

City Council Chamber, City Hall, Tuesday, July 8, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 8, 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, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director present. Council Member Peter Brown absent on city business.

At 2:07 p.m. Mayor White called the meeting to order and stated that Council Member Khan would begin presentations. Council Members Lawrence, Johnson, Sullivan, Garcia, Rodriguez, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that every once in a while they came across a real live hero, people who dedicated their life in helping the more unfortunate in society and today there was one such present, Ms. Hashmat Effendi and invited her to the podium. Council Member Khan stated that all at the table had a brochure in front of them and the last page showed before and after pictures of the children helped by Ms. Effendi and her organization, the House of Charity, a Houston based welfare organization which helped the poorest of the poor and gave them a new life; that she was recognized by people all over the world, recently the Governor of Pakistan bestowed on her the highest civilian honor and it was well deserved; and presented her a Proclamation proclaiming today as "Hashmat Effendi Day" in Houston, Texas. Mayor White stated that there had been over 1,400 procedures done over the last year and it was an honor to say it was Hashmat Effendi Day; and Ms. Effendi stated that she was humbled and honored to receive such recognition; that for her House of Charity had been a hard, persistent journey where she felt and saw pain, suffering and hopelessness of the human spirit all around the globe and it made her do the work; that her earliest recollection was helping her father at the age of 12 in hospitals in Pakistan where she took care of the sick and beggars on the street and her journey here to City Hall was only possible by the great doctors and health professionals of this great city, Houston, those silent heroes donated their time, expertise, financial resources and services for many past years and they were equal partners to the Proclamation. Council Members Lawrence, Sullivan, Rodriguez and Jones absent.

Council Member Garcia stated that too often people went through life wondering if all they did was take up space, but with her ministry he thanked her for keeping those in need in mind and they were blessed to call her a Houstonian. Council Members Lawrence and Rodriguez absent.

Council Member Noriega stated that she wanted to say how much she appreciated her today; that making lives better was the highest calling and she did thank her. Council Members Lawrence and Rodriguez absent.

Council Member Jones stated that it was wonderful what she did, people needed esteem, to feel good about who they were, and she was in a position to help and did so; and anyway her office could help they would do so. Council Members Lawrence and Rodriguez absent.

Council Member Johnson stated that today he had the distinct pleasure and honor of thanking someone who had done so much for this city, state and many individuals and invited Ms. Nelly Joyce Punch to the podium. Council Member Johnson stated that Ms. Punch was the Mayor of Fifth Ward, before anybody did anything they had to get permission from Ms. Punch, she was very successful in getting things done and had taught many including elected officials; and presented her a Proclamation proclaiming today as "Ms. Nelly Joyce Punch Day" in Houston, Texas. Ms. Punch thanked the Houston Administration for the Proclamation and

stated that she had spent many years trying to make her home a better place and still had a few things for the Mayor and Council to do, there was much progress but still much was needed. Council Members Lawrence and Rodriguez absent.

Council Member Garcia stated that if someone did not know who Ms. Punch was they were living under a rock; that she had been a voice for so many and received many results and the City of Houston was lucky to have her. Council Members Lawrence and Rodriguez absent.

Council Member Noriega stated that they officed next to each other when she was younger and she knew she was a legend in HISD as she was in the fifth Ward and it was an honor to be present honoring her. Council Members Lawrence and Rodriguez absent.

Council Member Jones stated that she knew she was Mayor of Fifth Ward and an example of what citizens should do in helping with hunger, etc., in taking the initiative and not just relying on government; that she was an inspiration and if she could help in any way she would be happy to. Council Members Lawrence and Rodriguez absent.

At 2:26 p.m. Council Member Khan invited Council Member Ada Edwards to lead all in the prayer and Council Member Khan led in the pledge. Council Member Lawrence absent.

At 2:28 p.m. the City Secretary called the roll. Council Member Brown absent on city business. Council Member Lawrence absent.

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

Council Member Adams moved the rules be suspended for the purpose of adding Mr. Lawrence Marshall and Ms. Rita Fortich to the list of speakers after Mr. Homer Clark, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown absent on city business. Council Member Lawrence absent. MOTION 2008-0551 ADOPTED.

Council Member Adams stated that on a point of personal privilege she wanted to recognize the first African American woman to serve on the Missouri City's City Council, her friend Ms. Cynthia Lindsey Gary, and asked that she stand to be recognized. Council Member Lawrence absent.

At 2:31 p.m. the City Secretary began calling the public speakers. Council Member Lawrence absent.

Mr. Dale Wortham, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared and stated that he was in support of Agenda Item 14, the ordinance amending Chapter 15 of the Code of Ordinances, and dealing with city projects and prevailing wages, it strengthened and tightened the sometimes abusive and dishonest contractor who classified their employee as contract labor or something other than and when someone was classified as a subcontractor when they were truly under the direction and control of the contractor they were robbed of about three ways, the prevailing wage ordinance was specific and this ordinance tightened it and they appreciated the consideration; that he was also in favor of Agenda Item 18 where the Harris County Hospital District would get \$99,530.00 to support the elderly. Council Member Lawrence absent.

Mayor White thanked Mr. Wortham for his support on the issue as well as his public service. Council Member Lawrence absent.

Council Member Garcia stated that Mr. Wortham spoke on reasons the ordinance was important and the Council had heard many complaints on how people worked; and upon questions, Mr. Wortham stated that most legitimate business men did business the right way and he understood there were organizations or trade groups who changed their position when this was first presented, but when doing work for a governmental entity you represented yourself as a reputable contractor and it was hard to compete with businesses who did not operate that way; that he pulled a payroll report and the contract was given to one contractor, but the payroll reports were filled out by another contractor and everywhere it talked about payroll and taxes they had under every employee that they were a subcontractor and taxes were not withheld and a legitimate employer licensed to do business did withhold payroll taxes. Council Member Lawrence absent.

Mayor White stated that if someone was not filing 1099 forms then it went to the point he made, if they were cheating on taxes and not dealing with the IRS then you did not know about the quality of their workmanship and that was why he was willing to support this. Council Members Lawrence and Rodriguez absent.

Mr. Bruce Norcini, 1711 Memorial Drive, Houston, Texas 77024 (713-296-3728) appeared and stated that he was to discuss changes to the new draft of Chapter 19 and hoped the efforts of those present would help to avoid unintended consequences; that their group, the Floodway Coalition of Houston, received the city's draft about a week ago and the steering committee for their coalition spent approximately 200 man hours reviewing the draft and making comments to it and they submitted the comments partially to their offices yesterday and they had more; that the floodway property owners contributed their time and expertise on their mission and the bottom-line was when it came to flooding issues everyone was a stakeholder; that their goal was to create fairness and he believed they had and it would restore property values and their lives; and hoped the city would rewrite a new Chapter 19 and deliver the fairness they discussed. Council Members Lawrence and Rodriguez absent.

Mayor White thanked Mr. Norcini for devoting his time on an important topic and for appearing today. Council Members Lawrence and Rodriguez absent.

Council Member Khan stated that some of the coalition was present and they spent so much time on this and he was so impressed with them; that they did have to move beyond Chapter 19, much work needed to be done in the area of flooding in the City of Houston and they would take all the time necessary to address their concerns; that they were getting a response to their five pages as they now spoke, it should be there this afternoon and he was always willing to sit with them, but a time came when they had to move on and at the end of the day they had to move on and he hoped they could work together the same way in other areas. Council Members Lawrence, Rodriguez and Lovell absent.

Upon questions by Council Member Holm, Mr. Norcini stated that his group was not original stakeholders and that had been a pet peeve, real true homeowners were never a part of the group, he found out about this a few months after the ordinance was passed; and Council Member Holm stated that this was a very important issue to many people and she tagged it last week as she was trying to get information; that if they spent 200 hours in the last week how did Council Members get the information, who was addressing it and who was to decide about their comments; and Mayor White stated that there were numerous records of long and often late night meetings of the Flooding and Drainage Committee in which many hundreds of citizens participated in year after year including the year the ordinance was adopted and second he got comments and reports about the engineering studies and legal alternatives since approximately April 2007 periodically and sometimes a couple of times a week and there were a number of members of city staff taking a look at the various change suggestions; that they could not go back to the old days of government by variance where they saw the accumulative impact of

multiple variances being not taken into account and they did want to move forward on flooding, but they did have the detailed comments and he was reviewing them right before they began talking, they had his attention and that of Legal and a number of staff members; and Council Member Holm stated that since she had to vote on it she would also like a copy. Council Members Lawrence, Rodriguez and Lovell absent.

Council Member Garcia thanked Mr. Norcini and his neighbors for coming and stated that they started at a particular place and trying to get to where everyone was happy it was hard, but they had demonstrated progress; that he had been vocal he did not like how they got here, but he appreciated the time Andy Icken and others had spent trying to find room for compromise and accommodation for folks like Nancy, her mom, him and others severely affected by this and he was hopeful they would try and look at it from a global perspective. Council Members Lawrence, Rodriguez and Lovell absent.

Council Member Jones stated that she liked to read and reflect before voting and for any ordinance to be as least intrusive on people's property and their rights as possible and she believed in government from the bottom up and what concerned her about the ordinance was flooding was a regional problem and she was struggling with an ordinance which to her picked on people who lived in the floodway, if someone did not live in the floodway they could build and cause flooding with impunity and it was problematic to her, it could affect most peoples largest asset and it made sense to try and understand it all and it bothered her that one group of people would be inspected and pay for it every two years, city was regional, citywide, and if you wanted to build up why could you not do it, it was like an unconstitutional condemnation because your property was only valuable if someone would buy it and who would if they could not improve on it; that the city did need to pass something which addressed flooding, but whatever it was needed to make everyone pay into the system or suffer from the system for lack of a better word; that she did not see why someone right across the street from the floodway would not be fed to death and if they were taking peoples property then they should pay for it, this was rendering property for people valueless; and Mayor White stated that whether or not it was valueless to use construction, pier and beam or whatever they had plenty of time to talk about it, but he did want to say on the issue of obligations of people outside the floodway and the overall public obligation, so far the approximately \$200 million in the drainage projects started and he thought there was about \$300 million more paid out of the ad valorem taxes and Council Member Clutterbuck and Council Member Khan would be holding a hearing on the dedication of those funds out of the property taxes within the funds altogether it would be about half a billion dollars worth of drainage construction and the principle she articulated was a good principle, there were people affected citywide by flooding and some improvements were financed citywide and the second issue was a number of members of Council led by Council Members Edwards and Lawrence did change the rules a few years back so if a person did elevate the field of their property so it flooded a neighbor's property they actually could stop the construction and finally they once before increased the size of culverts and piping which needed to be installed in new development and there was considerable opposition for that and he would say to Council Member Khan they did whatever they could if someone caused flooding to their neighbor, that they tighten the rules so it did not happen, it was not right and if anyone had specific suggestions then they should be placed on that committee and they would act boldly. Council Members Lawrence and Rodriguez absent.

Ms. Melva Thornton, 4326 Dalmation Drive, Houston, Texas 77045 (713-433-9682) appeared and stated that she wanted to ditto what the gentleman said before and wanted to add to it, on Agenda Item 30 she had a problem with fees because fees were changed all the time and it could get so high they would not be able to do anything with their property, she lived 50 feet off Sims Bayou and they were told five years ago from the Harris County Flood Control District that once they got to their section of Sims Bayou they would no longer be in the floodway and if that was the case why would they tag their property as floodway; that it looked

like a hidden agenda of what this was all about and her second issue was Croquet Street, it was a sore subject and the community voiced their opinions they did not want the street opened and she understood maybe people with deeper pockets came to Council and maybe got the street opened. Council Members Lawrence, Holm, Rodriguez and Green absent.

Council Member Clutterbuck thanked all who came and gave input, but her comments were about the larger issue and directed to the history of the process and her colleagues; that when they heard from good people like Ms. Thornton and others who alleged a hidden agenda or who made allegations they would respond to people with deep pockets instead of to the public it put the entire body in jeopardy and it made her extremely frustrated when her colleagues joined in; that she sat there two years through multiple meetings under the supreme leadership of Council Member Ada Edwards who was the chair of the Flooding and Drainage Committee and who had an extremely difficult job and handled it the way all public officials should, she had open public meetings, lots and lots of notice, and if her colleagues chose not to attend or read the follow-up then when the ordinance came for a vote and they still raised no questions and now sit back and say they did not have the information, or there were no meetings, or they did not know who to invite, etc., it was outrageous; that she and Council Member Garcia attended a number of public meetings, meetings when the Harris County Flood Control District was evaluating the flood maps and meetings in the Heights and a number of individuals here today claiming they were not involved in the process had attended those meetings and Council Member Edwards made sure each and every Council Member had a say in the stakeholder groups, she contacted them asking if they knew of any community leaders to let them know of the meetings and she did; and to Mr. Norcini it was incorrect to state there were no homeowners involved in the stakeholder group, there were a number of facts misconstrued and she was extremely passionate about setting facts straight. Council Members Lawrence and Holm absent.

Council Member Adams thanked Ms. Thornton for coming and for her leadership to the Hiram Clark Community and stated that the information and questions she sent to her email she had received answers to last night and she would send her the responses; that they would be able to get permitted for the pool at Townwood Park, it was being moved closer to the community center and out of the floodway; and Ms. Thornton stated that she wanted to be sure they were getting a full pool and there were answers regarding the floodway and she would be sure Council Member Jones received the email so they could all be on the same page. Council Members Lawrence and Holm absent.

Council Member Khan stated that they did listen to stakeholders and Council Member Jones was very articulate about the fees also and based on that there was no longer a fee in the ordinance; that Council Member Clutterbuck said it much better than he, but this was a very open process and all were welcome and if Ms. Thornton found there was any hidden agenda he wanted to know and if anyone wanted any input they should call his office, this administration, the Mayor's Office, they wanted everyone to be a part of the process. Council Members Lawrence, Adams, Holm and Noriega absent.

Mayor White stated that he wanted to repeat Ms. Thornton was active and they did respect her service and on the street opening and closure they tried to have criteria which applied to all neighborhoods everywhere in the city and this was basically on the connector streets so there were more entrances and exits, it was not driven for a special interest, church, business or anything else, there was a criteria and applied equally. Council Members Lawrence, Adams, Holm and Noriega absent.

Council Member Garcia thanked Ms. Thornton for coming and stated that flooding was a regretful reality for the City of Houston and when he tried to make a difficult decision he thought if he did this the outcome was "x" and if he did nothing what was the impact of that, so they were

trying to do something in the best interest of the people and that the rules served all as well as a rule could serve and they invested half a billion dollars into correcting flooding. Council Members Adams, Holm, Rodriguez and Green absent.

Mr. Chuck Brush, 8510 Sonnevile, Houston, Texas 77080 (713-460-1041) appeared and stated that he was a flooding and drainage committee stakeholder and on July 4th he received an email from Ms. Marty Stein forwarded through Council Member Khan's office about Chapter 19 amendments and part of it said the other substantive change was the reinsertion of the definition for repetitive loss and that was done at the request of a citizen stakeholder who pointed out the definition was necessary in order for homeowners to qualify for a certain addition of insurance payments, he believed he was the stakeholder requesting that and he should be happy but was not; that he set out to understand FEMA rules and regulations and managed to get thoroughly confused; that he came to believe there could be no ICC which was increased cost of compliance coverage in flood policies benefit unless the repetitive loss definition was included in ordinance 19 and to him taking out the definition meant no one could access the ICC benefit in the flood policy if they were flooded and of course it was completely wrong and he did not want someone to lose their home because he got in over his head reading regulations and urged they get the ordinance right and allow him to rescind his request to have the repetitive damage definition included in the ordinance, they should take it out. Council Members Adams, Holm, Rodriguez and Green absent.

Mayor White thanked Mr. Brush for coming and for his dialogue; that they did try to be responsive to citizens and they considered his comment previously and they would consider his comments now; that he thought his first comments did have merit and that was why they did it. Council Members Adams, Holm, Rodriguez and Green absent.

Council Member Jones stated that first she was considerably concerned how the ordinance affected seniors and secondly when notice was talked about, she just got on Council, she was not present two years ago and did not receive notices and had no idea what was going on and she contacted those living along the bayous because that was who it would affect, she sent information to super neighborhoods, etc., letting them know they were to vote on the ordinance dealing with building in the floodway, etc., and told them what they could do and said she was looking for guidance, so who picked who were stakeholders and what was notice, she got no notice; that she asked herself how would it affect her grandmother and if it did she was really paying attention to it and the interesting thing in going to the stakeholder meeting in the annex was the demographics was a certain group of people who seemed to live in the same place and she thought that was curious because it affected a whole bunch of people, and she wondered where everyone else was so as much as she heard about notice and stakeholders no one she knew did know about it; and she did not think there was a rush and the best to tell her what was best for their property were those who owned it and she would try and balance equities; and Mayor White stated that they would take Mr. Brush's statement into account just as they did his last one. Council Members Clutterbuck, Adams, Holm and Rodriguez absent.

Mr. Jeremy Dilbeck, 5707 Enid, Houston, Texas 77009 (713-294-4510) appeared and stated that he started a software company seven years ago and was now leading provider of notification software to the transit industry nationwide and this was an interesting process; that flooding was a complicated issue and he was involved with this for 14 months now and still learning; that from the last two stakeholder meetings he would say they were close to being on the same page, he appreciated the way it was reviewed and building pier and beam seemed to be a commonsense solution. Council Members Sullivan, Holm and Rodriguez absent.

Mayor White thanked Mr. Dilbeck for his constructive suggestions and attitude. Council Members Sullivan, Holm and Rodriguez absent.

Council Member Garcia stated that when he first visited with Andy about pier and beam he said because it was no different and he did not think that was right, it was not slab so they had gotten to places and Nancy had been tenacious making sure they were hearing details and today the ordinance did allow pier and beam; that this was a very different ordinance from where they started and he thanked him. Council Members Sullivan, Holm, Rodriguez and Noriega absent.

Mr. Rick McKee, 935 Deepwell Lane, Houston, Texas 77024 (713-252-0400) appeared and stated that he was owner of ABC Auto Parts, a recycled auto parts company, on Shepherd @ I-10 since 1942 and they put in many hours and years with no air conditioning or heat but hey had hope and the American dream to pull them through; they donated cars to the Fire Department's Jaws of Life Program for over 15 years and received numerous awards and accommodations and his late father's recycling ideas were used all over the U. S. but now in the bayou city times were changing land in the country was now in the city, etc., but they woke up one day with the new ordinance 19-43 and their three acres of land was in the floodway, many entrepreneurs came wanting to start business on their property and they were told no building permits would be issued for the floodway land which they paid taxes on over 40 years and now no one wanted their life's work and life thousands of others in the floodway they got to keep their land and paying taxes on it, but no one could or would buy it, the land was taken by the City of Houston in a well meaning but carefully contrived and legally orchestrated act of condemnation; that several Council Members apologized for voting for the ordinance and some now say this land taking, one of the largest in the U. S., could not and would not stand; and urged the right thing be done. Council Members Sullivan and Holm absent.

Mayor White thanked Mr. McKee for being present and his input into the process. Council Members Sullivan and Holm absent.

Mr. Niel Meyer, 2822 Briarhurst, Houston, Texas 77057 (832-858-3218) appeared and stated that he was a member of the Houston Property Rights Association and they first heard Ms. Wilcox speak before their civic club about the issue 13 or 14 months ago; that he was not officially speaking for HPRA but voicing his own opinion; that property rights were generally transferable and as mentioned before him they were not transferable and the effect of the ordinance was those in the floodway were trapped; that those in HPRA were thrilled Council was revisiting the ordinance; that this was a complex matter and he urged they get it right. Council Members Sullivan and Holm absent.

Upon questions by Mayor White, Mr. Meyer stated that Mr. Kline was president of their group; and Mayor White stated that he really appreciated his participation in the stakeholder meetings and while they were working on it, in San Antonio and Dallas there was no permits at all within the floodway and what they were trying to do was have a more balanced approach. Council Members Sullivan and Holm absent.

Council Member Khan moved the rules be suspended for the purpose of hearing Ms. Nancy Wilcox after Mr. David Tannich, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown absent on city business. Council Members Sullivan and Holm absent. MOTION 2008-0552 ADOPTED.

Ms. Margaret Jenkins, 10751 Dulcimer, Houston, Texas 77051 (713-738-7128) had reserved time to speak but was not present when her name was called. Council Members Sullivan and Holm absent.

Mr. Patrick Myles, 9602 Dulcimer, Houston, Texas 77051 (281-330-6718) appeared and stated that he was present as a pastor and business owner located in the Sunnyside area, the church was located in Reedwood and his business in South Acres; that his business was the

highest property in the area when Alicia came and a year or two later the city came and raised the bayou, on Cullen and Airport they raised the street and fixed the bayou and since there was no problem with flooding; that they dealt with many in the area financially challenged and then to put fees and taxes on property people lived in it felt as though they were in a lose/lose situation; that when they bought their property in 1994 they bought it looking at the 10 year projection of the city and knew by buying 10315 Cullen they would have a piece of property worth at least a million dollars today, but with this situation they were now saying it was a worthless piece of land. Council Members Sullivan, Holm and Garcia absent.

Council Member Jones stated that Mr. Myles should continue; and Mr. Myles stated it was the same thing where the church was located, another piece of property on a stretch of bayou and again it was people who could not afford to lose what they had; and upon questions by Council Member Jones, Mr. Myles stated that he came today because of a sense of urgency, he did not have all facts but knew something would affect many older people; and Council Member Jones stated that was what she spoke of, many were trying to choose between paying lights and water and getting evicted; that this was about survival and not just selling property and many had not been heard from and a better job needed to be done to include everyone. Council Members Sullivan, Holm, Garcia and Lovell absent.

Upon questions by Council Member Adams, Pastor Myles stated his church was New Star Bethel Mission Baptist Church and his business was South Acres Barber Shop; and to Mayor White Council Member Adams stated that when you had a property and the bayou was completed past a particular development did it remove them from the floodway; and Mayor White stated yes, for example Sims Bayou was a good example and so would be parts of Braes Bayou, thousands were removed from the floodway because of the bayou improvements and Sims was one where because of bayou improvements there were fewer places in the floodway than a few years back; and Council Member Adams stated that Pastor Myles land was right there and once they completed the Sims Bayou project there was a great chance his property would no longer be in the floodway and his property value would go back to what it had been stated; and Mayor White stated yes, and a good example was the City of Houston acquired land off 288 where there would be athletic fields, etc., and parts of it hugged up to the north and south sides of the bayou in the floodway, but they were being taken out of the floodway because of the Sims improvement; and he wanted Mr. Fontaine to check whether his property on Cullen was in the floodway; and Pastor Myles stated that it was but once they finished the raising of Cullen and Airport he was not sure, but homes on Scenic along the bayou and going back along Scott Street were at the bayou as well and all of that flooded during Alicia; and Mayor White stated to Mr. Fontaine he wanted his address and a current status from Public Works about the property on Cullen and the next thing was he was very mindful of the fact they would not have a senior start over and that was why they were not having someone remove or leave their house even though he knew it had flooded and they could improve them, it was not right to scare someone about something that was not going to occur, but when he left here he wanted to say that they tried to act boldly in making sure some people flooded out in the past had their risk reduced for the future; and Mr. Myles stated there was property on Dulcimer; and Mayor White stated that he knew Dulcimer was not in the floodplain, but they would look at this to see people had the right information. Council Members Sullivan, Holm, Garcia and Lovell absent.

Council Member Lawrence stated that her staff just checked and Dulcimer was not in the floodplain, the address he had listed was not. Council Members Sullivan, Holm and Jones absent.

Mr. David Tannich, 10034 Briar Drive, Houston, Texas 77042 (713-782-6236) appeared and stated that the flood issue got his interest six or seven weeks ago and he appreciated hearing they would not take his house and that his house may be worth something when he was ready to downsize; that if Mayor White had not said not to worry he found a quote on KHOU

attributed to Andy Icken which said if a building was there before it was okay to put it back again and he appreciated Council Member Garcia's global view and Council Member Jones's interest in preserving property rights and his issue was there was an unnecessary rush to judgment and the devil was in the detail when it came to meeting global objectives and his principle plea was to give more time for the Administrative process and for responses. Council Members Sullivan and Jones absent.

Mayor White stated that part of the desire by the Administration to have this before Council, the Chair requested a delay, but they frequently changed ordinances and he would point out the fact some people would like there to be amendments to the ordinance sooner rather than later, but if they keep the ordinance as it was none of the issues they spoke of would be addressed and in defense of city staff he was riding herd on people saying lets go and get something on the books and his second point was separate and apart from public policy, it was a matter of physics when water was coming across a wall like a house it would be slower getting into the stream and it piled up and if a person was flooded and in the floodway he would think there were good reasons why the person should consider elevating the base of their structure a little bit so the flood waters would go under. Council Members Johnson, Sullivan, Green and Jones absent.

Ms. Nancy Wilcox, 1515 W. 21st Street, Houston, Texas 77008 (713-269-7861) appeared and stated that she thanked Mayor White and his staff for all the effort they extended over the past months; that the concepts in this were very complex and the ordinance affected the floodplain as well as the floodway and there were 10,000 floodway owners but 25% of the city was effected by the ordinance. Council Members Johnson, Sullivan, Holm, Green and Jones absent.

Council Member Khan stated that Ms. Wilcox should complete her statement; and Ms. Wilcox stated that much was said here and they did respect and appreciate the negotiations and were interested in something which precluded the unintended consequences the current ordinance was plagued with; and Council Member Khan stated that she would be getting email from his office this afternoon if she had not already received it and she should contact him if there was anything still hugely bothersome and with the time limit here he would like to visit with them a few minutes after. Council Members Johnson, Sullivan, Holm, Green and Jones absent.

Council Member Garcia thanked Ms. Wilcox for coming and staying engaged and deserved a serious voice at the table; that she went out and engaged the community and it was for that reason changes they had come to be and she had his undying respect for how she handled herself and this issue; and Ms. Wilcox thanked Council Member Garcia and stated that she would like to get past this and many involved were happy to work with the city on reducing the size of the floodway and eventually the floodplain. Council Members Johnson, Sullivan, Khan, Holm and Green absent.

Council Member Adams moved the rules be suspended for the purpose of hearing Mr. Lawrence Marshall at the top of the three minute non agenda speakers list, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown absent on city business. Council Members Johnson, Sullivan, Khan, Holm, Noriega and Green absent. MOTION 2008-0553 ADOPTED.

Mr. Ken Ulmer, 1700 Brittmoore, Houston, Texas 77043 (832-250-7328) appeared and stated that he was a Safe Clear contractor and present to speak on the program, a street side view from a contractor, first and foremost he commended Mayor White and all Council Members for having the courage to try something different, they truly fostered a program which exceeded all others throughout the country by leaps and bounds and about a month ago the most renown traffic incident management, teacher and expert in the United States and maybe the world visited Houston and spent several hours with Safe Clear contractors and toured Tran Star

learning the program in detail and he was amazed at the effectiveness of Safe Clear and its positive impact on traffic incident management and its been said Safe Clear may gain recognition as a star program through the federal government for traffic incident management and a few stats he thought were amazing, the individual contractors actually identified 75% of all incidents which meant through their patrolling efforts they identified, responded and initiated clearance without utilizing any other source, they did not burden officers or any other government resources; that Safe Clear reduced accidents by around 20% and by national averages that equated to about \$35 million a year in economic savings and contractors were as well evolving, contributing more and learning to do jobs more efficiently and they formed a Safe Clear Management Group which was fully funded by the contractors with full time dispatchers at Trans Star taking calls, monitoring cameras and acting as the liaison for the individual contractors and they paid for their position at Trans Star just as all agencies did and they developed a state of the art radio system capable of directing simultaneous communication with over 200 contractors in emergencies or individually on a day by day operations basis and they contributed to the latest hurricane evacuation plan and committed all available resources to ensure traffic flow would not be interrupted within Safe Clear areas; that they began as a great concept to traffic congestion and today three years later the program and its contractors continued to evolve to more that ever anticipated; that other cities were following in their footsteps and to measure effectiveness they compared to the Safe Clear Program. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent.

Council Member Lawrence thanked Mr. Ulmer for the hundreds of hours he spent literally educating city officials and other wrecker drivers and all the time spent making this happen; that it was a great program and she also thanked Janette Rash and the Mayor. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent.

Council Member Garcia thanked Mr. Ulmer and all others for their good work, it was one thing to get an idea and another to convince people it was a good idea; that he (Council Member Garcia) brought up what he thought was a good opportunity for Houston drivers, he hoped they were trying to find someone to make a case study and work to reduce insurance premiums for Houston drivers, it was one thing for a program to cause a drop in statistics, but this program sustained its impact and he hoped taxpayers could start wondering why car insurance premiums dropped; and Mr. Ulmer stated that the \$35 million was actually a number from 2000 and so the number was probably far greater now; and Mayor White stated not here and now but probably through Regulatory Affairs he would say to Ms. Stein he wanted input as they negotiate franchises, he wanted to make sure the cost of diesel was not going to limit the patrolling, they may need to look at the reimbursement rate, they did want people to do their jobs and they did rely on their eyes and ears and he wanted Mr. Lewis and others to take a look. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent.

Council Member Adams moved the rules be suspended for the purpose of hearing Mr. Lawrence Marshall at the top of the three minute non agenda speakers list before Mr. Leo Gold, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown absent on city business. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. MOTION 2008-0554 ADOPTED.

Mr. Larry Marshall, who was previously added to the speakers list, appeared and stated that three women were very important to him, Council Member Clutterbuck his Council Member, former co-worker Council Member Noriega and Council Member Adams was Council Member for the Croquet Street issue and Council Member Jones received much of his support and he was proud of all of them; that a fact was the board of education spent \$15,000,000 building a new elementary on West Orem and South Post Oak and they were told prior to the school opening they needed to cut a street in next to the school and it was Croquet and they were told no one would be allowed to occupy the building without the occupancy permit and they paid

\$1,000,000 to cut the street in and paid it because they wanted to open enough drive for deliveries, but did not pay it to disrupt the community; that they now had a major safety issue with traffic through Windsor Village and today he was urging Council revisit the Croquet issue, it was without merit, it had no value and it would jeopardize lives of young people, they would like to create a cul-de-sac at the end of the street for a skating rink. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent.

Mayor White thanked Mr. Marshal for coming and stated that he wanted to share analysis the Public Works Department had done; that he would assure him they would try to do the right thing and the right thing to apply the principles applies to every neighborhood where they encountered the issue of streets in subdivisions which provided additional entrances and exits; and he did greatly respect him and his service on the school board, but something high in their minds was to allow children to get to school without going down major thoroughfares. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent.

Mr. Leo Gold, 1324 Banks, Houston, Texas 77006 (713-874-7444) appeared, presented information and stated that he was present on the issue of recycling; that he hosted the New Capital Radio Show, an all volunteer civic minded talk show which recently won a Houston Press Best of Houston Award and several listeners and supporters were present and asked them to stand to be recognized. Mr. Gold stated that in May the New York Times published an article about the city of San Francisco's efficient recycling operation which reached a 70% diversion rate, the amount of waste now recycled, and it mentioned other cities performances and Houston ranked at the bottom with a 2% diversion rate and he was working to verify the figures with Waste News the trade journal which published the statistics and he spoke with Ms. Elena Marks of the Mayor's Office and launched an online petition to request improvement; and went over information presented in his packet and read highlights of the petition. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that she appreciated Mr. Gold coming and recycling and quality of life for the City of Houston was a passion of hers and Houston did have issues in promoting recycling and getting the numbers up, but before she became an elected official she had the opportunity to be promoted within the City of Houston to Solid Waste Management and promoted the "Go Green" initiative and she would like to take kudos along with her former staffer, Christina Moran O'Conner, it was the two of them, the Green Team, and the Mayor met with them and said what he wanted and they knew much education was needed and within five months they increased participation from 12% to almost 20% and with the City of Houston being the fourth largest city there was no other city comparable to what they were doing to improve numbers and she highlighted what she and Ms. O'Conner did to increase recycling. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Gold stated that education was crucial and he hoped more would be done in that area along with other things to push others into recycling and with larger trash bins it still sent the message Houston wanted a lot of trash and a little recycling; and Mayor White stated that this was an important topic and several times he was asked what he was most disappointed in and as Council Member Adams said they had come a long way on curbside recycling, but they would do more, the current levels were unacceptable in the long run and he thanked him and others who signed the petition for being specific in what they were urging; in addition to recycling bins they were now placing recycling in grocery stores and they had a taskforce and 30% of the weight stream were trees and grass and there was nothing like that anywhere else in the U. S. and in projections and goals it was to get most of it so 18% of the total weight stream would be chipped and that program would begin in October; and they would go through what he presented and see what could be done in the short and long run on each. Council Members

Johnson, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he believed part of what did get Council Member Adams elected was the respect of her constituency who she communicated the importance of recycling; that they had passed budget items; that other cities were making recycling punitive, either you did it or "x" happened to you but here they were trying to demonstrate how well they could do it and role model for other cities; and Mr. Gold stated that they may need to take a measure that was perceived and unpopular just as they did with Safe Clear where initially people objected but quickly the objections fell away and it became a part of daily life, such as you get a small trash can for free and you want a huge one you pay and there were other methods in other cities; and Council Member Garcia stated that they could not afford enough commercials to keep the advertising out there, but he had a microphone and they needed his help to keep the message alive and get people motivated. Council Members Johnson, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Gold for coming and stated that he did like his specific suggestions and had written down yes beside some of them and when they moved to the trees and grass, whenever you change something in picking up garbage people went nuts, and they had to let people know they were thinking of the long run and just so he knew they were on this the longest meeting he had this week was on the topic of tires and what could be done, between tires picked up in bins, about 100,000, and then in the illegal dumping, about 165,000, and there were many others and to Terrance what happened to the places...; that they needed inspections of small garages, they took a tire and the person paid a tire disposal fee and then the tires ended up in neighborhoods and now tires were valuable, they would like to make streets out of them, they could be crushed and 5% put into asphalt and streets would be more durable. Council Members Johnson, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Nancy Edwards, 10601 Bassoon Drive, Houston, Texas 77025 (713-661-9737) appeared and stated that she supported what Mr. Gold just said and she was a participant of the city's recycling program, but would ask the service be extended to those who did not have the service; that she also agreed education was important in the effort and hoped it would be; that she was happy to know yard waste would be in the program and perhaps resold as compost to those who wanted it for their yards. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Noriega thanked Ms. Edwards for coming and stated that many at the table felt strongly about recycling and they were interested in reducing waste as quickly and effectively as they could. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Edwards for coming and for being a voice for those who did not have recycling and stated that the city wanted to include new areas and they were looking at areas which had consistently low participation and looking to replace those areas with others who had shown interest in recycling. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, P. O. Box 263252, Houston, Texas 77207-3052 (832-292-5203) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Manuel Barrios, 7934 Ellinger, Houston, Texas 77040 (713-501-6262) appeared and

stated that he was present on behalf of his neighbors with a heavy heart of increased decay in his area; that on three sides of his community there were apartment complexes all with issues of negligence on the part of the owners which made the area increasingly unsafe, the Somerset Apartments were located at 8001 W. Tidwell and had not maintained the wooden fence between their properties and put their property and the homeowners in danger, there had been several incidents which he discussed including robbery, graffiti, etc., and some homeowners and officers of the board spoke to those in charge at the Somerset Apartments and the homeowners board of directors set a meeting but when the time came the manager had left the premises. Mayor White, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that as chair of the Public Safety Committee they were holding a public safety meeting tomorrow afternoon and they would discuss apartment inspection and the whole process of what needed to be done and she wanted to make him aware; that her office would be happy to investigate to see what needed to be done to work on this, but there was a concern across the city; that Council Member Lawrence was also involved in this and they did hear him and they would be working on it. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that there was an apartment security ordinance and they were increasing that staff, they had not moved fast enough on looking at apartments and they knew the problem and were working on the manpower to correct it and the more they reported a problem the more it was noticed, he should also get his storefront captain involved, over 50% of the people lived in apartments and sometimes when you did not own it there was a problem of respect, but they had to feel as though they were a part of the community and they were trying to get them involved, there were some outstanding apartment owners and he should keep attending meetings. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that he should present his information to Ms. Vasquez so they would have a copy and he did thank him for coming and discussing what was wrong and he was able to hear what they were doing and good progress was being made. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that someone from her office was coming to get all his information. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Diana Musslewhite, 227 W. Cowan Drive, Houston, Texas 77007 (832-689-1575) appeared, presented information and stated that her dog was run over on a residential street, but more important for the city and its citizens was she filed a claim and was sent a form letter stating the city was immune from liability and that was really incorrect, the city initially was not immune under the civil practices and remedies code, the Tort Claims Act, initially anyone driving a motor driven vehicle was not immune and that was under 101.026, however, if they were driving and it was an emergency and they did what the law said they were to do they did get the immunity back, but then you had to go to the Texas Transportation Code and under 546.005 if they were not driving with appropriate regard for safety of all persons then they had no immunity; that she was a non practicing lawyer and if she were not she may have received her letter and just dropped it, but it was not right, this was a legal opinion being sent out saying they were immune and someone needed to look at it, whether her claim won or not the letter needed to be appropriate and correct. Mayor White, Council Members Johnson, Sullivan, Khan, Holm,

Rodriguez and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that Ms. Musslewhite arrived last week but because of the consolidated session she was unable to speak, she wanted to express condolences about her dog and hoped it was doing well at this point; and Ms. Musslewhite stated that the dog was recovering after five surgeries and \$5,000, she was one block from the park and to most people that was an extension of the park and an ambulance should not be going 40 to 45 mph in the first place, it never did break; and the City of Houston needed to send citizens a legally correct letter. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Lawrence, Ms. Musslewhite stated that her dog was not on a leash but she had her by the collar, she was very obedient, but bolted at the sound and she believed if they had been going slower or maintained a proper lookout they would have braked. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she would like a copy of the code sections and form letter. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

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

Mr. Douglas Nichols, 2418 Broad Street, Baytown, Texas 77521 had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Joe Palmer, 5703 Sherringham, Houston, Texas 77085 (713-723-0048) appeared and stated that she was a resident of the Windsor Village Subdivision and she and her husband lived there almost 40 years, they were in the country a long time and the eastside ended at Grapevine, the west side was Durlinghurst and someone decided they needed a northerly exit, but they had five outlets already, but they put the road from West Orem to the north boundary of Windsor village and to put it there they took out maybe 30 acres of virgin forest and in doing so they built the property up about three to four feet and put the road in and now when it rained the water ran into the back yards of those who were there and the city said they did not know who the easement belonged to and right now the weeds were as tall as her on about a ten foot strip, but getting back to Croquet Street 65% of those living in Windsor Village were seniors and there was an elementary school there with 700 to 800 children, they also had a park and civic center. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that Ms. Palmer should continue; and Ms. Palmer stated that they removed the barricade and cars went through at a high rate of speed and at the park on May 8th there was a shooting and they never had a shooting before and on May 30th there was another shooting at the park and that was on Croquet; and Council Member Adams stated that she would yield her comments until the last speaker on Croquet. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Joe Heard, 5823 Darlington, Houston, Texas 77085 (832-654-5843) appeared and stated that he was president of Windsor Village Civic Club and he represented approximately 860 homes and their problem was they wanted the barricade replaced at Croquet and they could not figure out why it was open, it was a closed community, no more land was available to facilitate construction, and less than 20 people went to Heinz School so it could not be for that reason, it seemed they were never heard and there was supposed to be meters on the street to test traffic, but according to something he had it would have been April and May only they were out for one and a half days and disappeared and at the time they put the meters out Croquet was closed with the barricade so how could they test traffic, then they opened Croquet and something just seemed to be wrong and they were trying to correct it. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Mr. Heard for serving as president of his civic association. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Mr. Heard for coming and for his leadership and stated that under Council Member Edwards they had worked hard with his community protesting the opening of the street before anything was built and she had asked that they write down dates the traffic devices were out, but they were different from the days Mr. Marcotte provided; that she met with Mr. Marcotte yesterday to voice her unhappiness with the recommendation to open Croquet, it was not to attack one person in the area, but she did not think it should benefit one person in the area either and the community had her full support for the street closure. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones thanked Mr. Heard for coming and stated that whatever she could do to help Council Member Adams she would. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Vivian Harris, 13906 Regg Drive, Houston, Texas 77045 (713-729-4339) appeared and stated that she received correspondence and it would show what they saw and what they got were not the same and read through several letters some of which was a letter dated August 29<sup>th</sup> and they had a meeting and she was quoting from the writer of the Windsor village Methodist Church which said they had not expressed a position on the issue nor had they been asked to do so and the letter went to the principal at the school, Dr. Saavedra and those in the Windsor Village area; that the coalition which she was president of sent a letter to Council Member Edwards stating on the weekend of July 27<sup>th</sup> through 29<sup>th</sup>, 2007 the barricade at Croquet and West Orem was removed and they raised enough sand where they had to put it back, but they had written to Council Member Edwards stating if she needed help in keeping the street closed they should let them know; that November 9, 2007 a letter was written to Mr. Marcotte by the Windsor Village Methodist Church which stated they were expressing a concern on behalf of thousands of citizens impacting the safety of the children playing on South Post Oak and their children did not play there, it was a dangerous thoroughfare, but the church letter stated there was a need to open Croquet to ensure safety and that 800 students went to Heinz School but less than 20 went there. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated Ms. Harris should continue; and Ms. Harris read from other

letters, one from Mr. Marcotte to the Windsor Village folks and another to her from Mr. Marcotte and if you looked at the area he just did what he wanted. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that on the letters from Mr. Marcotte where one supported her and one supported the others what were the dates; and Ms. Harris stated that they were both written December 14, 2007; and Council Member Adams stated that she was hearing issues, one wanting permission to open a street prior to any studies and she wanted copies of the letters because they were supporting two issues, one wanting it opened and one wanting it closed as she wanted to check on that, studies were not done until this year and if about 83% of the community wanted the street closed and one wanted it opened she had questions and she wanted to check and get answers. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that to her the neighborhood should have the biggest voice and whatever her office could do to help Council Member Adams she would be happy to do and she would also like a copy of what was being provided to Council Member Adams. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Homer Clark, 6019 Birdlington, Houston, Texas 77085 (713-729-4339) appeared and stated that he was present to protest the opening of Croquet Street, he was the past president of the Windsor Village Civic Club and a current board member, over the past two years they had requested Croquet Street have a permanent barricade at their communities entrance, but they were recently told the Public Works Department made a decision to permanently open it and Ms. Harris touched on a couple of things and read a letter to Mayor White from Public Works stating they had received two letters regarding Croquet and the letter they had received from the church was they needed the street opened because of the 800 students going to the church, but only 20 or 30 came from Windsor Village and it said the YMCA had 6,000 members, but they came from all around and most down West Orem. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that Mr. Clark should continue and Mr. Clark stated that the church said they needed the street opened for traffic flow, but Chimney Rock was two blocks west and it opened up to Orem and they could open it to Beltway 8 and have a completely open passage and it seemed to be a better solution. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Rita Fortich, who was previously added to the speakers list, appeared and stated that she was president of Super Neighborhood 39 and was present speaking for 39 and 40 and she was also on the board for the South Houston Concerned Citizens and they wrote to Mayor White October 6, 2006 asking Croquet be closed and that no more be cut through their neighborhoods, the traffic was tremendous and they already had one cut through at Southwest Crossing and one at Corinthian Point and some at Ridge with the HISD Bus Barn, one thing the city could do would be to put in Chimney Rock Street, when they put the Ft. Bend Toll Road they were to put it there and did not; that they were treated rudely at the county and received no help and appreciated the city; that they could build Chimney Rock at Main and it could meet up with the rest of Chimney Rock and then there would be a true traffic flow and it was on the books for 2007 in the CIP and it made good sense. Mayor White, Mayor Pro Tem Garcia,

Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that for the past eight years she worked with the community concerning Croquet Street and noticed when looking at the street and look at South Post Oak and Orem, they said numbers increased by 12% of traffic flow since Croquet was opened and her comment was when it benefited one individual of the community the traffic would increase because the membership knew to use it to get back and forth and when you owned everything on the strip of land of course you would get support letters, she did not think one individual or organization should have say so on whether the street should be opened and felt it should be left to the community; that she attended church not far from there and they did use Croquet as a cut through because South Post Oak was busy and traffic backed up, she was not happy with the solutions and she would ask the Administration to consider giving the community back the quality life they deserved; that 18 wheelers parked on Croquet now and they should look at other ways when they consider opening a street and she was strongly against the street being opened. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams moved the rules be suspended for the purpose of adding Ms. Ada Edwards to the list of speakers, seconded by Council Member Jones, and Vice Mayor Pro Tem Lovell advised inasmuch as there was no quorum it would be by unanimous consent. Council Member Brown absent on city business. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Ada Edwards, who was previously added to the speakers list, appeared and stated that she wanted to give insight she had on the issue; that they had several meetings in the Croquet area at the civic club with Ms. Harris, members and leadership of Windsor Village Church, HISD and membership and leadership of Fountain of Praise and Mr. David Peters and Mr. Paul Nelson were point persons for Public Works and they did a lot of study and Mr. Peters remarks were there was no reason for Croquet to be opened because it was residential and it would be used as a thoroughfare and there were enough streets to get people around; that in meetings she had personal conversations with leaders of HISD and Windsor Village said they had no reason to have it open and the community's position was to not have it open; that she would not comment as to why people changed positions, but the meetings were over a year and all were involved in the decision to not open the street and she was very disappointed it was now opened and what they said would happen now had happened, Croquet was a residential community street and not a thoroughfare and it used to dead end at the park and she could not see why it was open and causing so much chaos. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones thanked Ms. Edwards for coming and stated that she would ditto what she and Council Member Adams said and in looking at the two letters generated in December it showed the city liked to please some and would disregard others and the people were the city and it was important to listen to neighborhoods. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Edwards stated to her all had a say, they were all citizens, but she hoped if the process was changed they changed it in the same way with open discussion and open meetings like they had previously. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem

Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega thanked all for coming and for their patience and she believed Council Member Adams had this well in hand, but she remembered meeting with some of them before she was a Council Member and they asked she not forget them and she was saying she remembered them and would follow their Council Members lead. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Linda McDonald, 12321 Crest Lake Drive, Houston, Texas 77072 (713-254-9932) had reserved time to speak but was not present when her name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Adjua Umoja-Justice, 117 W. Hamilton, Houston, Texas 77076 (713-557-8550) appeared and stated that her presence had a twofold purpose, she needed support of the City of Houston by having the Police Chief send a letter to the Texas Attorney General asking its Criminal Investigation Unit to investigate the Harris County District Attorney's Office deliberate mishandling of her son's rape case and her second purpose was to let Council know of the flagrant and unnecessary waste of tax dollars on Saturday, July 5, 2008 by the Houston Police Department; that she tried to obtain justice for her son as a rape victim for more years than she cared to mention, in 2002 the Harris County Grand Jury no billed a rape case after HPD officer Julie Anderson intentionally and maliciously provided information to the Grand Jury that she knew or should have known was completely false and she had been asking the Harris County District Attorney to take the information back to a new Grand Jury and she had been asking so long she was a laughing stock for the DA;s Office, she presently stood in front of the court house and exercised her freedom of speech and prosecutors came daily and stared at her table and laughed at her efforts, but what came around went around and those laughing may one day experience parental pain far worse than what she was presently suffering and her second purpose here was to explain the special treatment HPD officers gave to prosecutor Michelle Onkin and her husband Curt Onkin, Michelle was the prosecutor who with reckless disregard for the truth presented her son's rape case in 2002 and refused to go back and correct errors she knowingly allowed to happen; that on July 5<sup>th</sup> her 13 year old son, a friend and herself protested in front of the Onkin home on City of Houston property and prosecutor Onkin came out and said to leave or he would call the police and six units showed up, four HPD and two constable units and the constables admitted she had not broken any laws and left, but the HPD units stayed for over 45 minutes wasting time and money encouraging her to leave. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Garcia, Ms. Justice stated that she had not been able to get anyone in authority to help them; that Council Member Quan had tried but Chuck Rosenthal refused to listen to any of his pleas; and Mayor Pro Tem Garcia stated that with limited time it was difficult to comment on where they should go. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she would hate for such to happen to anyone and as

for the Grand Jury you had no right to go in and the DA's Office got to decide what evidence would be presented there and even those in there were not entitled to have a lawyer, the truth was not everything was always shown in the Grand Jury and because their proceedings were confidential no one really knew what was presented, she had issues with the Grand Jury, but to her it took a lot of courage to be relentless about the pursuit of justice, but there was a first amendment right to speak and the city was short staffed in HPD and she would like clarification as to why four patrol cars would spend time watching two adults and a child exercise their constitutional right and she was sorry for what happened to her son. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she was looking at a letter from the Attorney General's Office and the case was no billed by the Grand Jury and she was not sure which remedies were available, but she did apologize to him and if they thought it was important so did she and they understood the severity and she was sorry he had to deal with it and appreciated him trying to take action and control of his life; and she would be happy to have her office coordinate and see where they could go and she would give them her card and they could check with her office. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Kevin Smith 219 E. Thornton, Houston, Texas 77002 (281-687-2515) appeared and stated that he was present to speak of the incident on July 5, 2008 where he and Ms. Justice and her son were lawfully picketing outside the prosecutors home and her husband came out, confronted them and told them to leave and they advised him they had a legal right to protest on public property and he then said he would call police and the two constable units addressed them first and then four HPD units and all said they were within their lawful rights but kept encouraging them to leave; that the constables left after a short while, but the HPD units stayed and he did not believe their conduct was proper and they did waste taxpayer dollars, he personally felt harassed, they came asking for their identification and said they needed to see an incident report. Council Member Noriega stated that she was sorry she and her son had to deal with this. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Smith stated that HPD asked them for their identification, one officer he recognized, DeSoto, but he basically spoke up for them, Officer DeSoto helped the situation; and Council Member Jones stated that in the future it was helpful to get names of the officer, constables or who ever and a camera was also helpful; and Ms. Justice stated she had a picture on her cell phone; and Mr. Jones stated that the sergeants name might be Sgt. Buchanan. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Mark Smith, P. O. Box 896, Bellaire, Texas 77042 (713-867-5998) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Herman Williams, 10031 Rebel Road, Houston, Texas 77016 (281-881-5196) appeared and stated that he was present to address an issue which should have been addressed a long time ago, the issue of term limits, the merits of term limits could not be supported any longer because look at who had come through here and been lost; that it needed to be revisited so certain issues could get enough time to be addressed, term limits did not help the city and whatever guidance he could get to have the issue before the people he was willing

to listen. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he wanted to challenge the dog case of Ms. Musslewhite in regarding his national crime victim case pertaining to life and death; that he wanted an equal three minutes; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

At 6:05 p.m. City Council recessed until 9:00 a.m., Wednesday, July 9, 2008. Council Member Brown absent on city business. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, July 09, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:35 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:34 a.m. Mayor White called the meeting to order and stated that the first item on the agenda was the Mayor's Report. Council Members Johnson, Sullivan, Adams, Noriega and Green absent.

#### **MAYOR'S REPORT** - Website presentation on Houston General Plan

Mayor White invited Chair of the Planning Commission, Dr. Carol Lewis and Ms. Marlene Gafrick, Director, Planning Department to the Council table for a presentation.

Dr. Lewis and Ms. Gafrick reviewed the City of Houston General Plan which is on the City of Houston Website for citizen's review.

Mayor White and Members of Council thanked Dr. Lewis and Ms. Gafrick for the website and for all they were doing for the City of Houston. Council Members Adams, Khan, Rodriguez and Noriega absent.

At 10:10 a.m. Mayor White recognized Council Member Garcia for a point of personal privilege and Council Member Garcia stated that he wanted to thank Mr. Chris Saladino of Champ Burger for the Council breakfast this morning, that it was a family owned business that had been in the Second Ward for 45 years. Council Members Adams and Noriega absent.

Council Member Brown moved to suspend the rules to consider Item No. 16 after the consent agenda, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent. MOTION 2008-0555 ADOPTED.

#### **CONSENT AGENDA NUMBERS 1 through 28**

**MISCELLANEOUS** - NUMBERS 1 through 5

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 6, BOARD OF DIRECTORS**, for terms to expire June 1, 2011:  
Position Seven - **MS. TAMMY C. MANNING**, reappointment  
Position Eight - **MR. ALLEN W. UECKERT**, appointment  
Position Ten - **MR. RANDALL K. ELLIS**, reappointment  
  
- was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent. MOTION 2008-0556 ADOPTED.
  
2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON COMMISSION ON DISABILITIES**:  
Position One - **MS. PAM MACKIE**, reappointment, for a term to expire 7/26/2009  
Position Two - **MS. ROBBIE MARIE ARRINGTON**, reappointment, for a term to expire 7/26/2010  
Position Four - **MS. MONICA PARKS**, reappointment, for a term to expire 7/26/2010  
Position Eight - **MR. SCOTTY MacCLYMONDS**, reappointment, for a term to expire 7/26/2010  
Position Ten - **MR. JOSÉ RAMIREZ, JR.**, appointment, for a term to expire 7/26/2010  
Position Eleven - **MS. MARIA G. DELEON**, appointment, for a term to expire 7/26/2009  
Position Twelve - **MR. DIEGO DEMAYA**, reappointment, for an unexpired term ending 7/26/2010  
Alternate Position Two - **DR. STANLEY J. ZIMMERMAN**, reappointment, for a term to expire July 26, 2010  
  
- was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent. MOTION 2008-0557 ADOPTED.
  
3. REQUEST from Mayor for confirmation of the appointment of **MR. MILTON WILSON, JR.**, to Position Nine of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET MARKET SQUARE ZONE)**, for a term to expire December 31, 2009 - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent. MOTION 2008-0558 ADOPTED.
  
5. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **AVALON PROPERTY OWNERS ASSOCIATION, INC** for law enforcement services of one (1) deputy from Harris County Constable Precinct 1 - **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent. MOTION 2008-0559 ADOPTED.

Mayor White stated that they had two members of the Houston Commission on Disabilities present, Ms. Arrington and Dr. Zimmerman and asked that they stand and be recognized and thanked them for what they were doing. Council Member Adams absent.

**ACCEPT WORK** - NUMBERS 6 and 7

6. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$2,255,724.00 and acceptance of work on contract with **MERIDIAN COMMERCIAL, L.P.** for Repair and Build-out of Denver Harbor Multi-Service Center - Phase II, WBS D-000077-0003-4 - 10.00% over the original contract amount - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0560 ADOPTED.
7. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$328,070.00 and acceptance of work on contract with **F. W. WALTON, INC** for Roof Replacement at Police Academy Buildings "A" and "C", WBS G-000066-0008-4 - 0.52% over the original contract amount - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0561 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 11

8. **CENTURY ASPHALT, LTD.** for Reclaimed Asphalt Pavement (RAP) for the Houston Airport System and Public Works & Engineering Departments - \$38,612,029.50 - General and Enterprise Funds - was presented, moved by Council Member Garcia, seconded by Council Member Rodriguez. All voting aye. Nays none. MOTION 2008-0562 ADOPTED.
9. **CUSTOM AIR PRODUCTS & SERVICES, INC** to Furnish and Install an HVAC System at Fire Station No. 49 for General Services Department - \$62,567.00 and contingencies for a total amount not to exceed \$68,823.70 - In-House Renovation Revolving Fund - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Garcia, seconded by Council Member Rodriguez. All voting aye. Nays none. MOTION 2008-0563 ADOPTED.
11. **HD SUPPLY WATERWORKS, INC** for PVC Gravity Sewer SDR-35 Pipe and Fittings for Department of Public Works & Engineering - \$706,152.08 - Enterprise Fund - was presented, moved by Council Member Garcia, seconded by Council Member Rodriguez. All voting aye. Nays none. MOTION 2008-0564 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 17 through 28

17. ORDINANCE directing the Department of Planning & Development to prepare a service plan that provides for the extension of municipal services into certain territory adjacent to I-10 and in the vicinity of Barker Cypress and Park Row; calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston to annex certain territory adjacent to I-10 and in the vicinity of Barker Cypress and Park Row, Texas; providing for the publication of notice of such hearings - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. ORDINANCE 2008-0621 ADOPTED.
18. ORDINANCE approving and authorizing contract between the City and the **HARRIS COUNTY HOSPITAL DISTRICT** for support services for the elderly - \$99,530.00 - Grant Fund - was presented. All voting aye. Nays none. ORDINANCE 2008-0622 ADOPTED.
19. ORDINANCE approving and authorizing submission of an application for grant assistance from the **BUREAU OF JUSTICE ASSISTANCE** to fund the **EDWARD BYRNE MEMORIAL DISCRETIONARY GRANT PROGRAM FY08**; declaring the City's eligibility

for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department, or acting Chief, or any designated assistant Chief of the Police Department, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the application - was presented. All voting aye. Nays none. ORDINANCE 2008-0623 ADOPTED.

20. ORDINANCE approving and authorizing Agreement between the City of Houston and **MEMORIAL CITY TAX INCREMENT REINVESTMENT ZONE NO. 17** for Engineering Design and Construction of Bunker Hill Road from IH-10 to Long Point Road, WBS N-000767-0001-4 **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. ORDINANCE 2008-0624 ADOPTED.
24. ORDINANCE appropriating \$50,000.00 out of Public Library Consolidated Construction Fund for the Purchase of Information Technology Equipment to support new services provided as part of the Houston Public Library Express Discovery Green, WBS E-000119-0001-5 - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2008-0625 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City and **JEFFERSON ASSOCIATES, INC** for On-Call Staffing and Project Support Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 years with two one-year options - \$1,500,000.00 - Building Inspection Fund - was presented. All voting aye. Nays none. ORDINANCE 2008-0626 ADOPTED.
27. ORDINANCE appropriating \$356,156.68 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **IDC, INC** for Safe Sidewalk Program, WBS N-00610A-00H4-3 and N-00610A-00H5-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and H - GARCIA** - was presented. All voting aye. Nays none. ORDINANCE 2008-0627 ADOPTED.
28. ORDINANCE granting to **MARTIN GARZA CLEAN UP SERVICE, 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 - **FIRST READING** - was presented. All voting aye. Nays none. ORDINANCE 2008-0628 PASSED FIRST READING IN FULL.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

16. ORDINANCE approving and authorizing Purchase Agreement between the City of Houston, Seller, and the **SOCIETY OF HOUSTON LATIN FIRE FIGHTERS, A Texas Nonprofit Corporation**, purchaser, to sell the former Fire Station No. 27, located at 6302 Lyons Avenue (Parcel SY6-114), Houston, Texas, to purchaser for the purpose of preserving the historic building and converting the property into a combination of (I) a Community Activity Center on the first floor and (II) Apartment-Type Units for use by Firefighters and their families during extended treatments at the Texas Medical Center on the second floor, in consideration of such preservation and use as a Community Activity Center and Apartment-Type Units, and the payment of \$53,000.00 to the City by the purchaser - **DISTRICT H – GARCIA** – was presented.

Council Member Holm stated that should this property that was going to be sold to the Society of Houston Latin Fire Fighters not be used as described for a community center or for apartments for families that had been issued then it would be retracted or brought back to the City and a contingency was that it must be used for 20 years in this capacity, that she wanted to make sure that they had done their due diligence, but appreciated it and thought it was a win win for their community in preserving and utilizing such a facility very well.

Council Member Brown stated that he wanted to recognize Fire Chief Lorenzo Diaz, Roland Chavez and Richard Gomez from the Houston Fire Fighters Association Local 401 who were present and thanked them for helping to move the item forward and for taking a leadership role in converting this historic landmark into a community center and residence for firefighters who came to Houston for treatment at the Medical Center; that the historic building was designed by his father in 1940, Hamilton Brown and he and his wife and the Anchorage Foundation were donating \$125,000 to pay for a substantial portion of the acquisition of the building and the renovation; that they had all agreed to name the building after his father, Architect Hamilton Brown, that they found the original 1940 dedication plaque that had his dad's name on it and would be reinstalled on the building.

After discussion by Council Members, Council Member Lovell stated that as they looked at the sale of this building and as they sell historic buildings for great programs such as this that they need to probably establish a preservation fund, that in order even for residents to be able to preserve their homes it was expensive and to be able to have either grant funding or low interest loans or however they decided to do it, of which the City would add to but would also ask the preservation community in the City of Houston to start helping them raise some funds also to establish this fund so they could move forward.

Members of Council commended Council Member Brown and his family, and the Society of Houston Latin Fire Fighters for their vision of thinking of their coworkers and their families.

A vote was called on Item No. 16. All voting aye. Nays none. Ordinance 2008-0629 ADOPTED.

### **MISCELLANEOUS**

4. REQUEST from Mayor for confirmation of the appointment of **MR. BRUCE T. LaPREE**, to Position Seven of the **PUBLIC PARKING COMMISSION**, for a term to expire December 31, 2008 – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0565 ADOPTED.

Mayor White and Council Member Holm recognized Mr. LaPree, who was present along with his wife Sharon, and thanked him for his service to the City of Houston.

### **PURCHASING AND TABULATION OF BIDS**

10. **MAXIMUS, INC** for Annual Software Maintenance and Support Agreement for the Information Technology Department - \$80,000.00 - Central Service Revolving Fund - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Johnson absent. MOTION 2008-0566 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

12. RESOLUTION repealing City of Houston Resolution No. 1985-50 and adopting a revised procedure for the review of County Law Enforcement Contracts under Section 351.067,

Texas Local Government Code - was presented. All voting aye. Nays none. Council Member Johnson absent. RESOLUTION 2008-0019 ADOPTED.

13. **ORDINANCE AMENDING ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to appraisals for sales or leases of City Real Property; containing findings and other provision relating to the foregoing subject; providing for severability was presented and tagged by Council Member Jones. Council Member Johnson absent.

Mayor White requested that Council Member Jones release her tag to allow Council Member Holm to present a motion to amend Item No. 13, and Council Member Jones stated that she would release her tag on Item No. 13.

Council Member Holm offered the following written motion to amend Item No. 13:

“I move to include in the ordinance that the Public Works Department and the General Services Department shall provide a monthly report to City Council Members of all appraisals performed”

After further discussion by Council Members, Council Member Jones stated that she had requested some information from General Services last week and they did not give her the information and that was the reason for the tag, and she would tag Item No. 13 and Council Member Holm’s amendment, and Mayor White stated that they would make sure they got that information to her.

14. **ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Contractor Employee Classification; containing findings and other provisions relating to the foregoing subject; providing for severability; declaring certain conduct to be unlawful and providing for penalties – was presented, and tagged by Council Members Lawrence, Khan, Green and Clutterbuck.
15. **ORDINANCE** relating to the charges and terms of service for Treated Water and Groundwater Reduction Plan Agreements; **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; containing findings and provisions related to the subject; providing a repealing clause – was presented. All voting aye. Nays none. **ORDINANCE 2008-0630 ADOPTED.**
21. **ORDINANCE** appropriating \$165,000.00 out of Cable TV Fund 2401; approving and authorizing third amendment to contract between the City of Houston and **HOUSTON MEDIASOURCE** for a Public Access Television Channel; providing a maximum contract amount - was presented and tagged by Council Member Clutterbuck.

Council Member Holm stated that she would tag Item No. 21, that there was not very much backup on the item and she wanted her questions to go on record; were they setting a precedent by paying moving costs to a tenant of theirs when the Council passed a contract that said that they could terminate that contract without notice and she would like some information on that; why were they asking them to move; and what was the \$165,000 for, what were the specifics, and finally, she was most concerned about how they were conducting their business, if they had a contract with a tenant then why would they not uphold that contract.

22. **ORDINANCE** amending Ordinance #2007-907 to increase the maximum contract amount for contracts between the City and **NORTH HOUSTON MOTORS, INC, UNIFIED AUTO**

**WORKS, T & T MOTORS, CANNINO WEST, INC, FIESTA WRECKER SERVICE, NATIONAL AUTO COLLISION, INC, MILAM STREET AUTO STORAGE, INC, ALLIED COLLISION CENTER, KTL ENTERPRISES, INC, WESTSIDE WRECKER SERVICE, INC** and **CORPORATE AUTO SERVICES, INC** for the Safe Clear Major Freeway Towing Program - 1 Year - \$2,148,129.00 Police Special Services Fund (METRO) – was presented.

Council Member Holm stated that she would tag Item No. 22 and would like to know how many tows they were doing, what kind of records they kept, what the tows were for and how they tracked their tow truck providers because they did get reports that some were really long and when she had checked some of them had a record of not responding properly and she wanted to know what those consequences were; that she wanted to make sure they were not enabling cars and automobiles, that they had a lot of requirements on the tow truck drivers, and she was not looking for tickets to be issued but she really thought that before they spent money on what they were calling a free tow, which was not a free tow at \$5.9 million, that they knew that the cars were properly inspected and that required insurance was there, that she did not think they should be towing vehicles and using their expenses and perhaps enabling cars to not be up to speed, so she wanted to know how they require that it was recorded, the inspection and insurance process. Council Member Brown absent.

Council Member Sullivan stated that as they knew he was skeptical, as a candidate, with the SafeClear Program, but Ms. Stein helped him setup a ride along with one of their SafeClear contractors, Frankie Rash with Fast Tow and he took him out and talked to him about the program and after just a short ride you could call him a fan of the program, someone who supported it, that in a short period of time they helped and rescued frankly three people, a guy who was on his way to work in his security guard uniform who had run out of gas, with all due respect to Council Member Holm if this guy could not afford the gas how could he afford the tickets, so there was going to have to be a lot of discussion and thought put into that, that the second person had a broken axle and the third person had a flat, and this was just in one segment of the freeway in one contractor's territory, that it was a neat program and maybe they all should go out and do it sometime. Council Member Brown absent.

Mayor White stated that he thought this was one of the remarkable things about working with Council Member Sullivan and other people, that they actually had elected officials, and he hoped he was included in that number, who changed their minds based on facts; that from January thru April of this year, when they had the final statistics, compared to 2003 and 2004, on the 200 miles of freeways he would tell them what the crash numbers were, he called them accidents but the Texas Transportation Institute and Rice researchers preferred crashes because sometimes they were not always an accident, but it was what most people called accidents, that in 2003 there were 5,121, in 2004 there 5,114 so that was pretty consistent year to year before SafeClear, that from January thru April 2008 there were 3,452, they were talking about a reduction of 1,700 accidents within four months and an overall reduction of one third in the number of accidents. Council Member Brown absent.

Council Member Adams stated that one of her sorority sisters had a flat on the freeway and she was fearful because she was calling on the phone and within minutes she called and said she was safe, that a SafeClear driver came and towed her to a safety zone and now her wrecker was on his way to fix her tire, that it changed her mindset and worked according to her complement to SafeClear; that Council Member Adams's question to the administration was that one of the biggest concern was public safety with the drivers of the various wrecker services and she remembered that one of the questions, when someone came up before Council, was what were they doing about their investigation of the drivers they were using, what were they doing and had there been any changes to the drivers and to their qualifications in order for drivers to participate, did they get monthly reports or stuff like that, and Mayor White stated that

he would give her a summary because she was addressing an issue of public concern and the Municipal Channel was one way to do it, but then they could give her more detailed information; that the City Council did pass some requirements for the background checks for SafeClear drivers that were tighter requirements than had existed under prior law for taxis and the like, the State of Texas, the Legislature, would not impose those same type of requirements on drivers that did not operate on the freeway so if somebody broke down on Scott they did not have that same deal and they could only wonder why they did not do that, but they encouraged them to do so and he thought it ought to be done because he thought people ought to know, then they had an appeals process and they made changes in that appeals process, further changes and refinement of the system, that he was not saying it would be perfect, that they do renew permits every year and do background checks and they could provide her further information on that, that they do go through and analyze the complaints from the program, that on SafeClear no human being is perfect but they had the most stringent safeguards of tow truck drivers on background checks anywhere in the State.

Council Member Noriega stated that Council Member Holm's point about having some kind of analysis of how many tows, what they had gotten for their investment, she thought was very reasonable and appropriate, that she also wanted to mention though that her mother was one of the folks that was towed by SafeClear and she had a blow out and was in the center, not on the edge, and she mentioned to her afterward that she was getting to be of an age where she did not feel even comfortable calling her father, she was not sure what the two of them would have done, and they really did have a lot of seniors that were on the streets and there were going to be more all the time, and in addition those of them with teenagers or soon to be teenagers, it was helpful to have the peace of mind of knowing that there were alternatives for them as well because they had a rash of youngsters trying to cross the freeway without the good sense to realize it really was not something that they should ever do, so she thought that anything that kept folks from making a bad decision about hiking out on foot across an expanse of freeway was important, that she would like to see as well whatever kind of data about how they had been doing with it, but she thought it was a crucial service and thought it was more so all the time. Council Members Brown and Noriega absent.

Council Member Lawrence stated that she was about 10 to 20 feet from a wreck when she did her drive along, as the wrecker driver was putting the car on the wrecker somebody crashed into him, that she became a believer in the program and had her doubts when they first were considering it, and then last year they had heroes step in and help a family out when a City employee was killed working for the City on a freeway, so it was a very critical that they get people off, those numbers were out there, and she did not have them in front of her right now, of the percent of what she would call second hand wrecks, that it was amazing how many second hand wrecks happened due to that first one and people looking at it. Council Members Brown and Noriega absent.

Council Member Jones stated that one time she was stranded on the freeway and she wished there would have been SafeClear because there was a very narrow shoulder and they pulled over and her door was blocked, that was incredibly dangerous and there was no where to go, and Mayor White stated that there was an additional point to the safety, that with SafeClear there had to be a record at TranStar and it had to be a police officer at TranStar who makes a recording and gives an authorization for the SafeClear tow, so that was a form of oversight, if there was an incident they were able to trace that and that gave the customers a further assurance of safety and anything that people could do to assist motorists that were stranded, they had lost two Right-of-Way Maintenance workers and a police officer in the last 18 months. Council Members Brown and Noriega absent.

Council Member Holm stated that she wanted to clarify her request, that in her effort to be brief and to the point it was misinterpreted, that a week ago she to supported SafeClear but she

thought it was really important when an RCA says that the reason they were jumping by almost \$2 million was because of the increased number of tows and service calls, she did not think it was unreasonable to ask for the information in order to make a good decision, that she was not opposing SafeClear and was not looking for testimony for or against she was just trying to gather some information so that they could continue to provide the service and even make it better. Council Member Brown absent.

Mayor White stated that Item No. 22 had been tagged. Council Member Brown absent.

23. ORDINANCE amending Ordinance Number 2003-871 to increase the maximum contract amount for contract between the City and **STANDARD INSURANCE COMPANY** for Basic and Voluntary Employee Group Life Insurance Coverage - \$335,000.00 - Health Benefits Fund – was presented. All voting aye. Nays none. Council Member Brown absent. ORDINANCE 2008-0631 ADOPTED.
25. ORDINANCE approving and authorizing contracts between the City of Houston and **MORRIS AND McDANIEL, INC** and **INDUSTRIAL/ORGANIZATIONAL SOLUTIONS, INC** for Assessment Process Center Services for the Houston Police Department; providing maximum contract amounts - 3 Years with two one-year options - \$830,280.00 - General Fund - was presented.

Council Member Holm stated that she would tag Item No. 25 and would like some information on how many promotions for Lieutenants and Sergeants they did a year, and exactly what the \$368,000 was for, that she did not have a lot of backup to explain what it was about, and Mayor White stated that they would get her that information. Council Member Brown absent.

### **NON CONSENT AGENDA** - NUMBER 29

#### **MISCELLANEOUS**

29. 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 Rodriguez stated that he would nominate Mr. Art Morales of the Houston Municipal Employees Pension System Board of Trustees, Position 10, and he had passed out his resume.

Council Member Garcia moved to close nominations on Position 10 of the Houston Municipal Employees Pension System Board of Trustees, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0567 ADOPTED.

Council Member Adams asked of all the boards that they had did they investigate how many people attended meetings and what trainings were done, was that done across the board to see who was eliminated and who should stay, that she wanted to know if she could get that information so she could know what to do in the future.

Council Member Holm stated that over the last four and a half years they had so many issues with their Municipal Employees Pension Fund and that was part of the reason that the committee was established and according to a Meet and Confer Agreement that this body agreed to in 2005, she believed, part of the commitment was that they would have two appointees from this body and also in that Meet and Confer Agreement there were specific requirements for attendance as a part of the appointment so for this particular one it was

outlined and spelled out very clearly in a Meet and Confer Agreement, whether it was right or wrong it was there.

Upon questions by Council Member Holm, Mayor White stated that the appointments were very important on the service to the board, that in his way of thinking the employees of the City of Houston had not been particularly well served, not because of the City Board Members, they had made a big improvement, both of their incumbent City Board Members and Mr. Mason, that the City Controller pointed out, and it was a good point, that when they closed the gap on the unfunded liability by changing some benefits going forward, not on the ones that were already vested and by putting more money in it in a note secured by the hotel, that they had been proposing to prepay that note, \$300 million note, so that people would have cash rather than a note, that was in the interest of the City employees that they do that, that the pension board had been resisting that, that he could not believe that, that everybody knew that it was better to have cash in hand than some note; that until Mr. Mason brought it up and they institutionalized it and voted that it could be done, people, the pension board, did to give municipal employees the option of paying more into the system and allowing that money to accumulate tax free in their own account so that the individual employee could pay more, thank goodness Craig Mason came up with the idea, which was a tremendous benefit to the employees, but what were the people doing who were drawing the big salaries in the fancy office all that time, so those were just good examples of why they needed people like Mr. Morales and Mr. Badger and Mr. Jackson to be serving in positions like this.

After further discussion, Mayor White stated that Council Member Holm was correct that there were specific requirements that they imposed on this particular board, but Mr. Hall, Ms. Christina Cabral, Ms. Rogene Calvert and he did meet about every two weeks concerning the board appointments, the Council Members were a huge and principal source of suggestions for board appointments and Ms. Cabral did track the attendance records of some of the individuals on various board, they probably did not do that quite as strictly when it came to City Council appointees as did the Council Members did themselves because they try to let Council work through that issue with Ms. Stein and the Mayor Pro Tem and others, that if there were people who were not attending they had in the past, when they were not Council appointees, they had maybe suggested that they resign or move on and he generally found that people were almost relieved or maybe they had lost interest in that board and were interested in something else.

After further discussion Council Member Holm moved to close nominations for Position 11 of the Houston Municipal Employees Pension System Board of Trustees, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0568 ADOPTED.

**MATTERS HELD** - NUMBERS 30 and 31

30. **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 – **(This was Item 10 on Agenda of July 1, 2008, TAGGED BY COUNCIL MEMBERS JONES, HOLM, GARCIA, KHAN and CLUTTERBUCK)**

Council Member Khan offered the following written motion to amend Item No. 30 as follows:

“I move to amend Item 30 on the July 9, 2008 Agenda as follows:

1. By amending **Section 2** of the proposed Ordinance to read as follows:

“That Section 19-2 of the Code of Ordinances, Houston, Texas, is hereby amended by adding definitions of the terms *floodway conveyance offset volume*

and *Lake Houston*, in the appropriate alphabetical order, that read as follows:

*'Floodway conveyance offset volume shall mean the volume of material that must be excavated and removed from the special flood hazard area to provide an equivalent storage volume necessary to reduce loss of conveyance associated with development within the floodway.'*

*'Lake Houston shall mean, for purposes of this chapter, the shoreline of an area bounded on the south by the Lake Houston Dam, on the northwest by the West Lake Houston Parkway Bridge and on the northeast by an imaginary line running generally east to west that intersects the confluence of Luce Bayou and the East Fork of the San Jacinto River, and is more particularly described as beginning at a point located at 30° 2' 31.67" N, 95° 7' 12.09" W and running generally west to 30° 2' 32.02" N, 95° 7' 36.14" W.'*"

2. By amending **Section 4** of the proposed Ordinance to read as follows:

"That Subsection (e) of Section 19-13 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

*'(e) The city planning commission shall not approve a final plat until the city engineer has approved the drainage plan for that site. If the proposed development requires mitigation pursuant to section 19-17 or section 19-43 of this Code, the final plat and deed shall identify the location and volume of the mitigation as a feature of the property. The obligation to have a mitigation feature shall run with all the land covered by the development permit. The owner of the land shall have the obligation to have and comply with the development permit unless that obligation is transferred to another person pursuant to rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code.'*"

3. By amending **Section 5** of the proposed Ordinance to read as follows:

"That Item (1) of Subsection (c) of Section 19-17 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

*'(1) Identifies an amount of fill associated with pier and beam construction that, although the amount may be approaching zero, is recognized by the city engineer as sufficiently important to be addressed, but for which mitigation is not required, in accordance with rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code; or'*"

4. By amending **Section 8** of the proposed Ordinance to read as follows:

"That Section 19-22 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding a new Subsection (f), which shall read as follows, and renumbering the remaining two Subsections accordingly:

*'(f)The city engineer shall grant a variance for reconstruction of a structure damaged by fire, hail, wind or other event that is not flooding, if the applicant proposes to reconstruct on an existing foundation that is currently below the minimum flood protection elevation, and the*

reconstruction will not increase the footprint of the foundation.’ ”

5. By amending **Section 10** of the proposed Ordinance to read as follows:

“That Section 19-43 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding new Subsections (c) and (d), renumbering the remaining two Subsections accordingly, and amending new Subsection (f), which shall read as follows:

‘(c) The city engineer may issue a permit for development for an addition to, or for the repair, renovation, replacement or reconstruction of, a structure in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The bottom of its lowest horizontal structural member will be elevated at least 18 inches above the base flood level;
- (2) The foundation system for the structure will be pier and beam construction;
- (3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant’s site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c); and
- (4) The applicant has paid all fees required by section 19-17(e) of this Code.

(d) While the community acknowledges the increased risks associated with development on vacant land in the floodway, the city engineer may issue a permit for such development in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The bottom of the lowest horizontal structural member of the structure will be elevated at least 18 inches above the base flood level;
- (2) The foundation system for the structure will be pier and beam construction;
- (3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant’s site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c);

- (4) The applicant has paid all fees required by section 19-17(e) of this Code.

If the applicant cannot provide the on-site or off-site mitigation required by item (3) of this subsection, the applicant may request the city to provide mitigation for the development upon payment of the cost of the mitigation as established by the city council.

- (e) The city engineer may issue a permit for development for the construction of a bridge or the repair or replacement of an existing bridge in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The cumulative effect of the proposed construction when combined with all existing development, and if a floodway has not been designated, all anticipated development, will result in a zero increase in flood levels at any point within the city during occurrence of the base flood; and

- (2) The bottom of the lowest horizontal structural member of the bridge, excluding the pilings or columns, will be elevated at least 18 inches above the base flood level. If the city engineer determines that construction to this elevation is not practical based upon the application of sound engineering principles to the proposed construction, the elevation geometry, the attendant roadway geometry, and the necessity for the bridge to be built or reconstructed in the proposed location, the city engineer may approve deviation from this standard.

- (f) Whenever a permit is denied pursuant to section 19-43 (a), (b), (c) or (e) of this Code and the general appeals board finds and determines in writing that:

- (1) The improvement is insubstantial;

- (2) This insubstantial construction will not increase flood levels during occurrence of the base flood; and

- (3) This insubstantial improvement will not impede the flow of floodwaters,

then the city engineer shall issue a permit only if all of the other applicable provisions of this chapter have been met by the applicant for the permit.' ”

6. By adding a new **Section 11A** to the proposed Ordinance, which shall read as follows:  
“That Subsection (d) of Section 19-1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘(d) These rules and regulations shall be applicable throughout the city. The special flood hazard areas identified by the Federal Emergency Management Agency in the scientific and engineering report entitled,

"The Flood Insurance Study for the City of Houston", dated June 18, 2007, with accompanying flood insurance rate maps and flood boundary-floodway maps, and any subsequent revisions or amendments thereto are hereby adopted by reference and declared to be a part of this chapter. The provisions of this chapter shall take precedence over any less restrictive conflicting laws, ordinances, codes, or official determinations. For purposes of this chapter, the city engineer shall determine which of these conflicting laws are most restrictive and his decision in this regard shall be final.' "

7. By adding a new **Section 11B** to the proposed Ordinance, which shall read as follows:  
"That Subsection (d) of Section 19-23 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

'(d) If the permittee fails to appear at the hearing at the date and time specified, the city engineer shall establish a case on behalf of the city that presents sufficient evidence, that unless it were otherwise rebutted, shows that grounds exist for revocation of the permit.' "

8. By adding a new **Section 11C** to the proposed Ordinance, which shall read as follows:  
"That Subsection (g) of Section 19-23 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

'(g) The denial of a permit or the revocation, suspension, or revision of a permit may be appealed to the city council upon the filing of a written application therefor with the city secretary within ten days after the board's written order is rendered. Although referred to as an appeal, the hearing before city council will be held in the same manner as the matter was heard by the board. Such an appeal of a revocation, suspension, or revision of a permit shall not operate to suspend the board's order thereupon.' "

After discussion by Council Members, Mayor White stated that it was on a list for Mr. Marcotte in his weekly meeting and then Council action, they did retain services of Dotson and Associates Engineers to evaluate the detention locations and there were many of them who were anxious to get started, that they built more regional detention than they built in a really long time, that they ought to get a report to the Flooding and Drainage Committee on where that stood, that he had said not to wait until the final study was done and then put the contractor on a short leach for completion, that he thought they passed it somewhere in the fourth quarter of 2007.

After further discussion Council Members Johnson and Noriega stated that they would tag the amendment, and Council Member Noriega stated that she would tag Item No. 30.

31. 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 – **(This was Item 16 on Agenda of July 1, 2008, TAGGED BY COUNCIL MEMBER KHAN)** – was presented.

Upon questions by Council Member Khan, Mayor White stated that there was a lot of people that had worked on it for a while, but he understood the issue and did not know how they wanted to proceed procedurally other than perhaps that he could give some direction because they were

considering several different alternatives and this was to take into account the needs through 2025, and it builds on what was done in 2003, and he did not know how much some of these things cost but he thought their point would be that they ought to do something that was somewhat abbreviated, that had a decision point, and if they say they were going to need a new facility and it was going to take so many square feet, he thought one thing was could it be accommodated within the existing site or not, fine, they could come to that conclusion, but if it was to study other sites that they did not yet have then somebody better talk to him first before they spend any money at an hourly rate on trying to figure out that stuff because otherwise it may be irrelevant if they did not get the site, that he thought the best thing would be to pass the item and then make sure that Mr. Dadoush truncates or has different phases of the study, and before spending money on having a plan on a site they did not own comes back and says they were going to have to have a new site, to wait until they get the site to do the detailed work on it but it needed to be a site that was approximately so big and with an access to the thoroughfares, etc., that he thought there ought to be two phases to this so that they do not just do something that backs it up, that as they said in 2003 they had a master plan and some of the needs have changed since then but they do not have to spend \$245,000 to figure that out, that it was set forth as a maximum amount; that he could commit to them and Ms. Stein could remind him to get out a memo that could be circulated to all to divide the work up into a couple of different phases.

After further discussion by Council Members a vote was called on Item No. 31. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2008-0632 ADOPTED.

#### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Rodriguez stated that tonight his office was hosting a Hurricane Preparedness Workshop at 6:30 p.m. at Hartman Park, 9311 East Avenue P, in the Manchester Community, that they would be given a presentation by the Mayor's Office of Public Safety and Homeland Security so he encouraged all residents to come by and get briefed on the latest improvements to their Public Safety Plan. Council Members Lawrence, Khan and Garcia absent.

Council Member Rodriguez stated that he wanted to thank Mayor White, Senator Rodney Ellis, former Council Members Carol Alvarado and Terence Fontaine for riding the East End Bike Trails on Saturday, that they talked about crime strategies and cleaning up the area around some of the trails; that he really appreciated the Mayor and HPD for coming out as well, they had Sergeant Robert Ruiz, Sergeant Lisa Cruz, Officer Al Yanez and Officer David Pena with them addressing crime issues. Council Members Lawrence, Khan and Garcia absent.

Council Member Rodriguez stated that it was time to vote for Carlos "El Caballo" Lee for the All Star Team, they had until tomorrow at 4:00 p.m. to cast their votes on Astros.com. Council Members Lawrence, Khan and Garcia absent.

Council Member Sullivan stated that yesterday during the public session he had to run out to a townhall meeting in the Clear Lake area for an Ellington Field issue and he wanted to apologize for bolting out as early as he did, but when the meeting started at 6:00 p.m. near Ellington he was surprised to hear that they were still hearing public speakers and he knew that the public takes off from work and come down wait and he thought they might be a little bit to blame themselves for some of those extra long days, one thing that he noticed just in the short time he was at the Council table was that they were not, in his opinion, observing the Council rules and the five minute bell, that they were not going over by just a few seconds they were going over by several minutes, time after time after time and he thought they needed to respect the public and also other colleagues, themselves as well, and work very hard to abide by the Council rules and the five minutes bell, that he would like to encourage them all to be mindful of that. Council Members Lawrence, Khan, Garcia and Jones absent.

Council Member Sullivan stated that the Houston Airport System, the Planning Department and

the Legal Department conducted a townhall meeting in the Clear Lake area to roll out and to receive public input on the Airport Land Regulations, that the feedback that he received after the meeting was very positive; that he wanted to thank Mayor White and the Mayor's Citizens Assistance Office for assisting District D with the Kingwood Parade on July 4th; that he wanted to thank Chief Hurtt for coming out with the armored SWAT van and rode in it and waved to the crowd, and Captain Karen Dupont and Marty Stein for helping with getting the equipment there, that Houston Fire Station 102 led the parade with Ladder and Engine 102; that he wanted to thank the Public Works for assisting and lending a hand and being there when they needed them, and the Kingwood station, the Houston Police Department officers who kept all of them safe. Council Members Lawrence, Khan, Garcia and Jones absent.

Council Member Lovell stated that as to what Council Member Sullivan discussed about the time limit, she thought if they could have some rules and procedures that were a little bit more structured on that, if the bell rings and they were not finished they could go back on the list and come back and speak again, if they could adhere to that, if they could explain the rules again and try to adhere to them more. Council Members Lawrence, Khan, Garcia, Rodriguez, Noriega, Green and Jones absent.

Council Member Lovell stated that she wanted to say what an incredible Fourth of July celebration they had, the fireworks were spectacular and she wanted to thank Susan Christian and her crew, who worked very hard, that she wanted to thank their sponsors, Chevy, Shell and Budweiser. Council Members Lawrence, Khan, Garcia, Rodriguez, Green and Jones absent.

Council Member Johnson stated that they would be having a Second Chance Seminar Legal Workshop at Saint Peter Claver Catholic Church, at 6005 North Wayside, on Saturday, July 12, 2008. from 9:00 a.m. to 12:00 p.m., that if they needed information they could call his office at 832-393-3009. Council Members Lawrence, Garcia, Rodriguez, Green and Jones absent.

Council Member Johnson stated that they had a meeting with the Houston Airport System to talk about the land regulation that they were going to start incorporating around the airport, that there were about 600 people there and thought a lot of them were there to find out what the airport was going to do about their property, that many people walked out because they could not answer their questions because there was probably a misunderstanding about what the meeting was supposed to be about and he thought they needed to revisit again with those citizens, the Airport System and the City of Houston, to find out what exactly was going to be the next step because people were concerned about their land the value of their land; that he wanted to congratulate Ms. Diane Yu, who used to be the scheduler in his office, had now been crowned Miss Asia USA, that there would be a celebration on July 22, 2008, from 6:30 p.m. to 8:00 p.m. at Hotel ZaZa. Council Members Lawrence, Clutterbuck, Garcia, Rodriguez, Green and Jones absent.

Council Member Holm stated that she had an opportunity to spend some time with Donna Edmundson who was the new Division Chief for Neighborhood Services, that the Legal Department was reorganizing to address some issues and one of the needs they had was the coordination of those neighborhood issues and she appreciated Donna's attitude and information, that she would be working with the public and common nuisances, her department would be overseeing the sexually oriented prosecutions and alcoholic beverage protests. Council Members Lawrence, Clutterbuck, Sullivan, Rodriguez, Green and Jones absent.

Council Member Khan stated that he wanted to thank Mayor White for attending the International Trade Center's monthly luncheon yesterday, that he saw the tremendous commitment that Mr. Lee and his group had made to the Alief area but also a lot of other people who had really made a strong commitment and they were very proud of each and every one of them; that Mr. Dwayne Peasley of the Commerce Department shared with them that Texas was the number one exporting State in the union and also that the City of Houston was the number two exporting City after

New York, so thanks to the Houston Port Authority and all the people who had made a commitment to make Houston an international trading city. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Green and Jones absent. (No Quorum Present)

Council Member Khan stated that in the City of Houston they were seeing their fuel bill going up and he would like for someone in the administration to take a look as to the take home cars that were used by the City of Houston personnel, that they were not talking about emergency personnel but there were many folks who had City vehicles, so if somebody could take a look and see if there was a potential for fuel cost savings by not allowing people to take City of Houston cars home and use them for commuting, and Mayor White stated to Ms. Stein to make sure that Council Member Khan received it, that they had very recently undergone something like that, that Mr. Fontaine spearheaded that and thought it was 100 in reduction, to make sure that Mr. Fontaine brief Council Member Khan on that and some of the logic that they had done. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. (No Quorum Present)

Council Member Brown stated that on the Fourth of July, at the Mayor's insistence, he represented the City of Houston at the celebration of American and French friendship on the 232 Anniversary of the Independence of the United States that was held in Paris at the residence of the French Ambassador, that there was a tent that they shared with their Sister City Nice; that there was a promotional brochure, in French, about the great City of Houston; that the other city was Edinborough, Scotland, a city of 500,000 people, striking green modern buildings and very careful urban planning with a greenbelt around the city that was literally filled with wind turbines, that the city 15 years ago was a rather poor city and the economy in Edinborough was booming, but what was very impressive was the quality of the infrastructure and he did not see a single overhead utility pole or a single wire above the street, they were all buried, he wondered how could they afford to get all that stuff underground, that he did not see any billboards or ugly signs either; that he did do some economic development and met with three companies that were very interested in coming to Houston and to Texas with money and technology and know how and managerial experience to get involved in expanding their rail transit and he presented Mayor White with a small model of the high speed bullet train which the French company Allstum was actually building all over the world and he would like to see happen was their moving forward with the Texas T-Bone, the high speed rail that would connect Houston, Dallas, Fort Worth, San Antonio and Austin, that these people wanted to come and talk about the bullet train. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (No Quorum Present)

Council Member Noriega stated that she had a chance to travel over the Fourth of July weekend as well and was in West Texas and everywhere they were somebody brought up the bullet train and the issue of connecting some of the main metropolitan areas. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (No Quorum Present)

Council Member Noriega stated that Yellow Cab was making a contribution to Air Quality Control Research, the company was allowing Dr. Kunner Shoddy an Assistance Professor of Atmospheric Sciences from Texas A&M College of Geo Sciences to install surface wind and air pollutant measuring equipment on it's 300 foot tall communications tower at their main headquarters at no charge, that the Yellow Cab tower was only 2.5 miles north of downtown and these were instruments that would provide important data for folks who were monitoring air pollution in Texas, the information collected was available on line at YellowCabHouston.Com. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (No Quorum Present)

Council Member Noriega stated that she was in a wonderful parade in El Paso, it was an impressive turnout that they had, but everywhere they went there was conversation about energy use, gasoline and kitchen table issues that related to gasoline and she thought that was as true in

Houston as it was in El Paso, that she thought it was important to remember that they all dealt with many of the same concerns; that Texas was a leader in many ways in the energy community and Houston in particular, that Houston had always been the petroleum energy capitol of the world but it was also getting to be the wind energy capitol and they were the largest producer of natural gas in the world so she thought as they began to reduce their energy usage they lead by example, the City was updating their building codes, including the new commercial energy code and were hosting a seminar on July 16 and 17, 2008 at the George R. Brown Convention Center and the information about that was available on the City's website, but she thought every single one of them needed to pay attention as well, that her own family was really working to reduce their consumption of energy and water, they try to turn off the water in the sink when they brush their teeth, they were recycling more even when it was inconvenient, that they were at the beach not to long ago and they hauled back two trash bags, one was of soda cans and the other with water bottles, they had a beach house where it was not appropriate to drink the water, there was an advisory so they drank bottled water there, although she was trying to use a pitcher at home, that they had a compost pile and composted the green waste at her house and they were working at unplugging the vampire appliances that used a little bit of energy all the time, so they were planning trips, avoiding idling, working on keeping their tires inflated and following the speed limits, they were changing out their light bulbs, these were small things but if everybody did it it would make a difference and she thought as citizens of the energy capitol of the world they had a responsibility to be the leaders in forging a new direction, so she thought that the City of Houston had been a leader in this and she would like to see the citizens of Houston be leaders as well, that in the summer when air conditioning raises their consumption so high these were all ways that they could contribute to being more responsible consumers, so as they celebrated the Fourth of July and the birthday of the Country she would like to see each of them make what contribution they could in this arena. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that she wanted to remind Council about the Great Race, that it was going to be an event that was hosted by Uchenna and Joyce, they were the winners of the Amazing Race and were having an event at Hotel ZaZa to raise funds for their non profit organization; that she wanted to wish Happy Birthday to Ms. Mary Henderson, a resident of District D, she lived in the Quail Run Community and would be turning 100 years old; that she wanted to thank Captain Karen Dupont and Chief Boriskie and the Public Works Department and Robert Medina, that Fire Station 55, located on Cullen, were in the process of getting an emergency light that had been long awaited; that the Universoul Circus was coming to District D at Butler Stadium; that she wanted to highlight Dr. Lawson and Sue Kaufman at the Clayton Library, that she wanted to say kudos and congratulations to the HPL, that they were focused as a part of the Top Shelf, which recognizes the Clayton Library as an asset for genealogical libraries, that it was one of the top 10 libraries; that yesterday they had a group of people in the audience and she wanted to publicly thank them for their patience in waiting, that yesterday they had about six or seven people come and discuss the issue of Croquet Street and she had concerns about who made decisions about when things were done, Mr. Marshall came yesterday and made a vital point to say that HISD was not in support of Croquet being open because they had concerns of the students that walked from Hines Caldwell Elementary School and from the study that the school did only 20 students that lived in Windsor Village attended Hines Caldwell Elementary and also they were just trying to figure out at what point did the community as a whole had a say so on what happens in their area, and being a public official and being at Council it seemed that twice she had been faced with a losing battle when it came to community, that being able to fight for them and when they had 85% of the community saying they wanted the street to remain but yet the City could come back and say no it was open, when only the volume of participation increased by 12%, that there were other exits out of Windsor Village, that before they made a final decision she would want them to look at it, that one of the reasons was that since the building along Orem there had been an increase in flooding with the homes that lived behind a particular organization that was on Orem and there had been an increase in excess speeding going down Croquet Street, that she wanted them to really look at

it and whoever's final decision it was for the street to close she was asking and recommending on behalf of the community that the street remain closed. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (No Quorum Present)

Mayor White asked Council Member Adams if she had been attending the meetings with Metro on Wheeler and Council Member Adams stated yes, that they had been so supportive with everything that the community had been wishing for and they would be having their second meeting tonight and she appreciated everything they were doing to try to come to a consensus. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 12:47 p.m. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (No Quorum Present)

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary