

City Council Chamber, City Hall, Tuesday, July 1, 2008

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, July 1, 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, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Michele Mitchell, Director Finance Department; Mr. Terence Fontaine, Deputy Chief of Staff for Operations; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Melissa Noriega out of the city on personal business.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:21 a.m. Mayor White called the meeting to order and called on Council Member Garcia for the prayer and pledge of allegiance. Council Member Green absent.

Council Member Garcia invited Senior Pastor Keynan James Smith, Crosby Church for the prayer and Mr. Ernest Eguia, a World War II Veteran, to lead them all in the pledge of allegiance.

At 9:24 Mayor White requested the City Secretary to call the roll. Council Member Noriega out of the city on personal business. Council Member Green absent.

Council Members Garcia and Lawrence moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Green absent. MOTION ADOPTED.

Mayor White recognized Council Member Garcia for a point of personal privilege. Council Member Green absent.

Council Member Garcia stated that they had been joined by fifth grade graduates from Robert Lewis Stevenson Elementary and asked that they stand and be recognized; that they were also joined by students from Crockett Elementary, who would be sharing some thoughts with them in regards to eco friendly initiatives and asked that they stand and be recognized. Council Member Green absent.

Council Member Brown stated that he wanted to thank the students from Robert Lewis Stevens Elementary School that he had the opportunity to visit recently and particularly Greg Crocker, one of the teachers, and to thank Cynthia Adame, Daniel Araiga, Cristobal Gonzales, Edwards Gonzales, Rosa Roman, Elsie Palestina, Freddie Arroyo and Miguel Chavez, for being present.

MAYOR'S REPORT

Mayor White stated that the purpose of the Mayor's Report was not only to inform but to solicit their active suggestions on things that they could do to set a good example for everyone and to save taxpayers money in reducing their energy costs, that at the City of Houston for years now they realized that waste was their enemy and if everybody did their bit to reduce their bills then they would be in a stronger position to deliver public services for their citizens; that he would be highlighting some things that the City did long before they saw \$4 gasoline prices and his purpose was not only to celebrate that and encourage others to do it but also to provoke thoughts from around the Council table and from City employees about how they could reduce

their energy consumption; that in 2004 they began a program of buying fuel efficient vehicles for civilian use and today they would pass the 500th non specialty hybrid vehicle purchase, that he thought they had some of the hybrids, both specialty and non specialty, out in front of City Hall, that he was not just plugging hybrids, there were other vehicles that were more fuel efficient than others, that today it was un-cool to have a gas guzzling vehicle, that in addition they had two fuel efficient dump trucks, that it was a research collaboration between the University of Houston, Peterbilt and other partners, that they had acquired them at the cost of a normal diesel dump truck and then they were looking to adding 6 to 8 hybrids, that it had an additional cost over their current dump truck but the fuel savings were 30% over the life of the vehicles, that those would be at the McCarty and Newcastle Right-of-Way Maintenance Facilities, that they were going to become more fuel efficient that way they could make better predictions in their budgets and would contribute less to emissions in their region; that he would ask Mr. Terence Fontaine to work with each of the departments, he wanted to know what departments had done, what they had seen happen on at least a pilot project in Solid Waste where they put lighter tires on their heavy duty vehicles, that he was only interested in one of three answers, either by name had done something to adapt the vehicle to use heavier tires, say a dump truck; or number two, they had not done anything and were ashamed of it and did not intend to do anything about it, or number three, they had not done anything yet but by next month they were going to do blank and fill in the blank, if they could do that with some of their Solid Waste vehicles where they had taken a 18 wheeler format and had a large wheel replacing the two wheels and then put a light weight rim, they took 2,000 pounds out of their Solid Waste vehicles by doing that, that he would like to hear what Public Works and Parks and others had done where they had vehicles with heavy tires to see if they could get lighter tires to take some of the weight out; that they were also on the leading edge of the hydraulic launch assisted technology for Solid Waste trucks, that meant they used a braking system, called regenerative braking system, to capture some of the waste energy into a hydraulic accumulator for use during acceleration; that they could take the weight out of the vehicle by using strong, sturdy but lighter materials, that whatever they could do to take the weight out of the vehicles was a good idea; that anything that Mr. Hayes and others need in order to accelerate this without wasting money they would be supportive of; that finally, he would ask City employees to please email the Mayor's office with suggestions that they saw in their daily work of ways that they could reduce energy consumption, that he would personally read these emails and follow up with directors, that it could be not only vehicles but the use of their buildings and facilities; that at the end of the fiscal year, which ended yesterday, they estimated that the energy consumption of the City of Houston, their power consumption, was down 6% relative to the fiscal year when he came into office; that finally yesterday was the first day that they took delivery under the additions to their Wind Power Contract, they would take 40 mega watts of energy a year under their Wind Power Contract, their average cost for wind energy at the City was lower than the spot price for their conventional energy, that they would not have been able to do this if Cris Eugster and Issa Dadoush not worked on this beginning two years ago and went through long negotiation to lock in a significant amount of wind energy price; that their wind purchases so far had been at 7.5 cents per kilo watt hour before the T&D adder, which was a couple of cents, so if they compared that to what they saw on their computer screens or small businesses that were paying 14, 15 or 16 cents per kilo watt hour for electricity they were actually saving money at the City of Houston. Council Member Green absent.

After discussion by Council Members, Council Member Lawrence stated that one concern that she had were those CFB bulbs that the Mayor had a task force of 100 kids going around to various neighborhoods and giving people four of them and informing them about ways to save energy, that she had a concern, as she had expressed, for fluorescent light bulbs all over the City, that she thought that was where they needed to be moving forward, that people were concerned about disposing them properly, that maybe a central place downtown, some place that people could take the fluorescent bulbs from all the commercial buildings, and Mayor White stated that was an excellent point and he would say to Mr. Fontaine that something between

Solid Waste and Building Services they did need to take a look at it as a community wide initiative and maybe they had a lot going into the recycling centers, that somehow they needed to have a place for the light bulbs disposal all over the City, that it was an excellent suggestion and they would follow up on it. Council Member Green absent.

After further discussion by Council Members, Council Member Holm stated that the City of Dallas was giving rebates for anyone who purchased an electric lawnmower and turns in a gas guzzling lawnmower, and Mayor White stated that they should look at their own mowing equipment as well, that Council Member Holm had highlighted something very important. Council Members Lawrence and Green absent.

After further discussion Council Member Adams stated that three and a half years ago when Mayor White came up with the "Go Green" initiative and she had the opportunity to head up that program and everything they were seeing now was part of that vision, that under the Green initiative they started several education programs and one of them was with the fluorescent light bulbs and with recycling and they had a lot of components underneath; that she wanted to give kudos to Mr. Buchanan and Mr. Harry Hayes and she knew that the education team that was left behind was providing education on these items and there were drop off locations where people could take the fluorescent light bulbs, that they educated them, along with the senior citizens, on how to properly dispose of the fluorescent light bulbs, and Mayor White stated that Council Member Adams might think about if there was something they should do, they could start with the superintendents at HISD, Alief, Aldine and North Forest, imagine if they had a one hour presentation that was at each elementary and middle school sometime in September that raised the awareness of young people about the specific things going on in town that each household could do, that they ought to think about that and then they would put together a team to raise awareness of some of the opportunities that citizens had already, that he thought that would be a great way that they could reach so many households within their community. Council Member Green absent.

After further discussion, Mayor White stated that they would move to the public session. Council Member Green absent.

At 9:55 a.m. the City Secretary began calling the public speakers. Council Members Brown and Green absent.

Ms. Nancy Wilcox, 1515 21st Street, Houston, Texas 77008 (713-269-7861) appeared and stated that she was present regarding Chapter 19, the first look at the proposed amendments was yesterday and she did not have time to understand them completely and would like more time to do so; that Council was to protect their constitutional rights even if they did not understand them; that she felt they were still issuing permits on case by case basis, there was no institutionalization which had been in the ordinance prior to 2006, permits should be granted on provisions of the ordinance and not on a variance; and asked the item be tagged and they be given time to make recommendations. Council Members Brown and Green absent.

Council Member Khan stated that Ms. Wilcox had been a very effective and helpful partner in the process and he thanked her and all her colleagues who had worked so hard; that he did intend to tag the item and his office had sent proposed changes to all stakeholders and they would have at least one week to review and give input and he would be available to visit with them. Council Members Johnson, Sullivan, Rodriguez, Brown and Green absent.

Council Member Garcia thanked Ms. Wilcox for coming and for staying engaged on the issue and thanked Mayor White and his Administration, Mr. Andy Icken in particular and Chairman Khan for helping to move forward, but the ordinance was passed because of flooding issues and they still had the challenge of peoples public safety, others private property and the

greater good at hand and they could not lose focus that the greater good still had to be accomplished; and he thanked her for helping to create modifications. Council Members Johnson, Rodriguez, Brown and Green absent.

Council Member Garcia stated that on a point of personal privilege they were joined today by Ms. Gloria White, the Mayor's mother, and asked that she stand to be recognized. Council Members Johnson, Sullivan, Rodriguez and Brown absent.

Council Member Lawrence stated that they both had property without a building on it which was in the floodway and Council was sworn in to protect everyone's rights and they knew the ordinance was not perfect, but wanted something in place to help protect people with mitigation and how water would flow with their houses; and while reading the proposed changes if she saw something needing to be covered which was not in it they would like to look at it and she would appreciate her letting Council Members know; and Ms. Wilcox stated that there was no one more concerned about water in their homes than those who lived along the floodway and they were not self-serving, single-minded selfish people and they did want fair regulations and to have them fairly enforced; and Council Member Lawrence stated that this could always be brought up again, but she wanted people protected now and that was why she looked to passing it as soon as possible. Council Members Johnson, Sullivan, Rodriguez and Brown absent.

Mr. Robert Schwartz, 5446 Queensloch, Houston, Texas 77096 (713-723-7230) appeared and stated that he thanked Council Member Khan for his job with the Flood and Drainage Committee and other Council Members; that he was president of the Brays Bayou Association, an organization dedicated to reducing the risk of flooding in the Brays Watershed, and he reviewed the proposed changes to Chapter 19 yesterday which he thought would offer more side effects such as the floodway conveyance offset volume, that sounded like double talk to him, he thought they were trying to compensate for the floodway conveyance loss when development occurred in a particular area and thought the objective should be reviewed; that they were trying to equate storage volume with flow and that did not follow; that he was also distressed with terms used in several places which said in perpetuity, unfortunately while the land was stable the floodway was a manifestation of circumstance which changed periodically and if upstream development was inadequately regulated the floodway boundaries would stretch out. Council Member Johnson absent.

Upon questions by Council Member Brown, Mr. Schwartz stated that his concern with the in perpetuity continued in that fashion, the function of upstream development, how well it was regulated, was a function of how well the Flood Control District was able to continue and undertake and implement its flood risk reduction programs and it seemed this was excessive baggage to apply to a property owner and his suggestion was to use terminology such as until such time as the property was no longer within a designated floodway; that the ordinance should not represent the circumstance like a snapshot in time, it had to tolerate change and be done in a live fashion; and Council Member Brown stated that he made good suggestions, often wording in ordinances needed tweaking and that case may be here and he supported it; and to him and Ms. Wilcox in reading the ordinance aside from improvement in the King's English he thought the ordinances did a good job of addressing concerns they brought up a number of times; and regarding Shady Acres they had a drainage disaster, open ditches that did not work, no rhyme or reason as to how the storm water worked there and in addition to the ordinance the city had an obligation to that and many other neighborhoods pending availability of funds to straighten out drainage problems which were exacerbated by the building permitting being allowed to happen. Council Member Garcia absent.

Mayor White stated to get instruction to Ceil and Andy if they did have things of perpetuity which did not change, it was their intention to do some things as long as something was in the

floodway and he would ask the lawyers to look at the language. Council Member Garcia absent.

Council Member Holm thanked Mr. Schwartz and Ms. Wilcox for coming and stated that she felt they were all on the same page and recognized there had to be improved changes to the Ordinance to protect citizens and she would tag it today because she believed there were things stakeholders had not had time to review and they both brought excellent points forward, one thing which concerned her was the approach to it was what they needed to do to restrict use of the land and make sure people were complying and their job was to make sure people were able to use their land appropriately and there was a little conflict; that she thought they should go and inspect regularly and if found in violation there were consequences to pay, but because they lived in a floodway and they allowed them to do something they should not have to pay a fee every two years to make sure they had done it; and Mayor White stated that was deleted from the draft; and Council Member Holm stated she was glad that was taken out, but that showed there needed to be more time to review it and she wanted to make sure they moved toward improving and still recognized they were serving the people. Council Members Johnson and Garcia absent.

Council Member Jones thanked all who came to speak on the issue and stated that her office received the revised ordinance yesterday around 11:00 a.m. and it was 31 pages long and she wanted to review it and was glad to hear the two year inspections were deleted, they did want flooding looked at regionally so stakeholders in the floodway were not the only people who were responsible for regulating flooding in the city and likewise there were areas which did flood and were not designated in the floodway and some in the floodway had never flooded and before the city infringed on people's real property rights they should design ordinances strictly construed as to avoid unintended consequences and she would like time to look at that; that more money needed to be spent on infrastructure; and she would be tagging the item as well. Council Members Clutterbuck, Garcia, Brown and Lovell absent.

Council Member Lawrence stated that a project just finished in Inwood Forest White Oak Bayou which obviously affected Mr. Schwartz some, they took a tributary and they and Harris County Flood Control widened it with federal dollars from 70 feet to 170 feet and that would relieve him quite a bit; and Jason with Flood Control said the entire area of Inwood Forest would be taken out of the floodway and out of the floodplain; that the baseball fields on 18th at T C Jester were retention ponds and you would not know, it was the ideal retention pond and the city and county were trying to purchase land to be floodway/floodplain but it took time to find and buy and just because they were in such an area did not mean they would be there all the time. Council Members Clutterbuck, Garcia, Brown and Lovell absent.

Mr. Schwartz stated that they lived in Houston, Texas, an English speaking country and yet there was terminology which used almost a foreign language with certain terms; and Mayor White stated that he understood what he was saying and it was not necessary to write law in a way of using jargon, people did it because they did not know better and because judges sometimes used the jargon to think they were big shots. Council Members Clutterbuck, Garcia, Brown and Lovell absent.

Council Member Khan moved to suspend the rules to consider Item No. 10 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Clutterbuck, Brown and Lovell absent. MOTION 2008-0535 ADOPTED.

10. **ORDINANCE AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to flood plain; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

was presented, and was tagged by Council Members Jones, Holm, Garcia, Khan and Clutterbuck. Council Member Noriega absent on personal business. Council Member Lovell absent.

Council Member Khan stated that he wanted to thank the Mayor and Andy Icken and many colleagues who worked hard to get this item where it was, especially Council Member Clutterbuck who advised and Council Member Lawrence who they looked to when leadership was needed and Council Member Jones who was a voice for the people; and from now to next Tuesday they did want input from stakeholders and if they did not have a copy his office would be glad to email or provide a hard copy; and Mayor White stated that to all colleagues and in particular to those present for the first year; before 1985 no one could build in the floodway in Houston, Texas and that was still the case in most big cities in this state and after 1985 there was a variance procedure allowed and they were routinely granted because it was impossible to show one particular structure would make the material change and between 1985 and the time where a unanimous decision was made following numerous hearings floodwaters were rising and neighborhoods were flooding in Houston and most realized this was a number one item and things needed to be done different for different results and that included regulations on how high lots could be built and bigger culverts for private development and close to a half billion dollars new drainage program financed by the City of Houston, the detention facility and Council Member Lawrence spoke of techniques going on and then Council had a Flooding and Drainage Committee chaired by Council Member Edwards and vice chaired by Council Member Lawrence and many active members and there were many ,many public hearings and they wanted the right balance and he did applaud the work of all those members and if the whole city became a piece of concrete and there was no runoff or absorption on the ground they would have to spend a ton of money to take the water somewhere else; that the item was tagged and they would resume to the public. Council Members Johnson and Holm absent.

Ms. Linda Mercer, 5805 Kansas, Houston, Texas 77007 (713-542-5071) appeared and stated that it was her honor to have been escorted today with some of the Stevenson fifth graders today; that they had an unexpected civic lesson at the school with the announcements made during last years school bond issues and today they came to thank the Mayor for his leadership in recognizing quality neighborhood schools were very important assets and they appreciated Council Members Brown and Garcia's participation. Council Members Johnson and Holm absent.

Council Member Garcia stated that he had been at the meetings and it seemed at first her information received was they were just doing a study, nothing would happen, then it was they were going to do it and lastly HISD had decided to contract with someone to convince the community of what they did not want but should accept and he said places like Cottage Grove were changing and they were in a landlocked community with tracks, freeways, etc., and it was not simple to go to another school and he made his displeasure known and thanked her for coming. Council Members Johnson and Holm absent.

Council Member Brown stated that he appreciated Stevenson, it was a wonderful school with a wonderful spirit and dedicated parents and they were trying to encourage families to move back into neighborhoods and when an elementary school was taken away, even if there were only 320 students, that was a great size and HISD needed to know how to operate a smaller school without the small school subsidy kicking in and the city would help in any way; and Ms. Mercer stated that it was workable and any other situation would mean the children could not walk to school and they did have over 360 students at Stevenson and having been invited to be a member of the HISD Public Engagement Committee was sincerely heartening and all funding was being looked at and the opportunity to make sure they had quality neighborhood schools was an expressed part of HISD's new direction and it was part from the leadership at the Council table and she believed their time would come back. Council Members

Johnson, Clutterbuck and Holm absent.

Council Member Lawrence thanked Ms. Mercer for taking an active role on so many issues like this, but the emphasis as a past school teacher had to be quality, it was not a school if kids were not learning and parents would send them to a private school and she would encourage activists to make all those who showed up to walk the walk and support the teachers and that would raise education standards, they had to say they would not accept low safety and education levels and that emphasis had to be put on HISD; and Ms. Mercer stated that she hoped to see certified by the State of Texas soon a lot of elementary schools returned to recognized status, much effort was done on moving standards up. Council Members Johnson, Clutterbuck, Khan, Holm, Brown and Lovell absent.

Mayor White stated that Council Member Lawrence touched a nerve with him, it always seemed good schools had a good principal good teachers, parents committed and accountability; that he did not know he was deprived of a good education until HISD said you had to have 800 kids to make it a good elementary school and shared facts of Stevenson such as according to an HISD study dated August 2007 Stevenson was listed as 95% occupancy, 95% utilization and required \$2.3 million in repairs over a number of categories to bring it up and some of those repairs could have cost cut and he would give it to Council Member Brown who knows about school repair; that at some point the idea was to close the school and move students to two other elementary schools, Sinclair and Memorial and Sinclair was 1.7 miles away and most walked to school, one deficiency pointed out was there was not enough bus ports for a segregated bus drop off and not a dedicated bus lane adjacent to the building or a bus staging area; and upon questions, Ms. Mercer stated that no students arrived by bus except for one who rode a special education bus; that Stevenson did well in many different surveys of its physical facilities and he had the page in front of him which showed among elementary schools actually scheduled for renovations this school would require some of the least amount of renovations, but the principle deficiency he saw was the consultant said they needed much more space for buses and he just wondered if people did their homework; and he liked her positive attitude Council Members Johnson, Clutterbuck, Khan, Holm and Brown absent.

Council Member Brown stated that two schools he looked at so far were Wharton and Stevenson and they had a lot of temporary buildings and conclusions HISD came to was there was a logistic issue, if you wanted to do a new wing on a school and the site was where the existing temporary buildings were then you had to temporarily move the temporary buildings, build the new wing and then take the temporary buildings away but it could be worked out and it seemed HISD just did not want to fool with it and close the school and you could feel they were just one big group and in a big school it was not like that, they divided into clicks and caused problems; and Ms. Mercer stated that she had a great conversation with a second grader this weekend on the road as he rode his bike, they were talking about the difference in storm water programs and wastewater programs, because they just had the city's wastewater program at Stevenson and asked that it please be brought to the elementary school level as that was how they would change the future. Council Members Clutterbuck, Khan, Holm absent.

Council Member Lovell stated that schools meant more than educating students to neighborhoods, most of the time they meant public park space, greenspace, community meeting space and in some instances people voted there; that Poe Elementary had T-buildings which they loved but they added a deck and it made it look like a wing; that her big concern with HISD was if they knew they were going to close a school they should not give hope and at Wharton they found someone to invest \$250,000. to put in an incredible ball park, if they knew they were going to close them then a reaching out to the City of Houston or other entities to see if they could save the building and partner was needed and they should bring that to their attention and she would ask Mayor White to ask Dr. Saavedra to let them know if the building was to be closed. Council Members Clutterbuck, Khan, Holm and Brown absent.

Council Member Lawrence stated that they had no air conditioning to sixth grade and she was in temporary buildings but survived and graduated from the University of Texas and this would be a great project for Council Member Brown to take leadership on; and she would ask everyone at the Council table to commit to a weekend in August to work on the school and bring the \$2.3 million down and make a difference, she would commit now to a weekend in August and Ms. Mercer had one month to organize this, to get developers, they had done it and replaced roofs, people donated their time and craft and she challenged colleagues to set a date and make a difference, it was important, and they needed HISD's help along with all the parents to make a difference in the education; and Ms. Mercer thanked Council Member Lawrence and stated that they would coordinate with Council Member Brown and propose a weekend in August; and she thanked all for their attention to such an important cause and stated that keeping Stevenson Elementary in Cottage Grove would go along way to keeping economic diversity in Cottage Grove also. Council Members Clutterbuck, Sullivan, Khan, Holm, Brown and Lovell absent.

Mayor White stated to Ms. Vasquez that here was some of the information he stated, it was the analysis done in August concluding there was not a school closing needed and she may have it; and Ms. Mercer stated that was a report she had not seen and thanked him for his close attention; and Mayor White stated that it may be interesting to her and the reason the \$2.3 million was done was not because of poor physical condition by in large it was because the school was not educationally suitable because of the bus port, etc. Council Members Sullivan, Khan, Holm, Brown, Lovell and Jones absent.

Council Member Clutterbuck moved to suspend the rules to hear the report from the City Controller and City Administration out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Sullivan, Khan, Holm, Brown, Lovell and Jones absent. MOTION 2008-0536 ADOPTED.

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

Mayor White stated that they would move to the Monthly Financial Report and recognized Ms. Annise Parker, City Controller and Ms. Michelle Mitchell, Director of Finance and Administration. Council Members Adams, Sullivan, Khan, Holm, Brown and Lovell absent.

Ms. Parker stated that she was presenting the Monthly financial Report for the period ending May 31, 2008, they were projecting an end of year surplus of \$12.1 million of \$8,000,000 from last months report, this was a net impact of a \$1.7 million decrease in projected departmental expenditures and a \$6.3 million increase in the overall revenue projections, essentially they raised the sales tax number to more in line with the Administrations and the Administration adjusted their property tax revenue number more in line with theirs so they were converging here and at this point they were about \$4,000,000 apart; that they increased their projection for indirect inter fund revenues by a little more than \$800,000 to better reflect actual cost recoveries from grant funds and their projections for interest revenue and miscellaneous revenues were also up; that interest revenues reflected higher than anticipated cash balances, they had more in the bank so they were earning more interest and since this was the next to the last monthly report for 2008 there were a lot of true ups going each way and they were decreasing the spending projections within the Parks and Police Departments to reflect their ability to absorb some of the increased fuel costs being experienced and finally the projection for Solid Waste was up about \$1,000,000 due to the purchase of new collection trucks and

salary adjustments, there were numerous changes in the enterprise funds and decrease in charge backs for police and sewer service at the airport and it was more that the actual cost was lower than originally budgeted and the comprehensive annual financial report was released yesterday evening; and that concluded her report. Council Members Lawrence, Adams, Sullivan, Khan, Holm and Garcia absent.

Ms. Mitchell stated that this was the financial report for period ending May 31, 2008, and their projection for the general fund revenue remained unchanged from last month, but they did experience significant departmental changes and as a result of lower projections of net taxable values and delinquent collections they decreased their projection for property tax by \$2.9 million; that as the Controller mentioned they were now in line together with property taxes as well as sales tax projections for 2008 and the third quarter receipts and other franchises for cable TV and solid waste fees produced an increase of \$790,000 and the telephone franchise they increased by \$295,000 and increased interest revenue by \$870,000; that she would not go into expenditures or enterprise funds and she was in agreement with the Controller and would say the Katrina aid and recovery, the audit of the furniture segment for the Housing Program totaling \$37,000,000 was now complete and the household goods audit for \$1.7 million had begun; that the second level appeal for the \$1.8 million that was denied was being prepared for the FEMA National Director now and that concluded her report. Council Members Lawrence, Adams, Sullivan, Khan, Holm and Garcia absent.

Mayor White congratulated getting the audit done and stated that they had met with directors and under Ms. Mitchell's advise if they did not do it better this year there would be new people explaining why not and that was how he would put it; and thanked her for doing what she could. Council Members Lawrence, Adams, Sullivan, Khan, Holm and Garcia absent.

Council Member Clutterbuck moved to accept the Monthly Financial Report, seconded by Council Member Green. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Adams, Sullivan, Khan and Holm absent. MOTION 2008-0537 ADOPTED.

Mr. Jackie Thomas, 4401 Wheeler NT #103, Houston, Texas 77004 (832-656-0952) appeared, presented information and stated that he was present on behalf of the BLACKKE Group LLC; that he read an article where African American high school students who graduated had an equivalent of an eighth grade education; that their group stood on the principles of building leadership advocacy community knowledge and education and their goal was to educate and empower those students; that today he was introducing an event, from October 17th through 19th, 2008 the BLACKKE Group would host the BLACKKE Student Summit, a three day leadership conference dedicated specifically to African American high school students to make sure they were prepared academically, socially and life skills to be successful as they made their transition from high school to college, they would have key note speakers, workshops and presentations; and his literature had detail including ways the city could get involved. Council Members Adams, Sullivan, Khan, Holm, Garcia and Brown absent.

Upon questions by Council Member Green, Mr. Thomas stated that they wanted them to have basic life skills, students struggled with writing, being involved on campus, etc., teaching them how to run a meeting, how to tie a tie, speak professionally; that his email was blackestudentsummit.com. Council Members Sullivan, Khan, Holm and Garcia absent.

Upon questions by Council Member Adams, Mr. Thomas stated that they had been in existence about one year and officially launched in October; the money was being raised and they would offer a scholarship, not the first year, but the attendants would be able to apply and it would be available for the upcoming year; and Council Member Adams stated that she would like an invitation as they would love to participate and wished him success. Council Members

Lawrence, Sullivan, Holm and Garcia absent.

Council Member Jones stated that she would ditto what Council Members Green and Adams said, she liked the play on the word BLACKKE and asked him to reiterate the meaning; and Mr. Thomas stated that BLACKKE stood for Building Leadership Advocacy Community Knowledge Education, the core values of their company; and Council Member Jones stated that if her office could do anything they should ask and she would like to be forwarded any email formatted information so she could get that information out. Council Members Sullivan, Holm and Garcia absent.

Council Member Johnson stated that he wanted to work closely with him on this; that late September he would be hosting the Teen Explosion where they would be doing many of the same things and he did not believe in duplicating services and would like to see how they could partner. Council Members Sullivan, Holm, Garcia and Rodriguez absent.

Council Member Adams asked that Mr. Thomas state particular information; and Mr. Thomas stated that his name was Jackie Thomas and he could be reached at Jackie.thomas@blackegroup.com and it would be held October 17th through 19th at the University of Houston. Council Members Sullivan, Holm, Garcia and Rodriguez absent.

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

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm, Garcia and Rodriguez absent.

Ms. Carolyn Davis, 5903 Quail Village Drive, Houston, Texas 77053 (281-437-8157) appeared and stated that what she was to say should have no reflection upon HPD officers as a whole as she believed they were highly trained, honest and worked under stressful conditions, but on February 10, 2008, she was going to get a car to go to her mother-in-laws funeral and turned on 500 W. Dallas and it was a one way street so she went around and came back, this was in the Galleria area around 4:15 p.m.; that she saw security guards and rolled down her window and asked where the Westin Hotel was and she was told across the street; that at the time of the accident she lost her memory, but the VA worked with her and brought her memory back and that was why she could tell them what she was today, but she was told the hotel was across the street and she looked back and saw a red light and she turned to the entrance and was watching a yellow cab come, but then her head hit the window and it was like in a Judy Garland movie where things were going around and she was out; that the female who hit her got out and then she, herself, tried to go and get two officers in the mall to come out as children were uncomfortable and they told her they already called police and they were coming for her; that the officer came and made the children with her sit a half block away. Council Members Johnson, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Adams allowed Ms. Davis to continue; and Ms. Davis stated that she told the officer her head was half paralyzed and she hit her head and he told her loudly to do the best she could and she thought she was getting ready to go to jail; and Council Member Adams stated that Officer Gallier was present and could assist her; and upon further questions, Ms. Davis stated that her ticket was dismissed; and Council Member Adams thanked her for complimenting the officers and asked Officer Gallier to assist her and if she could present her statement to Ms. Vasquez she would make sure the Council Members received copies. Council Members Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell and Green absent. (NO QUORUM

PRESENT)

Ms. Diana Musslewhite, 227 W. Cowan Drive, Houston, Texas 77007 (832-689-1575) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Lawrence Spence, 2112 Crockett, Houston, Texas 77007 (281-684-0288) appeared and stated that he was an environmental educator and the program coordinator of the Ecoteacho Program at Davie Crockett Elementary in the First Ward and it was an inner-city environmental education program which did strive to educate and inspire young people to be stewards and advocates of their environment, community and watershed through field classes, service, activities and instruction focused on local issues and eco systems and in the past 8 years hundreds of students, parents and teachers in the greater Houston area had participated in field classes, habitat restoration events and activities through the program and that was thanks to generosity and support of numerous partners including the City of Houston; that today they brought a bus of students, alumni, teachers and parents participating in the program and the bus was fueled by B20 which was a blend of 80% petroleum diesel and 20% sustainably produced renewable seed oil based bio fuel grown and refined here in the U. S. and to their knowledge they were the first in HISD to do so; that they also participated in programs which educated about connections to bayous and Galveston Bay through storm drains and streets and they harvested rain water for irrigation purposes and removed 700 feet of asphalt parking lot to create a pond and native plant habitat and had raised vegetable beds on top of the parking lot; and he wanted to recognize all the work and innovation of the Mayor, Council Members and all city staff who helped to make Houston a cleaner, safer and more energy conserving and overall greener city; and a few students and alumni composed statements which addressed issues in their lives. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that today he and his students were leaders and she had been to Crockett and it was incredible; and she thanked them so much for what they did. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones thanked Mr. Spence and the students for coming and stated that he said it all and she believed what they were doing should set standards for all schools as they were the future. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell asked that the students stand to be recognized. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Spence and the students for coming and for what they did and stated that she hoped in some a seed would be planted of public service and she hoped they enjoyed their time here; and she and the other Council Members looked forward to hearing them today. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Johnson thanked Mr. Spence for bringing his students and Council would have a host of questions, but it was never too early to start this process and today they were

here on a variety issues and it would pay off in them. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Ivan Rocha, 2112 Crockett, Houston, Texas 77007 (281-684-0288) appeared and stated that he was a fifth grade student from Crockett Elementary School and participated in the Ecoteacho Program and lived at 1912 Crockett in the First Ward; that he went on two environmental field trips during the past year and the first was riding a boat in the lower ship channel area and upper Galveston Bay and they saw many birds and used nets to capture animals in the water so they could learn about them and they learned about their habitat, food, etc., and the environment there seemed healthy because they saw and caught many and it did not seem polluted, not much trash in the water and the air smelled good, but they were on another field trip in the upper ship channel and they rode the boat and he discovered this part of the ship channel was very polluted and the air was dirty, he could not even breathe and some went inside the cabin of the boat because the air smelled so bad and his head and stomach hurt; that they saw machines spreading chemicals and there were many bottles, boxes and plastic floating in the water and they only saw a few birds and no other animals and his teacher said scientists say not to eat fish in that part of the channel; that when he got back he was happy to be ashore again and the other field trip was better; that animals were being affected and they needed to stop that process, if pollution went down into the water it would be harder for larger fish to find enough food and their population would go down and that would affect everyone because fishermen would spend more on gasoline and find less fish and the price would be higher and then the fish may have bad chemicals and cause people to be sick, but they could do something, they could pick up trash to keep it from going into the water and he and his teachers were planning a cleanup during the fall and he would ask the City of Houston to help them which would help improve the community and nature. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Sullivan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that his speech was very well written and very well read; and asked if she and other Council Members put together a field trip and went to their school would he give them a tour of what they had done; and Mr. Rocha stated that could be arranged. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Sullivan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan stated that he was very impressed with him and his friends today; that during summer they still got up early to attend a Council Meeting and this morning in the Mayor's Report they heard of things the City of Houston was doing in terms of making the city cleaner and safer and air quality better; that 25% of the electricity was by wind power and they now had 500 cars which were hybrid and saving on gasoline, but this had to not only be at City Hall, it had to involve citizens and that was where he and his friends could play a huge role, they could ask parents to recycle, drive less and use ceiling fans, many things could be done by everyone and young people could provide the lead and Houston would be known not only as the energy capital of the world, but the energy savings capital of the world. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that she was in awe of what he just said, if most adults cared as much about the environment as he the world would be a better place; that he caused them to just think and with his help what she would like to do would be arrange a field trip to the part of the ship channel where everything was that caused him not to breathe well so she could see it with her own eyes and he, his teacher and classmates could participate in a civic solution where they went to visit, saw with their own eyes and tried to come up with a comprehensive plan, work with the Port maybe to clean it up because it was a small part of the world and

maybe they could do something; that if they did not take care of the waterways and food there at some point they would cause extinction of species and then they could not get them back; that resources were used up, they had to take care of the world both locally and globally because when they did not it could be depleted; and she thanked them all for coming and inspiring her to pay close attention to the environment. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Hector Navarrette, 2112 Crockett, Houston, Texas 77007 (281-684-0288) appeared and stated that he was a fifth grade student from Crockett Elementary and he participated in the Ecoteacho Program and he was present to inform Council of a problem he was having, he wanted them to imagine being eleven years old and trying to go to sleep when suddenly they heard bang, bang and looked out to see who was shooting, but saw nothing so they would go back to bed and looking at the ceiling being tired of hearing shooting and they should imagine it happening twice weekly; that it was a problem because the shooting caused him to stay awake later which caused him to arrive at school late and he would miss part of his class, it also caused him to be tired at school and he had a hard time concentrating on his school work and he failed the TAS test and now had to repeat his grade, but he did not like failing a grade, he wanted to pass and go to college and get a job as an animal scientists so he could have a good life; that some in his neighborhood tried calling 911 but it did not seem to do anything and he did not know how to solve the problem, but perhaps Council did and they could assist in solving their problem. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Vice Mayor Pro Tem Lovell, Mr. Navarrette stated that he lived at 1100 3 McAllen Road; and Vice Mayor Pro Tem Lovell stated that she was sorry that happened in his neighborhood, unfortunately some people lived here who had no respect and it was in other neighborhoods as well, but it was not right; that when he heard gun shots he should not jump up and look as something could happen to him, he should just call 911 and if it did not work he should call the Council Members offices and they would make sure it did, but she did not want anything to happen to him, they would get his address and see what they could do as they would like to help him achieve his dreams; and she appreciated him coming with his problem and letting them know. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones thanked Mr. Navarrette for coming and stated that it was interesting he came, she tried not to cry but was very affected by this, she had a conversation with her 16 year old son over the past weekend and he asked what she feared the most and she answered and asked him the same question and her son made almost all A's and B's and was an athlete and leader and helped others; that he wanted to be a marine biologist and was a huge conservationist, but his fear really shocked her, what he was most fearful of was being shot, he was afraid of gang violence and he hoped he would make it to 25 years of age because if he could make that he thought it would be easier; that she was thinking here she was on City Council and her son was afraid of being killed; that she thanked him for coming and letting everyone at the Council table know his issue, she also heard gun shots at night and she called 911 and police did not come, they asked if anyone was hurt and she answered she did not know, but heard gun shots and the last time she heard them someone was killed, but she did not go look out the window or go outside to see if fire or ambulance was needed and she thought people at the Council table needed to know that some neighborhoods were not worried about trees or concrete they were worrying whether they would get shot, whether their children could go to a park and that was just the way it was; that Council's job was not easy, but she wanted to protect him as much as her own child and she hoped one day from decisions she made on this Council children like him and her 16 year old son would not be afraid of dying from a gunshot; that her son wanted to go to college just like him and save the environment; and it

was children just like him who were needed to give people a slap in the face and let them know sometimes life was just about survival and she knew he had absolutely nothing to do with living in a neighborhood where there were gunshots; and again thanked him for coming. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams thanked Mr. Navarrette for coming and coming with the courage to read his thoughts; that she met Police Chief Hurtt and he was a chief with compassion and dedication in making sure Houston remained safe and she hoped he and a staff member were viewing today's meeting and get in touch with him; that it hit the heart when a child came with the issue of gunshots; that wisdom came out of the mouth of babes and she thanked him for coming and being bold enough to say how it hindered him and she would ask there be more patrol in his area so they could have a better quality of life; and she also thanked Council Member Jones for her understanding of what children went through on a daily basis and again asked Chief Hurtt to look at the address and get increased patrol for him. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Rodriguez thanked Mr. Navarrette for coming and stated that he had the same concerns because in his neighborhood from time to time there were gun shots and he worked with officers to get more patrol; that he was not his District Council Member but would give him his card and if he had concerns he would work with his District Council Member to make sure his neighborhood was safe and if people were as smart as him they would not have the problem. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Gabriel Franco, 2112 Crockett, Houston, Texas 77007 (281-684-0288) appeared and stated that he attended Crockett Elementary School in the First Ward and he was an honor student and would be entering fifth grade, as a Cub Scout he participated in many trash bash activities, but still had many concerns about the neighborhood, sometimes while walking down Crockett you smell food thrown out from passing cars and there were beer bottles and candy wrappers in ditches and on sidewalks and it gave their school a bad appearance; that sometimes he even saw mattresses, old tires and couches on sidewalks and in ditches and it was a big problem because trash got washed off into storm drains, would end up in the bayou and then the Gulf of Mexico and that affected people in many ways either by damaging the fish and environment of the bays and bayous and gulf and it also created a bad look, it could also bring dangers of rats and other animals to their school; that students of Crockett had trash cleanup days, but it was not enough to solve their problem and he would like to know how the City of Houston could help residents of the First Ward become more responsible for their community and allow a clean and safe neighborhood. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell thanked Mr. Franco for coming and stated that the problem he had in his neighborhood many, many had; that she lived on the corner and every morning she saw trash which had been thrown out and it was a serious problem, people needed to be educated and again she would like a field trip to their school to see what they were doing and figure a way to help them solve some of their problems; that she thanked him for bring the problem and maybe he could come up with some good ideas to help stop people, there was a campaign "Don't Mess With Texas" and there were songs and signs telling them not to throw things from their car and maybe they could have a contest and come up with a good poster to be placed in the neighborhood and bring more pride to the neighborhood; that they would come and help them solve problems. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Ignacio Jaramillo, 2112 Crockett, Houston, Texas 77007 (281-684-0288) appeared and stated that he was entering the eighth grade at Hoff Middle School and was a resident of the First Ward and alumni of Crockett Elementary; that today he was present to speak on biodegradable items and recycling in Houston that some people could be changed through education, they could be taught to recycle and reuse or dispose of litter in a manner where it would not affect the earth, but some people would not change they would think the same no matter what they were told and they would still drop garbage, but the garbage could change and they could make it to where the earth could clean itself and take care of itself, but for that to happen they needed to help; that there was too much garbage thrown out daily and it was not biodegradable and people did not pick it up to throw away, but the earth was becoming more polluted daily; that in HISD about 200,000 Styrofoam trays were thrown each school day and they sat in the landfill and people would act as though they were not there and then 400 years later they would be gone and that was too much time for the ground to be polluted, too much time for garbage to accumulate, but last week the HISD Board of Education approved biodegradable lunch trays in all 190 elementary schools and they wanted to push those efforts to recycle more and use more biodegradable items; that garbage lowered property value and made Houston look like an unwelcome and dirty city and if that was kept up more people would leave Houston, but if they helped to improve it then people would think better of Houston. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan stated that again he was so impressed, he thought he was one of the best public speakers they had today and his articulation was very impressive; that issues he brought up were very important and they could not afford for the City of Houston to have a bad reputation of being a dirty city, like he said if they wanted more businesses and people to come to Houston they needed to have a reputation of being the safest city, the cleanest city and a city with good relations between the city government and citizens. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams stated that he did a wonderful job in his presentation and she hoped Mr. Harry Hayes was watching because they were looking for creative ideas to reach young people and it was great to start with him; that former Council Member Carrol Robinson's son asked her once if she had SOAP and she said no she had none and he said that he did so she questioned him and he said they all needed SOAP and she found SOAP was the acronym for Start Saving Our Awesome Planet; and she hoped they would contact him to help reach others such as him. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Miss Marissa Mendoza, 2112 Crockett, Houston, Texas 77007 (281-684-0288) appeared and stated that she was 11 years old and a former student of Crockett Elementary, she was a straight A student in the Vanguard Program at Lanier Middle School where she was entering the seventh grade and she had been a participant in the Ecoteacho Program for many years; that today she was making a statement regarding litter, litter was a problem to everyone so why did some continue to do it, she knew some did not like it and some did not care, but she did care; that when she passed along highways and through neighborhoods she sometimes saw litter and it made her sad to think their city was like this and when they went all field trips they saw litter in the bayous and it made her want to say things; that litter could be detrimental to people and wildlife, it could also cause a bad stench, make Houston look dirty and caused property values to decrease; that some did not care about those reasons and kept on littering like nothing would happen, they did not care, but she thought there needed to be more people to clean that litter and she would ask all who did to stop and dispose of their trash properly; that she learned the Houston Independent School District was a partner in the City of Houston's

“Stop Trashing Houston Program” and she also learned of the City of Houston’s Recycling Program, which helped to keep trash off the ground and out of the bayous; that at Lanier Middle School they recycled paper, cell phones and printer cartridges which raised money for their school and kept such things out of the landfill and those programs encouraged her to do something about litter so she was helping her former school, Crockett Elementary, to find support for the First Ward Cleanup this fall where they would be removing all the litter they could and everyone was invited to join them and she would ask all Council Members and the Mayor and especially Council Member Adrian Garcia to come and help improve their community, if they all worked together Houston could become cleaner, safer, help wildlife, increase property value and Houston would be litter free. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that she brought a smile to her face, she liked to see strong, smart girls who spoke; that her mother taught her to enunciate and someone had taught her really well; that her grandmother taught her to speak out on issues that were not always popular and she believed some people did not get how harmful littering was, but she made it abundantly clear and she encouraged her to speak to others as well as she spoke very well, it was a very thought out dissertation she just gave and she was always proud to see young girls really doing it; and thanked her for coming. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that she thought it was really commendable of her and Ignacio who had moved onto middle school and still went back to their elementary school and participated in the program and helped those younger, it said a lot about them, many in middle school did not care about the city or the planet; and urged them to keep up their good work. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Rudy Sutherland, 2202 Poco Drive, Missouri City, Texas 77489 (281-841-8444) appeared and stated that he would ask Council consider this an addendum to the performance measurement plan he had submitted to Council a couple months back; that after having DBE stakeholder meetings for the City of Houston, the Houston Metropolitan Authority and the Houston Airport System and having met with the internal small business though managers within the organizations it was his professional recommendation they create a city-wide disadvantage business enterprise program advisory group with the group membership made up of contractors, consultants, DBE and non-DBE firms, City of Houston, Houston Metropolitan Transit Authority and the Airport System representatives and the group would work to cooperate, coordinate and communicate on DBE matters germane to the collective of organizations and stakeholders previously listed and the collaborative approach was beneficial to the city and users because many worked in one or more states and through sharing experiences the City of Houston could enhance delivery of its collective DBE programs; that he would implore Mayor White’s leadership as on one side there were restricted business opportunities to minority and female populations and on the other there were longstanding business relationships which truncate other firms opportunity to get a piece of the American dream. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Mr. Sutherland for his dedication and hard work and for attending District D’s first Economic Summit of which they received raved reviews and she was waiting for him to connect her to the businesses to make sure she could hear the concerns in Ft. Bend; that they were doing their best under the leadership of Velma Laws who helped them work closely with businesses in the district to come with a collective plan on how they could do business better and she would appreciate meeting with him and his suggestions. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Clutterbuck, Holm, Brown and Jones

absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he appreciated his tenacity, he voiced concerns with the DBE process and was very consistent in his message; and upon questions, Mr. Sutherland stated no traction had been gained since he last came, no progression had happened and no progression had been made on the dialog and this was a magnanimous issue and represented revenue the community benefitted from; that in form they were dotting the i's and crossing the t's, but in substance there was no tangible marker for benefit; and he had no opportunity of meeting or discussing any of this with Ms. Laws. Mayor White, Mayor Pro Tem Garcia, Council Members Clutterbuck, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Green moved to extend the meeting past the noon hour, seconded by Council Member Khan. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Clutterbuck, Garcia and Rodriguez absent. MOTION 2008-0538 ADOPTED.

Mr. Tony Jones, 1950 Spenwick #318, Houston, Texas 77055 (713-935-0011) appeared and stated that he was back with problems with Pet Data again, in May when he came he and his wife had gone to BARC to get his dog's license and he did get it and about two weeks later he got a notice from Pet Data which said they still needed to get a license, but thought the paperwork had not been received and he ignored it, then in the middle of June he received another one but they were leaving on vacation and he was going to deal with it when they returned but forgot about it; that last Thursday he received another notice and he called Pet Data and he told them they went to BARC on May 9th and the lady said she knew, but he had not submitted another neutering certificate, every five years it was policy to receive another neutering certificate and he said to her once neutered they were always neutered, but he called the vet who was going to charge him \$29.50 for an office visit plus \$40.00 to write the report and he was not going to pay \$70.00 for a vet report which said his dog was neutered when it was done in 2003; that he signed up to speak last Friday and spoke with Mr. Robertson yesterday. Council Members Clutterbuck, Garcia, Rodriguez and Jones absent.

Council Member Holm stated that she appreciated him bringing this forward and her only comment was she knew the Health Department was working hard to do a good job and believed a lot of this was with the contract they had and whoever the powers to be were, whether it be the Quality of Life Committee, etc., she would like some help to oversee and see if they could be more efficient in operation; that she felt they were putting rules on citizens which were totally meaningless and they did not help anything at all. Council Members Clutterbuck, Garcia, Rodriguez and Jones absent.

Council Member Johnson stated that this contract would be up in August and they would be reevaluating it, he was sure many other constituents were having the same problems as he and he did hope they would get to the bottom of the problem, it should be a routine and not so cumbersome. Council Members Clutterbuck, Garcia, Rodriguez and Jones absent.

Ms. Charlean Davis, 5002 Mayflower, Houston, Texas 77033 (713-733-2137) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Garcia, Rodriguez and Jones absent.

Mr. William Ennols Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Garcia, Rodriguez and Jones absent.

Ms. Jeanette Rash, 2104 Lyons Avenue, Houston, Texas 77020 (713-228-8872)

appeared, presented information and stated that she wanted to express condolences to the family of the officer killed on the freeway Sunday and to the family of the officer injured and today was to speak about being prepared on the freeway; that Safe Clear was a star program and actually going to be considered under the Federal Highway Administration and they had learned so much, but she wanted to give tips and advice for the public and read the list she had presented to Council Members which included carrying a bottle of water per person, keep hoses, tires and cables checked, etc., and concluded with many did not realize how unsafe and dangerous such a situation was and as first responders they had learned certain things. Council Member Jones absent.

Council Member Lovell thanked Ms. Rash for coming and educating people and she knew she received calls from other cities and counties about Safe Clear and congratulated Mayor White for doing something which had proven to keep traffic moving and protect people; and thanked Ms. Rash and wrecker drivers for all they did. Council Member Jones absent.

Council Member Holm thanked Ms. Rash for coming and for the good reminders and stated that she had no opportunity lately and thankfully to experience first hand Safe Clear, but knew the segments Ms. Rash helped to operate seemed to be running very well and were very successful; and upon questions, Ms. Rash stated that when someone broke down they should call 311 unless they were blocking a moving lane of traffic and then 911 should be called. Council Members Brown and Lovell absent.

Council Member Lawrence thanked Ms. Rash for the timely reminder and stated that she would run them on her e-blast this week, all needed to be more conscious of this; and Ms. Rash stated that she did not know if the Mayor knew but San Antonio had put out an RFP two weeks ago for their own Safe Clear Program. Council Members Holm, Brown and Lovell absent.

Council Member Clutterbuck thanked Ms. Rash for coming and for her hard work and education to citizens and stated that they had seen a decrease in the number of accidents and wait time on freeways because of her advocacy and this bodies Safe Clear Program and the suggestion of calling 311 was extremely important and she brought this up because she had a problem calling 311 on her cell phone and she did not know if it was a problem with her carrier, but when she called on her city cell phone she got right through and she used it as an example because at meetings she urged people to call 311 and apparently her cell phone was not the only one with difficulty dialing; and Mayor White stated that would be checked on and they would get to the bottom of it because what she just said was very critical. Council Member Holm absent.

Council Member Garcia thanked Ms. Rash for her good work and that of her folks because it was dangerous to work on state highways and he wanted to thank her also for making a point, there was enough room at Eleanor Tinsley Park to enjoy the fireworks; that he asked Chief Hurtt when he came to Houston to put as a priority discouraging folks from parking on the freeway as people would do that and it was extremely dangerous. Council Member Holm absent.

Mayor White stated that Ms. Rash had been a champion for more professionalism in the towing business and there was something she did not need to react to but he wanted to mull over and think about, Officer Grider's wife told him Sunday morning that recently he was on a late shift and encountered a woman and her young daughter who had just run out of gas in the early a.m. hours and there was a lot of traffic and they were going to sleep in the car; that they did not have the money for the tow truck and he stayed with them and paid out of his pocket to get them assistance, but there should be a Good Samaritan Program or something where if you had a distressed situation there would be a place law enforcement could call and something like this could be a service provided; and Ms. Rash stated that she totally agreed, their drivers did not get a lot of kudos they should, because they did help people all the time, but she did agree

to that and if an officer broadcast the situation 99.9% of the time he would get the friendly tow truck driver, but she would be more than glad to work out something to that effect. Council Members Holm and Brown absent.

James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Holm and Brown absent.

Council Member Green moved to suspend the rules to add President Joseph Charles to the speakers list for one minute, seconded by Council Member Khan. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Brown absent. MOTION 2008-0539 ADOPTED.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that his case was an official crime victim case that had been pending with the City; that he had been coming before the City Council in Chambers for some time and years; that Gordon Quan had granted the emergency protection; that it was known that most of their vital organs had been cut out; and continued expressing his personal opinions until his time expired.

At 12:30 p.m. Mayor White stated that they would move to the consent agenda.

CONSENT AGENDA NUMBERS 1 through 21

MISCELLANEOUS - NUMBER 1

1. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **OAK ESTATES HOMEOWNERS ASSOCIATION (OEHA, INC)** for law enforcement services of one (1) deputy from Harris County Constable Precinct 1 **DISTRICTS C - CLUTTERBUCK and G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2008-0540 ADOPTED.

ACCEPT WORK - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$12,523,020.51 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for Katy Addicks Surface Water Pump Station, WBS S-001002-0000-4 - 3.63% over the original contract amount - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2008-0541 ADOPTED.

PROPERTY - NUMBERS 3 and 5

3. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, to amend Council Motion 2008-0174, which authorized the abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne & Riordan Addition, on behalf of **HOUSTON INDEPENDENT SCHOOL DISTRICT**, to grant a right of entry and to delete Item 5 - Parcel SY8-046 - **DISTRICT H - GARCIA** – was presented, moved by Council Member Garcia,

seconded by Council Member Green. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2008-0542 ADOPTED.

5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Creative Consulting on behalf of Sawyer Heights Village, Ltd., [SHV-GP, LLC, a Texas limited liability company (S. Jay Williams, sole member), General Partner], for abandonment and sale of a 10-foot-wide sanitary sewer easement, from Shearn Street to Spring Street, located in the Shearn Street Addition, out of the John Austin Survey, A-1, Parcel SY8-094 - **APPRAISERS - DISTRICT H - GARCIA** – was presented, moved by Council Member Garcia, seconded by Council Member Green. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2008-0543 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 9

7. **DESIGN-BUILD SOLUTIONS, INC** for Roof Restoration Services for the Jones Hall Theater from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Convention & Entertainment Facilities Department \$132,024.00 and contingencies for a total amount not to exceed \$138,625.20 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2008-0544 ADOPTED.
8. **DIONEX CORPORATION** to Furnish and Install Laboratory Equipment for the Department of Public Works & Engineering - \$116,678.27 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2008-0545 ADOPTED.
9. **ABB, INC** for Magnetic Flowmeters for Department of Public Works & Engineering - \$154,779.42 Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2008-0546 ADOPTED.

ORDINANCES - NUMBERS 12 through 21

12. ORDINANCE amending City of Houston Ordinance No. 2007-1315 relating to rescheduling and postponement of City Council meetings – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2008-0613 ADOPTED.
18. ORDINANCE No. 2008-549, passed second reading June 25, 2008
ORDINANCE granting to **AAA DEMOLISHING, a Texas Sole Proprietorship**, 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2008-0549 ADOPTED THIRD AND FINAL READING IN FULL.
19. ORDINANCE No. 2008-550, passed second reading June 25, 2008
ORDINANCE granting to **MZ TECH, INC dba UTS ENVIRONMENTAL, a Texas 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2008-0550 ADOPTED THIRD AND FINAL READING IN FULL.

20. ORDINANCE No. 2008-551, passed second reading June 25, 2008
ORDINANCE **RAPID WASTE, LLC, a Texas Limited Liability 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2008-0551 ADOPTED THIRD AND FINAL READING IN FULL.
21. ORDINANCE No. 2008-552, passed second reading June 25, 2008
ORDINANCE granting to **TREE EXPERTS, INC dba DEMOLITION EXPERTS, a Texas 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 **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2008-0552 ADOPTED THIRD AND FINAL READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PROPERTY

4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from GDT Land Consultants, Inc., on behalf of Magellan Pipeline Company, L. P., for conveyance of a ±4300-square foot subsurface pipeline easement within an existing Centerpoint Easement, located in the Reels and Trobough League, A-59, Parcel SY8-067 - **STAFF APPRAISERS - DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2008-0547 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Louis Macey, Sr., of Macey Family Properties, Ltd., for abandonment and sale of Midvale Avenue from Cedar Crest Boulevard west to its terminus, in exchange for the conveyance to the City of a 20-foot-wide water line easement, located in the Kings Court and Golfview Manor Subdivisions, Parcels SY8-095 and KY8-270 **STAFF APPRAISERS - DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2008-0548 ADOPTED.

ORDINANCES

11. ORDINANCE **ADDING A NEW ARTICLE VII TO CHAPTER 45 OF THE CODE OF ORDINANCES, CITY OF HOUSTON, TEXAS** providing for the creation of a Speed

Feedback Sign Program; making other findings and provision related to the subject; providing for severability; providing an effective date – was presented.

After discussion by Council Members, Council Member Sullivan stated that they had two committee meetings where this was discussed and he attended the first one and not the second and during the first meeting he expressed his concern about fixed speed signs and advocated for support of the portable trailer devices and frankly over the last two weeks they had two of them in Kingwood as part of their mobility study, that they were very effective, but he thought that the fixed signs could be viewed as intrusive and distracting, that to him it was akin to the Red Light Program where it started out as 10, went to 20 and 50 and then two weeks ago they approved up to 150 more, that he was opposed to them.

After further discussion a vote was called on Item No. 11. Council Member Sullivan voting no, balance voting aye. Council Member Noriega out of the city on personal business. ORDINANCE 2008-0614 ADOPTED.

13. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC** providing up to \$4,380,270.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds, which amount includes a limitation on additional funding in the amount of \$2,190,135.00, for the operation of multiple community residences, administration of a short-term rent, mortgage and utility assistance program, a tenant based rental assistance program, and information and identification program, and for supportive services - was presented.

After discussion by Council Member Lovell a vote was called on Item No. 13. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2008-0615 ADOPTED.

14. ORDINANCE relating to the Retail Water and Sewer Rates of Southern Water Corporation; suspending for ninety days the effective date of the new rates and maintaining the current rates that shall constitute the legal rates of Southern Water Corporation until changed as provided by the Texas Water Code - **DISTRICT B – JOHNSON** - was presented.

After discussion by Council Member Johnson, a vote was called on Item No. 14. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Green absent. ORDINANCE 2008-0616 ADOPTED.

15. ORDINANCE approving and authorizing contract between the City of Houston and **THE LAW OFFICES OF PATRICK ZUMMO** for Legal Services relating to the City’s continued enforcement of the Sexually Oriented Business Ordinance; establishing a maximum contract amount \$90,000.00 - Property and Casualty Fund – was presented.

Council Member Khan stated that he did not have an issue with the ordinance and thought they needed to pass it and would support it, but his question was where were they and when were they going to start enforcement of their SOB Ordinance, that he needed a briefing on it. Council Member Green absent.

Mayor White stated that Mr. Michel briefed him on the same question that he was asking and he did not want them to blow the last portion of an investigation but requested that Mr. Michel give them an overview and timetable, and Mr. Michel stated that they always had the criminal enforcement with VICE and VICE was doing this on a weekly basis looking at a couple of places, that had continued, they also had the amortization lawsuits for those that were in existence prior to the ordinance passing, that he thought they had prevailed on 10 of 12 of

those, that 2 of them, and these proceedings had begun back in the 1990s, those records were incomplete, so they were going to have to go back and supplement those according to the court, that there was some litigation over some technical interpretations of the ordinance, it was ongoing and that was what this contract was going to focus on, but what remained and he thought the main focus was when were they going to be filing the lawsuits where they were going to say people were not being permitted and they were within the prohibited distance of, and that had to stop, that they had a couple of lawsuits that they filed already but the first wave of lawsuits under this with their investigation and with the conclusion of the litigation in March was going to begin in July and they would make sure that was publicized so that people would be aware of what they were doing. Council Member Green absent.

Council Member Lawrence stated that she wanted Council Member Khan and others to know that at their next committee meeting, on July 21, 2008, Mr. Don Cheatham was going to make a presentation on the history of the SOBs and the ordinances that had come forward and where they were and to bring them up to date with the whole legal matter, that especially the new Council Members may not realize the starting of the lawsuits and how it had progressed over the years, to give a history of that and to understand where they were and what was going on in the court system right now, and Mayor White stated that he was very interested in what they were doing on multi family that was run down in some of their neighborhoods, that they could pull the Certificate of Occupancy, that why did they need to have Certificates of Occupancy and allow people to occupy something that was in violation, that was a legal issue that he had not fully investigated.

After further discussion by Council Members a vote was called on Item No. 15. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Johnson and Green absent. ORDINANCE 2008-0617 ADOPTED.

16. ORDINANCE appropriating \$245,000.00 out of General Improvement Consolidated Construction Fund and approving and authorizing Professional Services Contract between the City of Houston and **M. ARTHUR GENSLER, JR. & ASSOCIATES, INC** for Programming Services for a new Municipal Courts Facility, WBS D-000105-0002-3 - was presented. Council Member Green absent.

Council Member Khan stated that Item No. 16 appeared to be a feasibility study and he understood that there was a previous feasibility study done, whether it was done on this very site or similar and this contract called for the previous study's information to be incorporated but what was the scope of that previous study that was not enough that they had to do another feasibility study and spend another \$245,000, and Mayor White stated that if he wanted to tag it and they would get him that information, and Council Member Khan stated that he would tag Item No. 16 and hopefully within the next couple of days if Mr. Dadoush or somebody could brief him on that he would appreciate that. Council Member Green absent.

After further discussion by Council Members, Mayor White stated that they could take a look at it at the Council briefing that they did on Monday and before that but he hoped they were doing a study that was simply for the purpose of identifying the characteristics of a suitable site and he did think there were some potential sites that they were testing, that obviously they did need to know something like what was their footprint and what was their parking and some issues involving ingress and egress from that facility but if it was much more than, that it was actually doing anything to designing the structure and the like he thought that was going to be in the future, that he thought what Mr. Christy was trying to do, and nudge him to do, which he thought was probably the prudent thing to do, was to identify a potential site that would be suitable and then for them to have a debate about and then it would get into the thing about pricing, that they would get a briefing. Council Member Green absent.

17. ORDINANCE appropriating \$14,190,000.00 out of HAS Consolidated 2004 AMT Construction Fund and \$225,750.00 out of Airports Improvement Fund (Project No. 417F; WBS A-000141-0004-4-02; Contract No. 4600004538); and approving and authorizing amendment No. 2 to Construction Management At Risk Contract between the City of Houston and **CLARK CONSTRUCTION GROUP - TEXAS, LP** for Terminal and Central Concourse Expansion at William P. Hobby Airport; setting a deadline for Clark Construction Group - Texas, LP's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the Clark Construction Group - Texas, LP in default if it fails to meet the deadlines; providing funding for engineering testing services, and for contingencies, and the Civic Art Program relating to construction of the facilities financed by such funds - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Green absent. ORDINANCE 2008-0618 ADOPTED.

NON CONSENT AGENDA - NUMBERS 22 and 23

MISCELLANEOUS

22. **MOTION TO SET A DATE** not less than seven (7) days from July 1, 2008 to receive nominations for Positions 10 and 11 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for three year terms to expire June 30, 2011 – was presented. Council Member Green absent.

Council Member Garcia moved to set Wednesday, July 9, 2008 to receive nominations for Positions 10 and 11 of the Houston Municipal Employees Pension System Board of Trustees, seconded by Council Member Khan. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Green absent. MOTION 2008-0549 ADOPTED.

23. RECOMMENDATION from Director Department of Public Works & Engineering to reschedule the public hearing dates to consider a Municipal Setting Designation ordinance (MSD) for the following:

LUI Houston Studemont L.P. for the site located at 1200 Givens

DISTRICT H - GARCIA

SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - AUGUST 13, 2008

Randall's Center/West Bellfort site located at 8671 West Bellfort

DISTRICTS C - CLUTTERBUCK; D - ADAMS and F - KHAN

SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - AUGUST 20, 2008

Fondren Road Plaza, Ltd., for the site located at 7042 Bissonnet

DISTRICTS C - CLUTTERBUCK and F - KHAN

SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - AUGUST 20, 2008

Council Member Garcia moved to reschedule the public hearing dates to consider a Municipal Setting Designation ordinance (MSD), seconded by Council Member Khan. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Green absent. MOTION 2008-0550 ADOPTED.

MATTERS HELD - NUMBERS 24 and 25

24. ORDINANCE appropriating \$1,017,500.00 out of Airports Improvement Fund and

approving and authorizing Amendment No.1 to an agreement for Professional Architectural/Engineering Services between the City of Houston and **AAC DESIGNERS BUILDERS, INC d/b/a AUSTIN AECOM** for Job Order Contracting Support at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; Project No. 516C; WBS A-000138-0018-3-01 - **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ** – (**This was Item 30 on Agenda of June 25, 2008, TAGGED BY COUNCIL MEMBER CLUTTERBUCK**) - was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Green absent. ORDINANCE 2008-0619 ADOPTED.

25. ORDINANCE amending Ordinance No. 2007-660 to increase maximum contract amount; approving and authorizing First Amendment to contract between the City of Houston and **TIBH INDUSTRIES, INC** for Vehicle Car Wash Services for the Houston Police Department - 1 year \$250,000.00 - General Fund – (**This was Item 36 on Agenda of June 25, 2008, TAGGED BY COUNCIL MEMBER LAWRENCE**) – was presented. Council Member Green absent.

Council Member Lawrence stated that it was obvious what needed to be in the backup, that there were going to be 13 sites and when they did not have that information that was why she tagged the item last week, that last year they had almost the same discussion on this, that she thought they all needed to know things like that it was not just one site when contracts such as this that involved the whole City or a department that was involved, that it seemed to be critical backup that should be there, that she had no problem with the ordinance. Council Member Green absent.

A vote was called on item No. 25. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Green absent. ORDINANCE 2008-0620 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Jones stated that they were having the first family reunion for the siblings of Edward Eugene West and Nellie Edwards, who were her great grandparents and they had chosen Houston as the host City, that they had people coming in from California, New Jersey and Korea, that they planned to have lots of food, fun and fellowship; that the Alpha Kappa Alpha Sorority, this past weekend at the Hermann Park Reflection Pool, walked in unity with all chapters around the world to celebrate their centennial; that in minus 30 days the National Bar Association would hold it's annual convention in Houston and they hoped that it would be the best convention that the association had ever had; that she had the opportunity to meet with Melanie Lawson, Channel 13, to talk about issues in the Firth Ward area, that she wanted to give a shout out to Melanie Lawson for engaging the community and asking the leaders to tell the media good things about stuff that was going on in the Fifth Ward, not just the bad things; that she wanted to recognize that Reverend Lawson just had his 80th birthday, that he participated in the Metro meeting on Friday and caused a lot of focus in that meeting and asked the people at Metro to listen to what the people who lived there were saying because they were directly affected; that she attended the Covenant House's 25th Birthday Party and had a good time; that she attended the Central Houston and Downtown District Office's debut where they gave out some really nice green gift bags, that it was a really great building; that she wanted to recognize that Congressman Lampson had an African American Leadership Roundtable in Sugarland and it was very informative about some issues that were really important; that statistics said that at the Pride Parade there were close to 200,000 people, that she had a lot of fun and was glad that they had a rousing success there; that she was looking at Nightline last night and they had a special on head cams that they were using in England to cut down on

crime, that the officer's had this video thing and it recorded everything, that it had cut down on crime because one, the people knew that the cameras were running and it caused people to plead and it also watches the watchers and was saving incredible man hours because the videos were downloaded into the computer so it saved the necessity of officers having to go to court and testify, that it seemed like a beautiful idea; that she wanted to recognize her baby sister, Ms. Ifoma Olausson, who competed yesterday at the Olympic trials in Eugene, that she high jumped and qualified for the finals and would be competing on Friday, so she hoped that Ms. Olausson qualifies for the Olympics in China, that she also wanted to recognize her sister's husband, Mr. Henrik Olausson, who would be trying out for the Swedish Olympic Team. Council Members Clutterbuck, Khan, Holm and Green absent.

Council Member Jones requested a moment of silence for Officer Gary Gryder, who lost his life and also for the officer who was injured. Council Members Clutterbuck, Khan, Holm and Green absent.

Council Member Rodriguez stated he also wanted to offer his condolences to Senior Officer Gryder's family and a speedy recovery to his good friend Joe Pillon. Council Members Clutterbuck, Khan, Holm and Green absent.

Council Member Rodriguez stated that last week's commando style raid by Immigration and Custom Enforcement (ICE) of Action Rags USA, just outside his district, should concern all of them, most Houstonians, not so much that they were enforcing the laws but the way and the manner in which they were going about enforcing the laws, that the raid at the site which was located close to an elementary school involved nearly 200 federal agents in helicopters and it was his understanding that there were several school children near by that were very frightened, that one would have thought that these agents were raiding an Al Qaida cell; that the workers that were apprehended, mostly women, were then paraded in front of the media and cameras for all to see, that many of them had families here with children who were in public schools and now their lives have been disrupted, that these were women who were involved in the recycling of used clothing; that earlier this year in Council Member Garcia's district they witnessed a similar scene when the Shipley Donuts warehouse was raided; that in yesterday's Chronicle both local Congressmen Gene Green and Ted Poe had criticized ICE's raid tactics, that ICE said that the raids were sending a message that they intended to crack down on business owners who employed undocumented workers, but he did find it alarming and interesting that the public never gets to see the employers that were employing undocumented workers; that he understood the need for the government to enforce the immigration laws, what he did not understand was the type of heavy handed tactics that they were using, that he knew the administration from time to time worked with ICE and cooperated with them on certain matters but he would like for the administration to sit down with their local officials and ask them if they could ratchet down the manner in which they conduct their raids, they were disrupting lives. Council Members Clutterbuck, Khan, Holm and Green absent.

Council Member Sullivan stated that last week he thanked the Mayor and the administration for working with him during the budget process and this week he would like to thank some City employees who helped him wrap up his year and spend his money as efficiently as possible, that without them he would not have been able to have done it, that he wanted to thank Marty Stein, Vernita Jones, Kanitria Love, Katrina Williams, Angela Jackson, Eileen Dean, Captain Karen Dupont and Craig Lariviere, that without their help they would not have been able to pull some things off. Council Members Clutterbuck, Khan, Holm and Green absent.

Council Member Lovell stated that she wanted to say congratulations to the Fresno Bull Dogs for winning the College World Series. Council Members Clutterbuck, Khan, Holm and Green absent.

Council Member Lovell stated that it was sad to read about County Commissioner Jim Fonteno, that he was a great public servant and the County was great because of people like Mr. Fonteno and she wanted to send prayers and condolences to his family. Council Members Clutterbuck, Khan, Holm, Green and Jones absent.

Council Member Lawrence stated that she had an encroachment package that was brought to her attention by a super neighborhood as they were told that all neighborhoods had to start having signage permits, that basically she agreed with the encroachment package, with what the City represents and the problems that they had downtown especially with bridges connecting one building to the other, that everything in the package she agreed with except signage, that Oak Forest, for example, had eight signs because they were the second largest neighborhood, they would have to pay the City \$8,040, that she had problems with that and thought they needed to look at their neighborhoods that had signs in the esplanades, that nobody was told about this and all of a sudden it was being passed out, that yes it had been in place but now they were going to start enforcing and start using it, that was where she had the problem, not coming to a committee, that certainly it could come through regulations and let them review it and then they would not have the panic by neighborhoods about having to pay that price all of a sudden for the signage in their esplanades, that she hoped they would take a step back and review it so that everybody would know, maybe bring it down to \$100 per neighborhood or something that they could all live with but certainly not \$1,000 to neighborhoods that were working just to keep their neighborhoods going in many cases as far as the money was concerned. Council Members Clutterbuck, Khan, Holm, Green and Jones absent.

Council Member Lawrence stated that she attended this past week Kirksey Architect's green building, a tremendous amount of great work they had done as far as their green building and architect, that they looked for more businesses to step forward and be outstanding green buildings in this town. Council Members Clutterbuck, Khan, Holm, Green and Jones absent.

Council Member Lawrence stated that absolutely 100% she agreed with Council Member Rodriguez and the comments that he made about the raid and ICE and their lack of logic in the way they handled it, but sadly she would say that HPD Officer Gary Gryder was killed by another illegal, that it was happening continually and she did not know what the City had to do as far as federal laws but Homeland Security should be doing something to help them out. Council Members Clutterbuck, Khan, Holm, Green and Jones absent.

Council Member Johnson stated that tonight at 6:30 p.m. at 6650 Rankin Road at the Christian Life Center he would be hosting, along with the Houston Airport System, a meeting to discuss airport land regulations and hoped everyone would come out, that it was to discuss what the airport's intention was to do with the surrounding land around the airport. Council Members Clutterbuck, Khan, Holm, Green and Jones absent.

Council Member Johnson stated that he wanted to tell everyone to have a very happy and safe holiday weekend. Council Members Clutterbuck, Khan, Holm, Green and Jones absent.

Council Member Garcia stated that on Thursday at 10:30 a.m. would be the funeral for Officer Gryder; that they knew what kind of man Gary was by virtue of the way his son Austin was thinking, that it was no doubt a tough challenge for a 13 year old young man to face but he knew his dad wanted him to play his game, that he was a good baseball player, that he demonstrated tremendous strength to go out and play a game, how does a son honor a father, that was just phenomenal, that he wanted to say to Austin that he had proved that being a man did not require reaching a particular age, or a particular physical stature; that they lost a fine officer in Gary Gryder but thought Houston, Texas and the Country identified a phenomenal

young man in Austin Gryder, that he would ask that Houstonians come and pay their respects to the Gryder family, but in particular to come out in support of the young man. Council Members Johnson, Clutterbuck, Khan, Holm, Green and Jones absent.

Council Member Garcia stated that tonight they were having a Public Safety Townhall meeting in the Denver Harbor Community, that it would be held at Elliott Elementary at 6411 Laredo and would be from 6:00 p.m. to 8:00 p.m. to talk about much of the progress that HPD had done over the last month with Chief Hurtt's CRU efforts but also an opportunity to find out where they needed to tidy up some loose ends; that on Friday, July 5, 2008 the Lindale Park Community would be celebrating it's Fourth of July parade and he would like to invite his colleagues if they were not already committed to a parade to come down and enjoy it with the Lindale Community, that he wanted to thank all of the neighbors who worked putting the event together; that he wanted to thank Susan Christian and her staff for the largest land base event on the Fourth of July and for accommodating and working in real time with neighborhoods who were wanting to do their own level of celebration. Council Members Johnson, Clutterbuck, Khan, Holm, Green and Jones absent.

Council Member Brown stated that it was apparent that the price of a barrel of oil and a gallon of gasoline was going up not down and his question was were they prepared and were they taking the steps now that were going to make Houston competitive in the twenty first century; that the City Council needed to look at more bold and decisive steps that they could take to make their City more energy efficient. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank Director Harry Hayes and the Solid Waste Department, that they worked so hard to do probably one of the worst jobs in the City and they do not hear about them unless they do something wrong, that she received an email and letter of thanks from the Westbury Civic Club complimenting Director Hayes as well as Fred Kirwan with the department for meeting with them and helping to negotiate changes in the Solid Waste schedule; that she wanted to tell people that if they were not part of a neighborhood that had experienced a change in the solid waste or heavy trash pickups cycle that they would be experiencing those changes and they were long over due and desperately needed, that they would help to alleviate some of the unnecessary waste in their landfills and help overall reduce the burden on the taxpayers for it; that she wanted to complement Reytec Construction Company, that she received another letter from a person who lived on Swift, Mr. and Mrs. Wrench, that they lived on the corner of Kirby Drive and Swift and dreaded the arrival of the new flood construction project, that she wanted to thank Reytec and the project manager Steven Aranda for their hard work in working with the community in replacing existing infrastructure and she urged Public Works to pass on the compliments to them as well. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that their founding fathers came up with a phenomenal document, the Declaration of Independence, that it was a document that had survived for so many years and was truly highlighted and a beacon of hope to people from all around the world who wanted to come here and live in liberty and freedom; that she wanted to wish everybody a happy Fourth of July. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to thank Mr. Michel and the Legal Department for meeting with her and Council Member Khan in their office on the vendor ordinance under Chapter 22, that they were trying to work with them to make sure they got the language correct and what things they could change in the ordinance; that she wanted to thank

Metro for helping them mend the trust, that on Friday they started off with a good meeting with the constituents on Wheeler to come up with ways that they could communicate to further the betterment of the transportation issues in the City of Houston; that she wanted to congratulate Ms. Fabené Welch, the new elected president of the Houston Arts Alliance, that she was a proud resident of District D; that she wanted to give kudos to Officer Olephant, who was at the Beechnut Storefront, that one of their local churches had some vandalism in the 3:00 a.m. hour and he provided them the information on who the person was and was diligent in his research, that she wanted to thank Officer Olephant for what he did to help the constituents of District D to resolve their issues; that they wanted to congratulate Reverend Lawson for his 80th celebration, that she had the opportunity to attend on Saturday with the Mayor as he presented a proclamation to honor him; that she wanted to congratulate the pride community on a successful parade on Saturday night, that they all had a wonderful time; that she wanted to congratulate the southeast community, as well as the Hiram Clarke Community, for a ground breaking ceremony for the Youth Soccer Sports Complex that they had last week, that it was a successful event and they looked forward to working with the community and the Dynamos for their continued efforts to help educate their kids on youth sports; that everyone gave their condolences for Officer Gryder and also Officer Pylon, who was recovering, that Officer Pylon was a good friend of hers and she could always go to Officer Pylon whenever she needed toys for families because Officer Pylon headed up the Blue Santa Program out of Neighborhood Protection in the southeast area, so they wanted to wish him a speedy recovery; that she was proud of her staff, that they had completed 6 months and she wanted to thank Shavanda, Kathy, Chris, Pedro, Karen and Tamara for a wonderful 6 months and looked forward to them providing good services for the next 6 months; that she wanted to congratulate Ms. Vivian Harris and the group in the Southeast Coalition for educating the community on the flood control issues and the floodway. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 2:00 p.m. Council Member Noriega out of the city on personal business. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, 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