when someone was willing to do it free. Council Members Noriega and Green absent.

Ms. Dorothy Parker, 10910 Southview, Houston, Texas 77047 (713-569-2168) appeared and stated that she was present regarding the house next door to her at 10906 Southview, she had called for 10 years about the house which was used for drugs and it looked like the rainforest in the back; that it was one-half block from a school and next door to her; that she called 311 and Council Member Adams office numbers of times but nothing ever happened; that the house burned about 10 years ago and now that she signed up there was much attention around the house and the house behind her at 10911 Longate was also grown up; that it should not take 10 years for something to be done and she also had a tree now in her yard from the vacant house, it fell in her driveway and who would move that. Council Members Sullivan, Noriega and Green absent.

Mayor White stated to Mr. Davis who was present and to communicate to Chief Edwards and the Legal Department they had a hurricane and he saw pictures and where they could get in direction would be given to Neighborhood Protection if people could get in the remedy was demolition; that a normal remedy should be demolition and the idea they could not demolish it because of something in the law, he read the cases and that was not what the law said and whoever was giving that law to Neighborhood Protection, it was not the interpretation by the City Attorney and he was tired of it and he would like to understand what it was, if they ran out of money they need to go to the Mayor; and Ms. Parker stated that police came about two months ago and men were in the house and she was a single senior citizen next door; and Mayor White stated that there may be something he was not understanding, but the issue was why had the city not sought demolition of the structure in light of the fact it was dangerous and then the owner could appear at the hearing and present evidence they wanted to; that he was asking for Chief Edwards and the City Attorney's Office what was done in this particular case and why was there no hearing on demolition; that a few years ago there was a policy approved to say demolition was the ordinary remedy and if it was not done for some reason he wanted to know why and if there was something saying it was not legal then people should inform him on the law; that he asked for it four years ago and read it and that was not what it said. Council Members Sullivan, Brown, Noriega and Green absent.

Council Member Adams stated that she was very familiar with this property and reports were made many times; that it took people like her being an active voice to let Council know what was needed; that a notice was sent to the owner of the dwelling behind her house and a citation was written and currently it was in abatement court and the Mayor with Chief Edwards and others would make sure it was ready for demolition; that was not the only house in the area that was an eyesore and she thanked her for coming and say her staff member had communicated with her and Mr. Norris Davis was present with Neighborhood Protection and could communicate with her as well. Council Members Lawrence, Sullivan, Brown, Noriega and Green absent.

Council Member Lovell stated that people came all the time on this issue and it seemed they were spinning their wheels; that along Washington Avenue past Sawyer was a big huge two story house which she thought was abandoned, the structure was leaning and part of the roof was teetering over the street and she did not understand why it was still there; that she had even seen burned frames still standing and was told nothing could be done because it was public property; and Mayor White stated very specifically what he wanted to know and for Chief Edwards and City Attorney if it violated the dangerous building standard, which by the photo he saw someone could get in, or if it had no roof it was dangerous and the policy should be that the normal remedy would be demolition, he would request Council Member Adams and various

Council Member and himself be informed and he would like to go to the Administrative hearing and see the proof or evidence offered and just present the facts; that this was not an issue of the law, but an issue of the fact, did securing it anyway other than demolition work and he thought not; and Council Member Lovell stated that she would rather Neighborhood Protection be more aggressive and air on the side of public safety other than on the side of people's property rights when they did not keep up their property. Council Members Clutterbuck, Sullivan and Green absent.

Upon questions by Council Member Johnson, Ms. Parker stated that her community was deed restricted but not really enforced; and Council Member Johnson stated that if home owner associations and business management districts were allowed to regulate their area then the City of Houston should do enforcement; and upon questions, Mayor White stated that the demo liens were not foreclosable because what you needed to do was you could file the lien on the property but to get a foreclosable lien it needed to be a judgment lien and that meant someone had to have a standard form petition and they put in the property owners name, pay the filing fee and said the person should pay under a nuisance or quantum merit, they should pay taxpayers for tearing down their property and the person had to show up and make whatever arguments and if the city got the judgment in their favor it was the same as a tax judgment and then they could foreclose; and Council Member Johnson stated if they could foreclose on them then they could get homeowners back on the lots; and Mayor White stated to Council Member Johnson if they could act as a team on this Council Member Alvarado and Garcia and Lawrence and the City Attorney and his staff and other Council Members joined in helping close down bars and cantinas, they showed up at the liquor license hearings and he would ask that they get a schedule of when the administrative hearings were and he would like Council Members to show up and report back to him on if the city asked for the place to be torn down, most of the time no one was showing up, then they would have discussion and get to the bottom of it; that he and the City Attorney concluded four years ago they could ask for that. Council Members Clutterbuck, Sullivan, Garcia, Lovell and Green absent.

Council Member Adams stated when the Mayor was first elected he had a goal of teardowns and did demolition derbies, etc., and was very successful, he had a goal of 1,000 homes a year; and upon questions, Mayor White stated that there was no intention to slow down, maybe they could do another report, there were a few hundred done over a period of years and then they were getting up to 70 or 80 done a month under Chief Lumpkin and he thought this would be a good issue for committee, it was not that the Mayor said slow down and the other thing was once he heard they may run out of money but that was not true because he followed the Neighborhood Protection budget and they had not run out of money and if they did they were supposed to contact him and then that was his and Council's job to make sure they were not running out of money to tear down; and upon questions by Ms. Parker, Mayor White stated that someone in Citizens Assistance would work with Neighborhood Protection and he would look at her situation and see why it was not torn down; that he was interested in when they asked for it to be torn down and if not why not. Council Members Clutterbuck, Sullivan, Garcia, Lovell and Green absent.

Mr. Donald Burns, 2016 Main, Houston, Texas 77002 (713-882-0307) appeared, presented pictures to view and stated that he was an ex-con, a parolee and successful and he owned a home at 2016 Main, a high-rise condominium and it was 85% owner occupancy, but they had a nightclub there, Sammy's, and they had a subcontractor by AMCO System Parking and they filed a valet application, but instead of putting their sign in front of Sammy's on Main they placed it around the corner 25 feet in front of the entrance of the homeowners and visitors entrance; that they set up their shingle, table and parked in their fire zone and truck zone and in fact they did not even have a parking lot, they parked on city streets five or six blocks away and they used the sidewalks only for parking cars, the Sheriff and bar owner's; that the pictures he showed were after curfew and he called 911 and no one would enforce the curfew; that he

called to find out about their parking permit and the AMCO Parking System filed a parking plan and the lot used in the plan was 1800 Main, one block away, he walked over and on Friday and Saturday night there was not one car there and the reason was because it was leased from AMCO Oil by METRO and not subleased for valet; that the permit was not valid, it was falsified and needed to be terminated and he did not want to see them Thursday. Council Members Sullivan, Garcia, Lovell and Green absent.

Council Member Adams thanked Mr. Burns for coming and Mr. Christopher Banks who worked closely with him on the issue; that one concern was when you had a contract for valet parking and not following contract rules what was the city's responsibility; that she knew one investigation was done and they would do another this week; and Mayor White stated that he would like a report from the parking management group and it should address both a material breach and if someone violated the terms of a permit then the permit should be pulled. Council Members Sullivan, Garcia, Lovell and Green absent.

Council Member Khan stated that Ms. Maria Irshad with Parking was present and he would like to know besides the occupancy permit for the nightclub did they have certain requirements for the valet company themselves; and Mr. Burns stated that they had to have a place to park and they were just street parking up to five and six blocks away, they had to run for the cars and that was why so many people were standing around and sitting on their flower boxes, etc., and blocking the sidewalks; that they had no lot and their permit should be pulled. Council Members Sullivan, Garcia, Brown, Lovell and Green absent.

Council Member Jones stated that from a legal perspective it seemed if someone filed a false affidavit it would make the contract void and the city should be able to do something; and Mayor White stated that he was not contesting Mr. Burns but would like a report back on the facts; that people should not get permits on false premises; that they had tightened the valet ordinance and he thought there were legal tools to deal with this. Council Members Sullivan, Holm, Garcia, Lovell and Green absent.

Mr. Donald Watson, 5011 Autumn Forest, Houston, Texas 77091 (713-202-2427) appeared and stated that he thanked all for the hard work after Hurricane Ike, however, they failed the people in Candlelight Oaks and Candlelight Oaks Village with the odors from the Northwest Wastewater Treatment Plant; that they lost power September 13 and afterward they could hear a large generator in operation at the plant and later in the week they commented how they could detect no odor, but on Friday, September 19 he received a call from a plant supervisor letting him know someone neglected to order chemicals for the plant and they may get a slight odor; that the next morning the generator had stopped and they assumed they had received power and the people would receive their power soon, but later that day the smell of sewage started filling the air and a neighbor contacted the plant supervisor who said they were unaware the generator had stopped working and it did not start again until late Sunday; that he talked to the supervisor and was told it was not working properly because it was not large enough for the plant and the partially treated wastewater was being released into Cole Creek Bayou and by Monday the smell was the worst he had ever experienced from the plant smelling like a port-a-can which had not been cleaned in weeks and he notified the plant supervisor and his Council Member's office; that their homes, clothes, cars, everything smelled of sewage; that Tuesday Center Point told him the plant was not listed as an emergency facility but they would turn it in; that by Tuesday people were getting sick and he heard HPD was not patrolling as much in the area because of the smell and by Wednesday Alvin Byrd of Council Member Johnson's office came and said the smell was worse than described and went to the plant but no one was there, but hours later the smell was gone, however, it was back Thursday morning and that evening they received power and he called the supervisor and let him know and his response was he was aware power was restored but it was too late in the evening to do anything about it and at 10:45 p.m. he received a call from Center Point that they needed to get

into the plant and turn on the power and was told his number was the one on record which must have been from his calling Tuesday and he gave them the supervisor's number but Friday the generator was still in operation and as of last night they still had sewage odors and this morning his home still smelled; that the department was being run by lazy and incompetent people who needed to be fired, they had trouble 20 years with the plant, but their recent experience was the worst; that the City of Houston did not prepare the plant for the storm and they needed a larger generator. Council Members Sullivan, Holm, Garcia and Green absent.

Council Member Johnson thanked all for coming and expressing their concerns and stated that incompetence was never an excuse as to why something was happening and the smell was unbearable; that no one could tell him why the generator burned out, but over the years the city had invested about \$200,000 in odor control and this year there would be about \$350,000 invested; that he would ask Public Works to give him an understanding of what it would take to fix the overall problem; that Mr. Norman did a good job in keeping him informed but at the same time he had no strong remedy, but he wanted to fix this completely. Council Members Sullivan, Holm and Green absent.

Council Member Lovell stated that the city failed them, three things the government needed to provide and the rest was gravy, but one was public safety which they did well, second was garbage pickup and third was clean water and removal of waste and if that was not done there was a huge public safety and health issue; that this was not the only treatment plant with problems and tomorrow there would be a meeting on this and people would be called before her infrastructure committee from Public Works to answer questions and she would like to know the status report of all water treatment plants now and how many had backup generators and she would like to know the status report given to the Mayor as to the readiness of those systems and were the generators tested before hand, was the water treatment tested, were the generators even there; that she suspected they would not like their answers and if they did not learn from this and correct what was wrong then they were not doing their job and when getting answers if some were not the right ones she thought some should lose their jobs because this was a fundamental thing to do and she was asking for a copy of those reports to be given to Mayor White, to her and to Council Member Johnson the vice chair of the TIA Committee; that she wanted to know status reports of water treatment plants now, how many had generators and who went out to check the generators before hand; and Mayor White stated that the point of readiness was a very important topic. Council Members Sullivan, Holm, Rodriguez and Green absent.

Council Member Khan stated that Council Member Lovell posed most of his questions and it was also important to find out if the capacity was there and were some plants getting too old; that infrastructure needed regular maintenance and updating and replacement as the city grew, if it was the case then it was Council's job to make sure the right decisions were made for the proper infrastructure; that what happened to them was totally unacceptable and they should be given a better quality of life. Council Members Sullivan, Holm, Rodriguez and Green absent.

Mayor White stated that he had come in July and he did get a report and Mr. Norman was checking on the trees, chemicals, cost of chemicals, investigation and experts looked to see if they could do more and he believed it had a November 1 due date, but the date was being checked and on the second issue he would get a chronology of what happened and he was sure they would have a Council hearing on this but he was told there was a check on some of the generators in May but not right before and they would take a look at the age of generators and he thought they should be hooked up to the gas system because diesel could run out; that they did have 38 of 39 plants operational, one along Simms Bayou was damaged and diverted, but if it was just that someone said it was too late at night to go; and Mr. Watson stated that it was a city employee who said it was too late, he did have his name, he was told if they fired it up they would get an awful smell and he did not see how it could get worse; and Mayor White

stated that he would like Mr. Norman to look into it; that in the Right of Way Maintenance Department and Water Production Department and Emergency Management they were working 18 hours a day including the director for 10 days and if someone let them down by not viewing this as an emergency they should not judge all in Public Works but Public Works should judge this person; that on the action plan he asked for he remembered some things such as chemicals, trees, looking for leaks and his update showed it was due October 16th to the director and he gave him a November 1st deadline and that was in response to him in July and on this they would get a chronology. Council Members Sullivan, Holm, Rodriguez and Green absent.

Upon questions by Mr. Watson, Mayor White stated he had a good point and to Council Member Johnson he wanted him to work along with him on this, if 311 was called about odor a truck could not be sent for a line break if there was trouble with plant operations, there needed to be accountability at the plant and they needed someone to take plant operation responsibility including interaction in the community; that he was not running Public Works but that was his suggestion and to Mr. Norman his suggestion was there be some responsibility of the plant manager for the interaction with the neighborhood and community so they were not going all the way up and down the ladder at City Hall. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez and Green absent.

Mr. Jack Cummings, 10651 North Brook Drive, Houston, Texas 77043 (713-206-1097 had reserved time to speak but was not present when his name was called and Mrs. Cummings appeared at the podium. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Green absent.

Council Member Khan moved the rules be suspended for the purpose of allowing Ms. Jack Cummings to speak in place of Mr. Jack Cummings, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Green absent. MOTION 2008-0727 ADOPTED.

Mrs. Jack Cummings, who was added to the speakers list, appeared and stated that she was present to discuss their trash pickup from their residence; that they lived on a corner lot which butted up to Lumpkin and Lumpkin was a very busy street and it was only in the last couple of months they had problems with their trash; that they made multiple calls to 311 and to Waste Management and they were told by 311 there were ordinance changes and their can had to be rolled to the front of their house and she found the ordinance on line today and there was a section where the director may deem an alternate pickup location as long as certain things were met such as street width, etc., and she had a map of their neighborhood and all corner lots had the driveway on the side just as theirs was and their trash was picked up weekly with no questions asked and her trash was only picked up once in the last two months and then it was because their civic association called and backed them; that she and her neighbor across the street were the only two not being picked up, they were being discriminated against because the street they were on was an exit to the neighborhood but waste management trucks went past her cans half the time leaving and did not pick it up; that there was a safety issue if she had to haul her cans all the way around to the front on a busy street. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Green absent.

Council Member Khan stated that everyone was very proud of the Solid Waste Department, the employees were working around the clock and he was surprised of her experience; and upon questions, Ms. Cummings stated that they lived on a city street in the Shadow Oaks Subdivision near I-10 and the Beltway; and Council Member Khan stated that they would get a report and he hoped someone would also contact her. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Green absent.

Upon questions by Council Member Noriega, Ms. Cummings stated that she was told their can should be around the corner, there was an ordinance in 2007 but they received no notification and her and her neighbor were the only ones not being picked up so either don't pickup any corner lots or pick hers up too. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Green absent.

Mayor White stated that a representative with Solid Waste was present and they wrote the ordinance to minimize routes or turning, they would take a look at it and try and get her a response on it; that he did not know the difference in her circumstances compared to her neighbors but would get her an answer. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Green absent.

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

Mr. Zaf Tahir, 14602 Memorial Drive, Houston, Texas 77079 (713-504-0156) appeared and stated that he was present to thank all for the wonderful job done during Hurricane Ike; that he was present with long-term suggestion, he felt they learned from Ike much of the infrastructure needed to be updated and maybe look at design methodologies; that they needed to find the direct and indirect hidden costs and maybe get the Greater Houston Partnership and Chambers involved; that companies lost benefits and employees lost salaries and all costs together would probably run into billions and they needed to take the number to all counties and see if they could convince them to make drastic changes in how they lived and engineered streets and utilities, especially the electrical system; that all wanted to live in a forest but they needed to see those consequences and Public Works needed to look at building and radical changes, it was very important to get a number on the cost. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell and Green absent.

Council Member Khan stated that he brought up an important topic; and upon questions, Mr. Tahir stated that gasoline supply and distribution added to the cost; that Mayor White had a taskforce look into it and he had made a suggestion which he thought should be taken up at the state and federal level, once a President declared emergency all gas stations should be allowed to sell gas from the first available source; that if he owned a Shell outlet and a Shell tankard could not make it there then if a Citgo was available they should be able to use Citgo as long as they could pay; that all gasoline needed minimum requirements; and Council Member Khan stated that many business suffered tremendous loss at this time and somehow an economist needed to ascertain this so they could have a handle on it; that maybe they could get small business loans but there was real cost and hidden cost and he brought very important points. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Green absent.

Council Member Garcia stated that what he heard from Mr. Tahir was what he was trying to do, to make sure they learned from experiences; that they learned from the last two hurricanes and now again was challenged and it was always important to sit, assess and evaluate and make sure they continued to harden their critical infrastructure in this area; that a tremendous amount of retailers were willing to take an active part of their respective responses, procedures and practices as they wanted the communities to stay safe; and again here was opportunity to demonstrate to the country and world how Houston did it. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Green absent.

Council Member Brown stated that he raised a good point, they needed to see what the cost was of not improving the system above what it was before the storm and he reminded him that he would like to see a map and assumed Center Point could produce it of which parts of the system failed and why; that it was not realistic to just say everything would go under ground, but

it was realistic to put some of the key components under ground. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Green absent.

Council Member Jones stated that he had wonderful ideas and a number of people spoke to the Mayor about wiring underground; that she was told it would cost billions, but this was an ongoing conversation; that there was still a number of businesses not open and this was serious and if FEMA did reimburse to the tune of what the Mayor had quoted she wondered if they could use some of that, they may need to see how they were spending and move things around. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Green absent.

Mayor White stated that they took what he said seriously and he was making notes and to him and Council Members part of the issue was distribution generation, having more localized generation resources; that the transformer towers did not go down, the substation transformers did not go down and some of the poles did but less than 1%, it was the wires, it was having gas fired power generators linked to gas lines and not requiring diesel fuel, it was having hybrid electric vehicles with battery storage and they had capabilities to do it now and he and those following him needed to heed his warning because there was cost to power interruptions and to the merchants he would say there was a market for business interruption insurance. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Lovell and Green absent.

Mr. Austen Furse, P. O. Box 56767, Houston, Texas (713-554-7692) appeared and stated that he also wanted to commend all for their service during Hurricane Ike; that today he was present on property tax relief, authorization for relief of property owners whose property was damaged by the hurricane, authorization of the reappraisal of properties damaged by Hurricane Ike, it was only fair to have properties reappraised so they would not have to pay on a home significantly damaged; that an existing law authorized local officials in a disaster area to go ahead with a reappraisal process and allow owners of significantly damaged property to pay a difference after homes were damaged or destroyed and a website www.iketaxrelief.com made citizens aware of the law and encouraged them to approach local officials and ask for that authorization, the law was in the Texas Tax Code, Section 2302 and was just a matter of fairness. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Lovell and Green absent.

Council Member Clutterbuck thanked Mr. Furse for bringing an important matter to Council's attention and attention of the viewers and for his advocacy on behalf of the taxpayer as he did time and time again. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that he was reminded last year the Harris County Appraisal District faced 339,000 challenges to their property appraisals so they were in the midst of that; and upon questions, Mr. Furse stated that he was sure they would want to speak with Mr. Bettencourt and Mr. Robinson about the issues, but there was a looming issue of fairness and the ordinance said people were being taxed on portions of property which no longer existed as it was destroyed and the moral issue blocked out the other considerations and they needed to see how to make it happen. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Mayor White stated that there were state statutes which provided for payment of taxes on installment basis for those whose property was damaged and also issues people faced of issues throughout the year, property was appraised January 1, 2007 and January 1, 2008 and one of the whole inequities of the tax system was things happened during the year which made property to go up and down during the year and Mr. Furse pointed out one of the inherent features of this system and he did think they needed to do something to publicize the right of installment payments. Council Members Lawrence, Johnson, Sullivan, Holm, Garcia,

Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that State Legislature gave the right to seek redress through the Appraisal District and to have one's property reappraised should one apply for it due to the national disaster if she understood correctly; and Mr. Furse stated that if Council authorized the process to take place the property owner had to request the reappraisal. Council Members Lawrence, Johnson, Sullivan, Holm, Garcia, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. David Thorne, 40 FM 1960 West #261, Houston, Texas 77090 (832-286-5925) appeared, presented information and stated that he was present last month and received no answer to his question and was again present; that he did not have time to read his statement presented, but would read the end and asked when the Mayor and Council would stop appointees from breaking laws. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she spoke with Mr. Thorne and asked that he give her information so she could try and help and never heard back from him; that he said appointees were violating specific laws and she asked what they were; and Mr. Thorne stated that he gave a packet and it was all in there; that they were not following state law when it came to representation of public servants in the bargaining unit at METRO, there was a vote and public servants chose to pick another representative to represent them; and Council Member Jones stated that she asked for the state law number; and Mr. Thorne stated that it was Article I, Section 16 and he had the Constitution with him and it was Article I, Section 19, the Bill of Rights; and Council Member Jones stated that now they were identified and she would look at them to see if what he said was accurate. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Joseph Ballard, 6302 Rocky Nook, Humble, Texas 77396 (281-850-0388) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Deborah Wilkerson, 1723 DeSoto, Houston, Texas 77091 (713-972-4026) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

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

At 4:29 p.m. City Council Member Khan moved to recess until 6:00 p.m., seconded by Council Member Clutterbuck. All voting aye. Nays none. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Lovell and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

HEARING - 6:00 P.M.

1. **PUBLIC HEARING** on the proposal to establish a tax rate of \$.63875/\$100 of value for Tax Year 2008 – was called. Council Members Adams, Brown and Jones absent.

At 6:08 Mayor White reconvened the meeting of the City Council and requested the City Secretary to call the public hearing. Council Members Adams, Brown and Jones absent.

The City Secretary stated that no one had signed up to speak at the hearing and asked if there was anyone in the audience who wished to speak and Mr. Bruce Hotze stated that he would like to speak.

Mr. Bruce Hotze, 5219 Shady River, Houston, Texas appeared and stated that taxes were going up again and going beyond Proposition 1; that in 2007, Page XV, 29, of the budget, in over the last two years the City's budget had gone up 15.8% totally so as everyone else was having trouble paying their property taxes, their mortgages, adjustable rate mortgages and all their savings accounts were going to heck and the City continued to raise taxes, over the limits that they set themselves, by 4.5% cap, it was going up higher than that, the Proposition H, which the Mayor said had passed for one year, not for every year, he did not believe that the voters meant that every year they could collect an extra \$80 million in tax revenue for public safety and they did not spend that on public safety last year, they spent some \$53 million or \$54 million additional dollars on public safety, they did not spend \$80 million, so the tax rate that they were all putting together was in violation of the Mayor's own Proposition 1 and he believed they would find it to probably be in violation of Proposition 2; that he had not seen the certification from the Controller and did not know if there was one but he urged them to go and get one. Council Members Brown and Jones absent.

Mayor White thanked Mr. Hotze for being present and expressing his views and being vigilant. Council Members Brown and Jones absent.

Mayor White asked if there were any other speakers and the City Secretary stated that there were no other speakers.

The City Secretary stated that she had to 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 Brown and Jones absent.

Council Member Khan, moved to close the public hearing, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Brown and Jones absent. MOTION 2008-0728 ADOPTED.

At 6:13 p.m. City Council recessed until 9:00 a.m., Wednesday, October 1, 2008. Council Members Brown and Jones absent.

The Houston City Council reconvened at 9:00 a.m. Wednesday, October 1, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member M. J. Khan, P. E. absent on personal business.

At 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:35 a.m. Mayor White called the meeting to order and stated that he had two brief things on the Mayor's Report. Council Members Johnson, Sullivan, Garcia and Green absent.

MAYOR'S REPORT

Mayor White stated that he had two very brief things on the Mayor's Report, the first really based on the work done by their excellent City Controller and Director of F&A and the Chairman of the Budget and Finance Committee and others who had contributed to the fiscal discipline of the City; that some times they had been looking at the increases in population of their community and the cost of goods and services beyond their control, the inflation, and there were inflation indices done by statisticians and the Bureau of Labor Statistics Department of Commerce, on the inflation of local governments or State and local governments, those were published, and something that he thought Members of the City Council and those involved in local government would understand was that the number of the inflation of the actual price of goods and services purchased by local governments had been increasing at a significantly faster pace than the Consumer Price Index and he stated to Ms. Mitchell that he had a preliminary report but he saw the comparison first in a S&P Report on trends and local finances and thought it would be useful for this body if they were able to circulate some of the numbers that statisticians compiled on the actual increases in the prices of goods and services purchased by local government entities, because sometimes when they were looking at the cost of government he thought they ought to be comparing apples to apples, there had been some things such as manufactured goods, for example, that had very low rates of inflation, that consumers purchased, that to a greater extent local government entities tended to be larger purchasers of commodities, such as fuel, electricity, concrete, steel and the like, that in addition, local government entities, because they were service providers had the larger percentage of their total cost than was embodied in consumer goods accounted for a rising health care cost and he just wanted everybody to have those figures. Council Members Garcia, Green and Jones absent.

Mayor White stated that the second item, in the absence of former Council Member Wiseman he wanted to share something about the Rules of Council and the rights of Council Members to enforce those rules; that he knew there had been discussions and people had different views about the time limits, that he knew that sometimes, for better or for worse, he had been lax in enforcing time limits when there were several Council Members still waiting to speak and had something to really get off their chest in connection with the particular person, that he had done so in part in the recognition that under the Charter, whether it be the pop off time or in the questioning of public witnesses or public citizens who came before them, he did not want to have the Chair to appear over reaching with respect to any particular Council Member and to get full discussion, but would say that it was within the rights of Council Members to interject points of order concerning the enforcement of Council rules, that he had always ruled impartially on those points of order as required by the rules; that he would encourage people both to allow everybody else an opportunity to speak, but the fact that they did have rules and those rules were adopted, people should not take it personally if a Council Member did poise a point of order because that was also a right under the Rules of Council and he would rule impartially on that and it was nothing personal when somebody did poise a point of order and he would not take it personally as a presiding officer if somebody poised a point of order when he had not cut off debate within the limits. Council Member Garcia absent.

Mayor White stated that they would move to the Monthly Financial Report. Council Member Garcia absent.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION

REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds – was presented.

Mayor White recognized the City Controller and Director of Finance. Council Member Garcia absent.

Ms. Annise Parker, City Controller, and Ms. Michele Mitchell, Director of Finance, reviewed the Monthly Financial Report, a copy of which is on file in the City Secretary's Office for review, and Ms. Parker further stated they should remember that the Monthly Financial Report that they were looking at covered the period prior to Hurricane Ike so changes in departmental expenditures due to the storm would not be reflected until next month's report, that they were also going to wait to reflect any economic impact from the storm; that the report did reflect the City Council's approval of the \$20 million transfer from the Rainy Day Emergency Fund to the Hurricane Ike Aid and Recovery Fund; that she was happy to serve on the committee that the Mayor created to deal with the finances, that she had already talked to Council Member Clutterbuck and Ms. Mitchell and Council Members Holm and Brown had asked to serve on that committee and they would post something for next week, but it would take some time before all the numbers come in but they would start meeting on that next week; that she wanted to talk a little bit about what was going on on Wall Street and how it affected the City of Houston, that first she wanted to laud her staff, that the first Monday after the storm the Controller's office employees came into the office and noted that one of their SWAPS was in a good position to get out of and they worked with Public Works and the Finance Department and by Tuesday morning had pulled the trigger to terminate one of their SWAPS netting a \$7 million cash profit for the City and further reducing the City's exposure to derivatives, that they were on the ball and she saluted them and the Finance and Public Works folks who were up and fully functioning right after the storm; that they were also seeing some positive opportunities in the area of Municipal Securities which were currently paying very high interest rates, that last Thursday they purchased some tax exempt variable rate demand notes issues by Broward County, Florida, they were paying 8.3%, they invested \$12 million in Harris County Port Bonds that were currently paying 8%; that last May they asked Council to increase their allotment for these kind of tax exempt bonds from 12% to 20% of their portfolio so they could invest in some of these higher yielding, auction rate paper at the time, but now they could use that to invest in these higher paying securities; that was the good news, the investment side, if muni's were paying them 8%, if they needed to borrow they were going to be paying more money; that on the debt side long term rates were up about 100 basis points, there had been even larger increases in the short term market, they had about \$2.7 billion outstanding in a combination of commercial paper, variable rate demand notes and a small amount of remaining auction rate paper, that rates that the City paid last week ranged from 3% to 10%, that under normal conditions they would be trading at about 2%, that they spend a great deal of time at the Fiscal Affairs Committee meeting yesterday talking about where they were, the City of Houston was in really excellent financial shape compared to most of the other municipalities in the Country, that she wanted to note that last week Standard and Poors put out a review of their credit rating and their long term rating was reaffirmed as AA and stable in the General Fund, and that was after Ike, it came out last week, so again the markets are recognizing the strong fiscal management here and that they had a deep and diversified economic base, that this was a time for caution, and she got a sense yesterday from Council Members, that they were just saying to trust them and they would take care of it, that they were trying to tell them exactly what the financial position was and give them a realistic view, but to tell them that they were going to have to wait with them as they watched how the markets developed and to be willing to work with them if they had to respond quickly to something, that if they were to have a successful execution of their upcoming City of Houston debt issuances for the Airport System and the Public Improvement Bonds they may decide to wait for better market conditions; that unlike a lot of the cities that had been in the markets the last few weeks they had the ability to wait for a while and see if things calm down and they were going to try to do that; that Plan A was to take a deep breath and for those things they could wait on they were going to wait; that Plan B they had talked about that as well, one of the items that was discussed yesterday was to borrow internally, they had the ability for a few months, in Water and Sewer, not to have to go to the

markets, they could borrow internally and have the ability for projects to continue, that right now they were not anticipating any impact on any capitol projects in the City, that was not to say it would not happen over time, but they believed they were in a position to wait and try to take advantage of a better market, if not, Plan C, and to be quite blunt, yes at some point if the downward trend continued they might have to cut projects and programs to cut back on spending, but they were not there yet and they believed that Council Members ought to be aware of this but to take a deep breath and help them work through it; that she also wanted to address the issue of banking failures, that the overall turmoil in the financial market was impacting their debt and investments, but they were not specifically concerned as the City of Houston with the recent bank failures, that they dealt in millions of dollars daily and their depository banks were required to collateralize their deposits, that it was often difficult for them to get banks to bid when their banking contract goes out because they did, under the Depository Investment Act for the State of Texas, their deposits had to be collateralized, that it tied up the banks money, their current bank, JP Morgan Chase, was required to maintain \$15 million of collateral against the City's daily deposits, if their daily deposits exceeded that \$15 million in collateral they were required to sweep any overage into an investment instrument that was allowed under the Public Funds Investment Act, so they were not worried about the stability of the banks and frankly she did not think most individuals should be worried about the stability of the banks, the banking system was working as intended when they created the Federal Deposit Insurance Corporation, that bank accounts up to the \$100,000 limit were protected for individuals and the fact that some banks were in trouble and other banks were stepping in, while it was a difficult and troubling situation, it was how the system was supposed to work, and to remind Council a month or so ago they asked to move some money into one of their local minority banks, Unity Banks, and they deposited \$1 million, that in order for them not to have to collateralize that \$1 million there was a system by where small banks were allowed to spread, in a reciprocal arrangement, that amount over 10 banks, so that they were all at the FDIC insured limit, so that was why they were able to do that and why it had worked; that as discussed previously they had loaned money to Fannie Mae and Freddie Mac, the City was in a senior debt holder position, they were not stock holders, they were not investors in Fannie Mae and Freddie Mac, they were debt holders and as they had discussed with Council they believed if those entities got into further trouble the federal government would intervene and they did and they were first in line should there be problems in that and they believed that it was sound investment for the City; that clearly for the next several months they were going to have to watch the markets and after that time they could face some real difficulties but they hoped to see some improvement by then; that several of the items that they were going to vote on later in the agenda, having to do with Ike, it was quite apart from anything to do with anything to do with Hurricane Ike and were strictly things that were going on in the market and again with a little cooperation from FEMA and their repayment cycle they should be able to weather this in a fairly handy fashion. Council Members Sullivan and Garcia absent.

Upon questions by Council Member Clutterbuck, Ms. Parker stated that as to the projection that was not the result of Ike, they meet the week before they present to Council and discussed it and frankly moving the \$20 million was entirely optional because it had been widely publicized and they already knew that the vote had been taken and they went ahead and reflected that, but because so many of these expenses were preliminary they decided to wait until they had more information.

Upon questions by Council Member Lawrence, Ms. Mitchell stated that it was their intention that the first money replaced would be the Rainy Day Fund with federal dollars; that if they would notice on the Finance Department's projection she had left the \$20 million projecting for this year, which was indication for her that the \$20 million would be replaced first from the FEMA reimbursements. Council Members Garcia and Rodriguez absent.

Mayor White stated that he thought the Council Member raised two specific issues which

he thought were worthy of consideration probably at some length by the Council, including the Fiscal Affairs Committee, the first was the amount of the Rainy Day Fund that Houston had going forward, and he would say on that particular issue he thought that the Council Member's point was well taken.

After further discussion by Council Members, Council Member Garcia moved to accept the Monthly Financial Report, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2008-0729 ADOPTED.

Mayor White recognized Council Member Lovell for a point of personal privilege.

Council Member Lovell stated that Mr. Joe Turner, Director, Parks and Recreation, was present with Mr. John Jenkins from the City of Dallas, that in their time of need the City of Dallas, Parks and Recreation Department, sent down their forestry people to come and help them clear away the debris, that she wanted to thank Mr. Jenkins and the citizens of Dallas for what they had done and thanked them for coming to their aid.

Council Member Jones stated that she wanted to thank both of them, that she did not know if Mr. Jenkins had anything to do with it, but Riverside Park was by her house and had really big beautiful trees and they were everywhere, that she did not know how long it was going to take to clean it and a week later it was back to normal, so she wanted to thank them very much.

CONSENT AGENDA NUMBERS 2 through 37

MISCELLANEOUS - NUMBERS 3 and 4

3. RECOMMENDATION from Acting Director of Human Resources Department to approve an additional 365 day period for pay differential for employees called to active duty status during a time of war or state of emergency – was presented, moved by Council Member Garcia, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2008-0730 ADOPTED.
4. RECOMMENDATION from Acting Director of Human Resources Department for approval of the Holiday Schedule for Calendar Year 2009 – was presented, moved by Council Member Garcia, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2008-0731 ADOPTED.

Council Member Lawrence moved to suspend the rules to consider Item Numbers 35, 39 and 24 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2008-0732 ADOPTED.

35. ORDINANCE increasing the maximum contract amount for the agreement between the City of Houston and **ITRON, INC** for implementation of the Automated Meter Reading System for the Department of Public Works & Engineering, WBS S-000956-0002-5 - \$3,500,000.00 - Enterprise Fund – was presented.

After discussion by Council Members Lawrence and Holm, Council Members Lawrence and Holm tagged Item No. 35.

39. 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 – **(This was Item 18 on Agenda of September 24, 2008, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was

presented.

After discussion Council Member Lawrence moved to postpone Item No. 39 for one week, seconded by Council Member Sullivan All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2008-0733 ADOPTED.

24. ORDINANCE approving and authorizing contract between the City of Houston and **OLSON AND OLSON, L.L.P.** for Legal Services relating to preparation of new development ordinance changes necessary to implement the Urban Corridor Planning Process; establishing a maximum contract amount - \$60,000.00 - General Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; G - HOLM; H - GARCIA and I - RODRIGUEZ** – was presented and tagged by Council Members Green, Jones and Lawrence absent.

After discussion by Council Members, Mayor White stated that Item No. 24 had been tagged.

ACCEPT WORK - NUMBERS 5

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,040,501.01 awarded to **STRUCTURE MANAGEMENT L.L.C.** and acceptance of work by final payment to the surety, **WESTERN SURETY COMPANY** for Parks Master Plan - Burnett Bayland Park, WBS F-504A16-0001-4 - 4.32% over the original contract amount **DISTRICT F - KHAN** – was presented, moved by Council Member Garcia, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2008-0734 ADOPTED.

PROPERTY - NUMBERS 7 and 8

7. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and withdraw the City's objections to the award in connection with eminent domain proceeding styled City of Houston v. FVL, Ltd., a Texas limited partnership & Frost Properties, Ltd., et al., Cause No. 908,308; for acquisition of Parcels AY5-189, LY5-195 & LY5-194; for the **BUFFALO SPEEDWAY PAVING PROJECT from W. Orem - W. Airport**, WBS/CIP N-000619-0001-2-01-01 - **DISTRICT D - ADAMS** – was presented, moved by Council Member Garcia, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2008-0735 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY7-040, located at 1026 Blackhaw Street, owned by Joe L. Werner, Sr., for the **PARK ROW ROAD PAVING PROJECT from State Highway 6 to Eldridge Parkway**, WBS N-000723-0001-2 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Garcia, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2008-0736 ADOPTED.

ORDINANCES - NUMBERS 13 through 37

13. ORDINANCE **AMENDING SECTION 116.2 OF THE CITY OF HOUSTON BUILDING CODE** relating to hearings provided for by that section; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All

voting aye. Nays none. Council Member Khan absent on personal business.
ORDINANCE 2008-0853 ADOPTED.

17. ORDINANCE approving and authorizing application to the **DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL PREPAREDNESS DIRECTORATE** for the assistance to Firefighters Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor or his designee to act as the City's representative with authority to approve, accept, reject, alter or terminate grant funds awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program \$936,000.00 – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0854 ADOPTED.
- 17a. ORDINANCE appropriating \$237,903.12 out of Equipment Acquisition Fund as the required 20% match for grant award from the **DEPARTMENT OF HOMELAND SECURITY**, assistance to Firefighters Grant Program for the Houston Fire Department – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0855 ADOPTED.
18. ORDINANCE approving and authorizing Interlocal Agreements between the City of Houston and the **TEXAS DEPARTMENT OF PUBLIC SAFETY**, the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** and **FORT BEND COUNTY**; for their participation in the Major Accessory Shop Enforcement/17 Grant – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0856 ADOPTED.
19. ORDINANCE approving and authorizing first amendment to Second Lien Construction Financing Agreement between the City of Houston, Affordable Communities Development Corporation, and Capital One Community Development Corporation II to replace the property description (Exhibit A) in order to correctly identify the ten (10) lots to be developed under the agreement **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0857 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES**, providing up to \$2,273,000.00 in Housing Opportunities For Persons with AIDS (“HOPWA”) Funds, which amount includes a limitation on additional funding in the amount of \$1,136,500.00, for the administration of a Tenant Based Rental Assistance Program, Short Term Rent, Mortgage and Utility Assistance Program and for Supportive Services **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0858 ADOPTED.
21. ORDINANCE approving and authorizing contract between the City of Houston and **MEMORIAL PARK CONSERVANCY, INC** for Park Development for the Parks and Recreation Department **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0859 ADOPTED.
22. ORDINANCE relating to the Retail Water and Sewer Rates of Southern Water Corporation; setting a hearing to determine just and reasonable rates to be observed within the City of Houston; containing findings and other provisions relating to the foregoing subject; providing for severability - **DISTRICT B – JOHNSON - HEARING DATE**

- 9:00A.M. - WEDNESDAY- OCTOBER 15, 2008 – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0860 ADOPTED.

27. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **BECKER INDUSTRIES, INC** for certain premises near George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0861 ADOPTED.
28. ORDINANCE appropriating \$1,922,000.00 out of Airports Improvement Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CARTER & BURGESS, INC** for Electrical Power Distribution System Evaluation for the Houston Airport System, (Project No. 634), WBS A-000557-0001-3-01 - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0862 ADOPTED.
29. ORDINANCE appropriating \$39,214,368.00 out of Airport System Consolidated 2004 AMT Construction Fund and \$635,418.00 out of Airports Improvement Fund and awarding construction contract to **MANHATTAN CONSTRUCTION COMPANY** for Construction of Automated People Mover Phase 3, Packages 3 and 4 - APM Station and Secure Corridor at George Bush Intercontinental Airport/Houston, (Project No. 536L and 536M), WBS A-000354-0007-4-01; providing funding for contingencies relating to construction of facilities financed by such funds for engineering testing services, and for the Civic Art Program - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0863 ADOPTED.
30. ORDINANCE appropriating \$151,881.50 out of Equipment Acquisition Consolidated Fund (1800); approving and authorizing Purchase and Sale Agreement between Webster and Barbara Beavers, Seller, and the City of Houston, Texas, Purchaser (the “City”), for 12,780 square feet of land and a 3,392 square foot building, more or less, more commonly known as 6401 East Tidwell Road, Houston, Texas for the Parks & Recreation Department for a purchase price of \$150,000.00 and closing costs - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0864 ADOPTED.
31. ORDINANCE appropriating \$2,198,815.00 out of Parks Consolidated Construction Fund and \$8,000,000.00 out of General Improvement Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Construction Management-At-Risk Contract (approved by Ordinance No. 2008-102) between the City of Houston and **GILBANE BUILDING COMPANY** for the Renovation to the Parks & Recreation Department Campus and Park, WBS F-0504D1-0002-4; providing funding for engineering and testing services, Civic Art Program, and contingencies related to construction of facilities financed by the Parks Consolidated Construction Fund and the General Improvement Consolidated Construction Fund **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0865 ADOPTED.
32. ORDINANCE appropriating \$26,771.00 out of Solid Waste Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to construction contract (approved by Ordinance No. 2008-0539) between the City of Houston and **EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P.** for

Underground Fuel Storage Tank Removal at Kelley Light Vehicle Maintenance Facility, WBS L-000052-0002-4; providing funding for contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0866 ADOPTED.

33. ORDINANCE awarding construction contract to **AAA ASPHALT PAVING, INC** for the Police Academy Running Track, WBS G-HPD002-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and materials testing services, and contingencies relating to construction of facilities financed by the Police Special Services Fund - \$517,000.00 - **DISTRICT B – JOHNSON** - had been pulled from the Agenda by the Administration, and was not considered.
36. ORDINANCE appropriating \$6,805,850.00 out of Street & Bridge Consolidated Construction Fund, \$934,150.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for Neighborhood Street Reconstruction (NSR) 455, WBS N-000387-0001-4, S-000500-0069-4, R-000500-0069-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0867 ADOPTED.
37. ORDINANCE granting to **SAFETY KLEEN, INC, a Wisconsin Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0868 PASSED FIRST READING IN FULL.

Mayor White and Members of Council recognized Members of the Board of the Memorial Park Conservancy who were present in the audience and asked that they stand and be recognized.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MISCELLANEOUS

2. RECOMMENDATION from Director Finance Department and the City Controller to approve purchaser term sheet submitted by **JPMORGAN CHASE BANK, N.A.** relative to the issuance of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2008A – was presented, moved by Council Member Clutterbuck, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2008-0737 ADOPTED.

ACCEPT WORK

6. ORDINANCE appropriating \$88,702.29 out of Water & Sewer System Consolidated Construction Fund as additional appropriation for Construction Contract with **BOYER, INC** (approved by Ordinance No. 06-0590; for 8/12-inch Water Line Installation and 24/30/36-inch Water Line Rehabilitation along Calumet, Westpark, Mid Lane and Westheimer, WBS S-000900-00A5-4, **DISTRICTS C - CLUTTERBUCK; D - ADAMS and G - HOLM** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2008-0869 ADOPTED.
- 6a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,032,899.24 and acceptance of work on contract with **BOYER, INC** for 8/12-inch Water Line Installation and 24/30/36-inch Water Line Rehabilitation along Calumet, Westpark, Mid Lane and Westheimer, WBS S-000900-00A5-4 - 6.88% over the original contract amount - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and G - HOLM** – was presented, moved by Council Member Garcia, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2008-0738 ADOPTED.

PURCHASING AND TABULATION OF BIDS

9. **ARROW SERVICES, INC** for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$419,550.00 and contingencies for a total amount not to exceed \$461,505.00 Dangerous Building Consolidated Fund - **DISTRICT F – KHAN** – was presented, moved by Council Member Garcia, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2008-0739 ADOPTED.

Council Member Lawrence stated that they were putting liens on some of the property; that one time somebody pulled out of a shopping center and hit her and she put a lien on their house because they did not have insurance and the attorney that she saw said that a lien was only good for five years, but the City was putting lot of liens on property now and she did not know if those type liens were different; that they needed to have a database of all properties that they did put liens on, that she thought they needed a confirmation from Legal that those liens stay good for more than five years.

Mr. Michel stated that he did not believe that there was a five year requirement but would make sure, that he would make sure they would provide the database with the analysis that Council Member Lawrence needed not only for that but also for collection purposes.

Mayor White asked Council Member Lawrence if he had forwarded to her a sort of accounting for the various liens that they had on the properties, and said to Mr. Michel that earlier this year, from either his office or the tax collection firm, there were various categories of liens that they had for commercial property, demolitions, for cutting the grass, amounts recovered from foreclosure sales, that be believed that Ms. Stohler said there were certain categories investigating and it could have been that he had sent him a memo copied to Council Member Lawrence pre hurricane, but Mr. Michel might want to share that information with Council Member Lawrence and anybody else who asked because he thought it was something that they needed to keep track of; that second, he was not prejudging but was interested in whether or not they could seek judgment against some of these individuals, property owners, personal judgment for the uncollected amounts or was it something they needed to put out for outsource contracting for some law firm to go and seek judgments against those individuals and collect those amounts pursuant to a judgment lien and separate it out from the tax collection contract. Council Members Lawrence and Holm absent.

10. **CST ENVIRONMENTAL, INC** for Asbestos Abatement, Demolition, and Site Clean-up

Services for Police Department - \$72,500.00 and contingencies for a total amount not to exceed \$79,750.00 - Dangerous Building Consolidated Fund - **DISTRICT H - GARCIA** – was presented, moved by Council Member Garcia, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. Council Members Lawrence, Holm and Noriega absent. MOTION 2008-0740 ADOPTED.

11. **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement, Demolition, and Site Clean-up Services for Police Department - \$123,265.00 and contingencies for a total amount not to exceed \$135,591.50 - Dangerous Building Consolidated Fund - **DISTRICTS B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GARCIA and I - RODRIGUEZ** – was presented, moved by Council Member Garcia, seconded by Council Member Green, and tagged by Council Member Sullivan. Council Members Lawrence, Holm and Noriega absent.

ORDINANCES

12. **ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Convention and Entertainment Facilities Department; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Jones. Council Members Lawrence, Holm and Noriega absent.
14. **ORDINANCE** authorizing the issuance of City of Houston, Texas Public Improvement Refunding Bonds, Series 2008A for the purpose of refunding certain outstanding General Obligation Commercial Paper Notes; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, an Escrow Agreement and a Bond Purchase Agreement relating to such bonds; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the bonds; delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; making other findings and provisions relating to the subject and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Members Lawrence, Holm and Rodriguez absent. **ORDINANCE 2008-0870 ADOPTED.**
15. **ORDINANCE** authorizing the issuance of City of Houston, Texas Tax and Revenue Certificates of Obligation, Series 2008B; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and a Bond Purchase Agreement; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the bonds; and delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; making other findings and provisions relating to the subject and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Members Lawrence, Holm and Rodriguez absent. **ORDINANCE 2008-0871 ADOPTED.**
16. **ORDINANCE** authorizing issuance of City of Houston, Texas Taxable Pension Obligation Bonds Series 2008B; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and a Bond Purchase Agreement; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be

used in connection with the sale of the Series 2008B Bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the series 2008B bonds; and delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; making other findings and provisions relating to the subject and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lawrence absent. ORDINANCE 2008-0872 ADOPTED.

23. ORDINANCE approving and adopting updated ongoing Service and Assessment Plan for and on behalf of the **LAMAR TERRACE PUBLIC IMPROVEMENT DISTRICT NO. 2** covering the period 2008 through 2017 pursuant to Chapter 372 of the Texas Local Government Code - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lawrence absent. ORDINANCE 2008-0873 ADOPTED.
- 23a. ORDINANCE appropriating \$245,848.63 out of Fund 7508, Lamar Terrace Public Improvement District No. 2 Fund, for payment to **SAINT GEORGE PLACE REDEVELOPMENT AUTHORITY** pursuant to Ordinance No. 2003-0432 - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lawrence absent. ORDINANCE 2008-0874 ADOPTED.
25. ORDINANCE approving and authorizing contract with **JEFFERSON WELLS INTERNATIONAL, INC d/b/a JEFFERSON WELLS** and contract with **ACCRETIVE SOLUTIONS - HOUSTON, LP**, for Professional Accounting and Financial Services for the Finance Department; providing a maximum contract amount - 2 years - \$300,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lawrence absent. ORDINANCE 2008-0875 ADOPTED.
26. ORDINANCE awarding contract between the City of Houston and **CHARLOTTE J. WORD** and **ROBIN W. COTTON** for Forensic DNA Consulting Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,250,000.00 General Fund – was presented, and tagged by Council Members Holm and Jones. Council Member Lawrence absent.
34. ORDINANCE appropriating the transfer of an amount not to exceed \$100,000,000 from the Combined Utility System General Purpose Fund for Combined Utility System capital expenditures; declaring the Combined Utility System's intent to reimburse the General Purpose Fund with bond proceeds – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lawrence absent. ORDINANCE 2008-0876 ADOPTED.

MATTERS HELD - NUMBERS 38 through 40

38. MOTION by Council Member Khan/Seconded by Council Member Green to adopt 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** – **(This was Item 7A on the Agenda of September 24, 2008, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. All voting

aye. Nays none. Council Member Khan absent on personal business. Council Member Lawrence absent. MOTION 2008-0741 ADOPTED.

40. 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 - \$13,311,897.00 Grant Fund – **(This was Item 20 on Agenda of September 24, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lawrence absent. ORDINANCE 2008-0877 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Clutterbuck stated that she wanted to speak about traffic lights, garbage collection in the wake of Hurricane Ike and their lift stations; that last week in the newspaper there was a commitment stated from their Public Works Department and Traffic Lights that they would try to have all of the lights restored within 9 days and she thought they were quickly coming up on that and wondered if they could get an update on when they could expect their traffic lights to be back in working order; that second, on the issue of garbage collection, she thought Mayor White made excellent comments and commitments yesterday to the public and thought it was important that they reiterate them and their commitment that they would complete the first pass of debris removal trash collection by October 18, 2008, that there was information posted on the City of Houston website and on citizens.net if they were interested in knowing, in a general sense, when the garbage trucks would be coming through their area; that the third item had to do with their lift stations, that she would add to the concern of Council Member Lovell that they had a commitment on the part of the personnel who staff the lift stations, that their commitment was as strong as the Mayor's to make sure that they delivered the vital and important, health safety, City service to the communities as quickly as possible, that she would like to express her commitment as a Council Member that they had a financial commitment through their capital improvement process to upgrade the lift stations, that often it was an area, because it was not very glamorous or appealing, did not get a lot of financial attention and they would like to have a commitment to have the capital resources to improve that. Council Members Lawrence, Johnson, Rodriguez and Noriega absent.

Council Member Adams stated that there were still some hanging traffic signals through the City of Houston and she thought they should go through the 3-1-1 requests and find out where those hanging traffic signals were because just recently one of the hanging traffic signals fell and the car that it fell onto was the father of a friend of hers', that it hit the windshield but nothing happened physically to the person, that in District D there were still hanging traffic lights a foot from the ground, that she thought they needed to take it down or repair it, that it was dangerous for their citizens and she was asking Public Works to start looking at those as priority; that she wanted to thank them for approving the greater than \$2.2 million for the Bering Omega Community Services, a housing opportunity for people with HIV and AIDS; that Castle Court had been greatly awaiting for street construction so they approved some funding and the street construction would be completed; that yesterday they had a discussion about demolishing buildings and she wanted to thank Mayor White for his commitment and emails that were being sent and she wanted to thank Linebarger for replying back and to the Legal Department for

looking at those properties, that they had several properties in District D that would fall in that demolishing process, that she wanted to thank the administration for passing a motion many years ago for notifying the surrounding schools that the demolishing would take place, because of the asbestos and things like that; that she wanted to remind everybody about the Debris Removal Committee meeting tomorrow at 10:30 a.m.; that she wanted to thank Radio One, the Variety of 92.1 and Magic 102 for their initiative on the get out to vote campaign, that Mad Hatter with 97.9 was sleeping outside of Sharpstown Mall until he reaches 5,000 registered voters. Council Members Lawrence, Johnson, Brown and Noriega absent.

Council Member Jones stated that she wanted to thank all of the District Council Members and the At Large Council Members and their staffs for the great job they did after Hurricane Ike; that she had received a number of calls in her office about the underground utilities, that people wanted them to evaluate it and see if it was feasible and to make sure the costs were not passed on to them; that she would like to encourage DRC to be nice because she had received calls in her office about when they were picking up debris, that some people were very frustrated because of Hurricane Ike and thought they (DRC) could be a little bit more sensitive; that she wanted to thank Claunch and Miller, they were a company who teamed with her office to bring some 18 wheelers of ice and water after the storm, that they did a great job and paid a lot of money; that she wanted to congratulate Mr. Will Trevino, her staff member, who got married this weekend in Edinburg, Texas at the Monte Cristo Golf and Country Club; that she wanted to encourage people to try to compete in the Houston Survivor Challenge, October 25, 2008 on the Banks of Buffalo Bayou, they were raising money for two local non profits, the Buffalo Bayou Partnership and the U'jana Conley Foundation for SIDS, that they had incorporated a Hurricane Ike component and would be collecting non perishable goods for families affected by Hurricane Ike and a bunch of her friends from Survivor, Amazing Race and Big Brother were coming, that she would encourage them to go the www.UjanaConleyFoundation.org and apply to compete; that she and her friends had intended to have something in Galveston at the Balinese Room, that they were trying to see if they could go down to Galveston and help do some kind of cleanup if allowed because they had all contacted her and said they wanted to do something to help the City recover from Ike, that they could call her office at 8932-393-3006. Council Members Lawrence, Johnson, Clutterbuck, Brown, Noriega and Green absent.

Council Member Rodriguez stated that Council Member Lawrence asked that he mention that Crime Stoppers, on October 16, 2008, would have their 2008 Annual Gala, that it would take place at the Hilton Americas Hotel, 1600 Lamar Street, that they could call 713-521-4600 or reserve on line at www.crimestoppers.org, that the keynote speaker would be James Baker III. Council Members Lawrence, Clutterbuck, Garcia, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he wanted to invite all the residents of District I and his colleagues for the grand opening of their Denver Harbor satellite office, that it would be on Saturday, October 4, 2008 from 10:30 a.m. to 12:00 p.m.; that he wanted to thank his staff who did a wonderful job after Hurricane Ike and he was so proud of the effort of their team to get services out to the district; that he wanted to thank District I residents for all they did, they did a tremendous job taking care of one another. Council Members Lawrence, Clutterbuck, Garcia, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that for the record he wanted to say that he missed Item No. 40 because he was working on removing the tag on Item No. 11, that he would have voted "no" due to the family planning component. Council Members Lawrence, Clutterbuck, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he wanted to recognize and congratulate NASA on their 50th Anniversary on October 1, 2008, that Johnson Space Center was in his district and he was proud to be their Council Member, that they employ over 1,300 people and generated about \$2 billion to the local economy, that they intended to be at Council to celebrate their anniversary and to make presentations to the Mayor and City Council and he would work with NASA to set the celebration up; that he had received an email on his Blackberry that was a compliment from a community association for the speed with which they were removing debris, that it was to the City Council and the Solid Waste Department, that it was on behalf of the Clear Lake area as a whole and particularly from Houston Community Management and the Association of Clear Lake Communities, thank you for getting their debris picked up; that he thought a key part of the success was having that debris drop off location at Ellington Field. Council Members Lawrence, Clutterbuck, Noriega, Green and Jones absent.

Mayor White stated that he had been reviewing about proposed sites where citizens could drop off some of their debris and they needed to have a rally or campaign and would like to focus that maybe a week from Friday, or something, where it was Cleaning Up Houston Day where people could take some things and bring them to the sites, that he would ask Ms. Stein and Council Members Noriega and Adams to get some of these circulated to Council Members, that he would ask the single district Council Members to take a look at the locations, that he thought it was important that Council Members give them a heads up or just think through their own communication responsibilities, that they did not want anybody to think there was going to be some permanent dumpsite by their neighborhood or if there was to great a proximity to some residential area then they needed to know that; that he thought there were heroic efforts by Tom Davis at PWE, John Lowes at Legal and Dave Cook with Cushman and Wakefield to come up with people who will basically lend the City their property for the debris removal sites; that second, there were some questions that Council Member Clutterbuck asked concerning the signalization process and he would ask Council Member Sullivan to lead that and to participate in a daily conference call, that if he divided up at random the number of Council Members and maybe 10 traffic signals so that they could be part of a team, they had a number of contractors working on it and if somebody reports that the traffic lights were synchronized, red light green light cycled or if the traffic signal was flashing or no power in the traffic signal he would appreciate it if maybe he would consider asking Council Members to check out some of the traffic signals, that maybe for those who were At Large it could be areas around where they lived, because they lived throughout the City and Council Members in single districts could do those within their districts so that they could go and check some of the work and see how it was being done and then report back, both as quality control and to assist Public Works and other professionals. Council Members Lawrence, Clutterbuck, Noriega, Green and Jones absent.

Council Member Lovell stated that she would like to ask all Houstonians to please remember Ms. Eleanor Tinsley in their prayers, that she was in a valiant fight against Cancer; that she wanted to congratulate the City and the Legal Department, that the federal judge on Monday restored the City's authority to regulate billboards in a 5 mile ring around the limits of the City, ruling that the Houston Sign Ordinance was constitutional; that the TIA Committee would be having many meetings to discuss many issues concerning infrastructure, one of which would be underground utilities, that she would ask, before they ask for any taskforce or any other committees, if they would check with her, that they could be assured that these issues were going to be discussed in the Infrastructure Committee and probably would be the discussion for the next coming months if not the next year, that they had learned many lessons from Ike and they needed to be able to apply them so the next time they would be more capable of handling some of the problems that occurred; that there would be a Quality of Life Committee meeting on Monday, October 6, 2008 at 10:00 a.m. to discuss attention getting devices; that she wanted to thank Continental Airlines, Nene Foxhall, who the call went out to, that at 611 Walker, when they were without air conditioning and the whole IT system was in need of someway to cool it down so they could send emails, Continental answered the call and sent four A/C units

over from the Airport that they use to cool down their walkways and their facilities, that she wanted to thank Robert Walker who actually drove the units down, that she wanted to thank Terence Fontaine who called Continental and asked them and thanks to Continental for answering the call. Council Members Lawrence, Noriega, Green and Jones absent.

Council Member Johnson stated that there was a Proximity to Opportunity that was scheduled for the Houston Airport Systems and Continental that was scheduled for September 19, 2008, that they canceled it and the new tentative date was October 23, 2008, from 9:00 a.m. to 12:00 p.m., at the same location, that he would be sending out information in respect to that as they looked at the new expansion of Terminal B and opportunities to bring MWBEs aboard this new endeavor; that as he had been out in the community he had taken notice that there were many people out there who were going to be preying on their senior citizens, on their vulnerability as they were looking to have renovations made, that he understood there were gentlemen going around in the Acres Homes Community posing as repairman and saying they were going to be doing work in people's houses; that he would suggest and make the recommendation that if they did not call an individual to their home that they not accept a walk up individual to do any work at their home, that they could go on line or have calls if they were uncertain who to call for any renovations to their homes, that they could call his office if necessary and they would point them in the right direction; that he wanted to congratulate CenterPoint, that he thought they now had 98% of the lights back on in the City, but he still had to point out that the lack of communication was to be desired, that there was a lot of anxiety over knowing when they were going to be getting their lights, that he thought it was important that CenterPoint had a long reach into the community to say when their lights were going to come on, that while he knew they were all in the dark at one point or another the suffering certainly was not the same because a senior citizen who was on medicine, or diabetic and needed their insulin cooled, or a child who had eczema and it was too hot to be in the house, it was a tremendous impact to them, that he knew a young man who had to take out a loan to buy a generator because he did not know when his lights were going to come on and could not wait any longer because his daughter was scratching so much that she started to bleed, so he took out the loan and bought the generator and cut it on that night and lo and behold the very next morning the lights came on, that while he was happy that the lights came on, he took out a loan from a loan shark and was now probably going to spend \$2,000 for a \$800 generator, that he thought situations like that were where he thought they needed to be a little bit more clear, more precise with their information to these communities so they were not impacted; that he would like to address this with his committee, and as they were looking to creating a database for critical care patients and senior citizens that they could address where they were to reach out into those communities to find out how they could provide their needs first, that he would be more than happy to meet with Mayor White and talk a little bit further on that. Council Members Lawrence, Sullivan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Holm stated that she wanted to make sure that treasures could be more than monetary contributions, that she wanted people to know, who served on their boards, that the only reason they were not bound by a financial contribution in order to appreciate their service in time; that she too wanted to congratulate Craig Smizer and his team and specifically the City Attorney, Arturo Michel and Larry Shank, Andy Icken, Susan Taylor, Susan Lux and all those who participated and brought forward the summary judgment that they received this week that reestablished the enforcement of the Sign Code against RTM; that it was a good position and victory for them but it did not necessarily take away all the actions that they were still going to have to take on a structure by structure basis with RTM, that she thought it was another opportunity with the summary judgment for them to look at legislation coming forward this year that helped them strengthen civil penalties that they could impose on this recognizing how long a criminal outcome did take; that she hoped one of the things they would do was seize the opportunity, and she knew there was a lot of damage and knew it was possible by using this timeframe and the damage that had been done to bring some very positive moves forward and

actually change the scenery of the City; that she had several questions to ask and to understand and get some reports on; that one, she knew with off premise signage it had been, for a long time, it had been very hard for them to evaluate and interpret the 60% rebuild or reconstruct rule, what that actually meant and she would like to know what position the City was taking on that as those off premise signs came forward and to really monitor and know how many off premise signs would be removed because of damage and how many would be extensively repaired, how many would still remain; that to report how the City was going to utilize House Bill 2945 because it had been law since September 2007, and she thought it was a great opportunity for them to move forward with that; to report how many old and abandoned signs would not be rebuilt because of the already existing State law, that probably, with off premise signage, was one of the most significant measures that they had tried to address, those big old signs which really were a safety nuisance but had been grandfathered over the years with no value and she wanted to make sure now that they did not actually allow people to rebuild those signs so that they really were perpetuated for a longer time, how many on premise signs were being upgraded or, her fear was, that many of them would be rebuilt as electronic signs, that she would really want to monitor that and see and make sure they had effective measures in place that worked for them and not against them, and to look at and seize this opportunity to structure sign administration and to initiate the technology that actually allowed them to have a complete and total database so that they not only could take charge of their own destiny but enforce the rules that they set; that as this came forward she really thought that in all they did and all the challenges they faced there also were some real positive things that could make a meaningful difference to their City's future. Council Members Lawrence, Sullivan, Rodriguez, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to give some thanks and appreciation to Ms. Brenda Kirkland in Public Works for her speedy work on some sewer issues they were having in his district and he wanted to thank Public Works for all they had been doing in the aftermath of Hurricane Ike; that he also wanted to thank Ms. Ann Travis, that Mr. Jason Cisneros of his office is a Sergeant with the Army Reserve and he had heard from the troops that some of his colleagues were having some issues related to FEMA and Ann helped to facilitate a representative to go over while these folks were doing their weekend reserve duty and provided some information and apparently worked through some issues with that, so he wanted to thank Ann for helping their Nation's finest in that regard; that there was a variety of organizations, and they could not include everyone but they tried to recognize those who helped set PODs up and volunteers and people who provided food and water at a moment's notice, but he wanted to thank The Houston Texans, that this Sunday the game was dedicated to all the people who provided the leadership, as Mayor White and Judge Emmet did, and to the folks who just did what they knew to do and what had to be done; that he was at a POD where folks came by and got their water, ice and MREs and they saw them come back in line but they said they did not need any more they just wanted to help, so this game was dedicated to those folks as well; that as they knew that CenterPoint had done a tremendous job in getting the lights on there were still a few people in the City that were still struggling; that there was a young lady named Christian Valenzuela, who's daddy is a lineman and who on Thursday after Hurricane Ike gave him a band and called it the power band, that it was made out of electrical tape and it was intended to remind him that people were without lights, and she asked him not to take it off until everyone in the City of Houston had their lights restored, that she was 15 or 16 years old and was that astute to be thinking about her neighbors and citizens across the City. Council Members Lawrence, Sullivan, Rodriguez, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to second the commendations of his colleagues and sort of wrap it up with the message "I Love Hou" which was displayed on a new bumper sticker from Houston Tomorrow, the organization which was formerly the Gulf Coast Institute, which had done a fabulous job in a lot of areas particularly in documenting how the

City grew and changed and important environmental issues in Houston; that he wanted to recognize that the Johnson Space Center and NASA had their 50th Anniversary this year and was initiated by President Eisenhower in 1958, that he had a really nice meeting with Director Mike Coates and the director wanted him to give Mayor White a pin, that he wanted to thank them for their economic and scientific contribution that they make to the City, between \$2 billion and \$3 billion dollars directly added to the City's economy; that he wanted to talk about the electrical grid, that his office had done some research and it was pretty clear that they could make some improvements to the electrical grid, that there were critical links where it would make sense in terms of making them less vulnerable to the damage caused by flooding and high winds to put some of it underground; that he wanted to say that it would be very helpful if they had a map in terms of civic associations, that his home owners association would probably be very happy to hire a truck to take all the debris to a deposit site but they needed to have a map, so his question was could the Public Works Department get a map out, that they had the email addresses of every home owners association in the City of Houston and he was sure a lot of them would be willing to step up; that on the issue of the traffic signals he was not sure how he saw At Large Council Members participating in that but did know, after having talked to Raymond Chong, if it was a blinking light and a major intersection it was not going to take much to fix that and they ought to map, maybe a GIS map, of those where there was power but a malfunction somehow in the switching and get to those first. Council Members Lawrence, Sullivan, Rodriguez, Holm, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that there were several services that were not typically thought of as basic City services and they included items like the PODs that FEMA helped them with and she knew that there was a commitment on the part of the City to try to open more of those but they frankly did not have the resources provided by FEMA and ultimately they ended up having the service restored to many of their areas, that it was important to note that there were many private entities to step in to fill the void, when the federal government was unavailable to, and one that she wanted to highlight was The Braeswood Assembly of God Church on Fondren, that they decided to open up their own POD and contacted a private company that was a religious support system called Convoys of Hope and it was based out of Missouri and they knew how to do it and dispatched convoys of ice and potable drinking water and meals ready to eat, which were standard meals from a company called Chicken King, that the amazing church provided their own volunteers and had the facility to be able to do it and they wanted to thank the Houston Police Department who also helped to staff that and facilitated the distribution of ice, water and food out of the Braeswood Assembly of God Church, that there were a number of others that she wanted to thank; that Adopt a Butterfly Day would be Saturday, October 11, 2008, at the Cockrell Butterfly Center at the Houston Museum of Natural Science, that it was in collaboration with the Holocaust Museum of Houston which was collecting 1.5 million handmade butterflies, that the butterflies would eventually comprise a breathtaking exhibition currently scheduled for the Spring of 2012, that it was estimated that over 400,000 butterflies had already been collected, that it was set to symbolize the number of children that were lost in the Holocaust and to highlight the notion of new life and resurrection and the good work that the Cockrell Butterfly Center did as well as reminding all of them that hate still existed and it took all of them to work to overcome it; that the Second Annual City Council Bowl A Rama was coming up on Monday, October 6, 2008 and proceeds would go to the Combined Municipal Campaign where their goal was to raise over \$10,000 for combined charities, that it was similar to the United Way Combined Campaign, that it was a whole lot of fun last year and was at the Palace Bowling Lane on Bellaire. Council Members Lawrence, Johnson, Sullivan, Rodriguez, Holm, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to thank Council Member Clutterbuck for mentioning the butterflies, that when he had the honor and pleasure of visiting Israel he attended the Children's Museum and it was very moving; that he wanted to give appreciation

and recognition for the tremendous work that DRC was doing, that DRC was really living up to their obligation and he was seeing the expression of their citizens who were happy to get their streets back, that he wanted to thank Tom Combs, DRC and everyone involved with the effort because it was truly impressive to drive the district in the morning and then drive the district in the evening and they almost do not recognize the same streets, that tremendous progress was being made; that to the citizens that were still without light and to the neighborhoods who still had not had their debris removed, things were happening and he wanted to thank the citizens for being patient. Council Members Lawrence, Johnson, Sullivan, Rodriguez, Holm, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:30 a.m. Council Member Khan absent on personal business. Council Members Lawrence, Johnson, Sullivan, Rodriguez, Holm, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary