

A Special Emergency Meeting of the Houston City Council was held at 10:00 a.m. Wednesday, September 17, 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 10:08 a.m. Mayor White called the meeting to order and led all in the prayer and pledge of allegiance.

At 10:10 a.m. the City Secretary called the roll. All present.

The City Secretary stated that they did post that the public would be heard but they had no one to reserve time to speak.

Mayor White stated that they would talk about procedures for the meeting; that he would suppose that this was probably not the only time that they would have to talk about Hurricane Ike and it's aftermath; that if any of them had twenty one points they wanted to make there probably would be other times to make some of those points; that the meeting had an official purpose to allow their community to have the legal resources to respond in a manner that ultimately control that City government would be able to monitor, control, audit, understand, start, stop, etc.; that this was something that they had to do under law to give certain authorities to create certain funds and to allow the Council and the administration to take certain actions of which there were plenty of times for discussion and accountability on particular actions, that in particular he would say that the Council, had from time to time, shared information concerning the status of various activities, that they had talked about everything from global issues of FEMA reimbursement to issues concerning particular homeowners where people had addressed what they wanted to discuss with the full City Council, that he would hope that the nature of their discussion, as there was discussion, when they got through the agenda or on the agenda items to be a siskin question and answer or some comments on advice concerning the matter that was on the agenda and to the Mayor Pro Tem, to the extent they had other issues on which they wanted to share information he would suggest, through the Agenda Director and the Mayor Pro Tem, that there may be a time for a conference call or other means on which they share information, that hopefully it would be after working hours because they had people, such as Mr. Harry Hayes, and others present and himself and some other people around the table who had jobs to do as soon as they got outside of their official session; that he wanted to thank, personally, on behalf of the citizens of the community, everything as global as that and the Americans watching them, who tens of millions strong from which they received email, to his wife and three kids, that he wanted to thank each of them (Council Members) who had shown that elected officials could be workers and work horses and not show horses, that those who had rolled up their sleeves and done problem solving, those who helped citizens put events in larger perspective, those who kept a sense of optimism and pride at the response that they had as a community had helped build the community and brought the community together in a way that it shall not forget; that those who complain the loudest were usually the one who did the least, those who were the most productive were usually the most modest, that they all knew that in life, that it would be no different in this than others but he wanted to say to each of them who had said that it was not a matter of this neighborhood versus that neighborhood, there were plenty of people unfortunately who had trees on their roofs and they came from all backgrounds and all parts of the City, that for those who thought what they had in common rather than what they divide the progress they had made and look at what they had not done as a challenge, but not simply as a source of frustration; that those who kept that positive attitude he wanted to thank them on behalf of all the members of the community.

Council Member Garcia moved to hear from Mr. Harry Hayes, Director, Solid Waste Management, to make a report and answer questions for 20 minutes, seconded by Council Member Holm. All voting aye. Nays none. MOTION 2008-0706 ADOPTED.

Mr. Hayes appeared and stated that damage was widespread, that his team, Neighborhood Protection, Fire and Police, everybody had gone out and scoured the City and had discovered a couple of things, that there had not been any widespread flooding, they had checked the historical flooding areas and did know that based on the path of the storm where they had heavy forestation neighborhoods the damage was extensive and it was very widespread, that they currently had about 90 crews that were working in all 16 debris control zones, they had before them an overall map in color and they had individual maps by single member districts of where their debris control zones were, they were working and ramping up and would direct them to look at the work estimation completion which was based on the addition of more trucks every day, that when they get to a full ramp they estimate they would be lifting in excess of 100,000 cubic yards per day.

Upon question by Council Members, Mr. Hayes stated that they would be addressing all neighborhoods, even those with sponsorships, that they had rear loaders and recycling crews that were working with debris removal so they were making a full sweep as they go through any area; that they insure that they collect all refuse garbage daily because they knew that folks had lost power and had rotting food, so they wanted to make sure they got that out of there to avoid a public health hazard; that their regular schedule would be maintained throughout this period; that if a neighborhood was in sponsorship then they would go in those areas and assist the private companies with heavy debris collection, that many of the private companies did not have the type of equipment that the City brings to bear so they did not want those neighborhoods to suffer because that equipment was not readily available by private companies; that as to a schedule they would have something published the middle of next week on the website and they would do press releases and would have information on the radio and the news media so that folks would know where they were working, that right now they were working all over the City; that they had temporarily suspended curbside recycling collection because they needed those trucks to help with the small debris piles; that if they were able to they would like for citizens to bag as much debris as possible, it makes the trip go quicker if they were able to cut it up into smaller portions, if they could get it to the curb they would get it, and they would make at least three trips, but would make as many trips as necessary to remove the debris; that they wanted them to separate the green waste from any other type of waste; that they had removed the restriction on citizens going to dumpsites; that Mr. Eugster, Chief Officer for Sustainable Growth was working with them with the wood chips if they could find markets for them so they could avoid having to send that material to landfills or burn it; that wood fences could not be chipped up because many of the wood boards were treated material; that the debris crews in 14 of the zones were equally distributed, that he believed in Zone 7 and 8 they had about 25 or 30 Public Works crews that were working in those two debris zones because they still had a lot of neighborhood streets that were blocked so they had assigned those crews to that area; that the temporary debris sites were not for citizen disposal, where their citizens should take debris, if they had it, was to the neighborhood depository sites, that they had that information on the website and would have it on the radio, television and the newspaper, so it would be readily available; that he would have that information for the Council Members after the meeting; that they would be able to put out rugs and furniture that was flooded and would be picked up at the same time, that they needed to get it out of their homes, that they would not be cited for doing so; that they should try to separate the stuff; that debris removal had already begun, and both City Solid Waste employees and contractors were doing debris removal; that the contractor had been given notice to proceed and were working right now. Council Members Lovell and Jones absent.

Upon further questions by Council Members, Mayor White stated that Public Works, in particular, did a lot of debris removal from the streets; that they encourage people to take personal responsibility and use common sense, that common sense meant that if there was a

power wire to stay away and keep kids away from it, that they had situations where people were trying to cut limbs off to free their driveway or access to their house and it had fallen and taken down a power wire and put people in jeopardy; that the Parks Department was one of those departments that had been removing debris. Council Members Lawrence, Johnson, Lovell and Jones absent.

Council Member Adams stated that Commissioner Grady Prestage from Fort Bend County let them know that their area was hit pretty hard and said that they needed an authorization for Fort Bend County to do debris removal in the City and County area with no cost to the City and asked if that was a possibility that they could coordinate Fort Bend County with the City of Houston because part of Fort Bend County was in the City of Houston, District D, and Mr. Hayes stated that he did receive that call from Fort Bend County and they wanted to talk to the Legal Department, that they were providing debris removal in that area and normal City services so that particular part of town was not without service, and Mayor White stated that 2A did authorize them to enter into interlocal agreements with other governmental entities, and some of these authorized various agreements with other governmental entities, some of the things that they would do today. Council Members Lawrence, Clutterbuck and Noriega absent.

After further questions by Council Members, Mayor White stated that they reassure the citizens by saying they were on the job, Council Members and the Mayor; that the debris could not disappear from the planet Earth and they were never satisfied until it was all picked up, that if the citizens wanted to help they could cut up the logs in their yard, bag their yard waste, separate, if physically possible, their yard waste and woody debris from the others, then when they were through they could go do it for their neighbors and if they all do that he thought they were going to see it move faster than they would expect, that Houston was the fourth largest City and they lived in a forest, which a lot of people did not understand, outside of Houston, that entire neighborhoods were forests at all income levels and it was going to take them a while to move it out and people ought to be patient, that if they had a roof over their head they should be thankful and they should observe the demeanor of the Council Members and none of them were patient or tolerant with people who were slow for no good reason; that he wanted to thank Mr. Hayes and appreciated all his hard work. Council Member Lovell absent.

Mayor White stated that they would move to the items on the agenda; that he wanted to make the announcement that they just got the test results and their water passed all the tests that were provided by the City water system of the City of Houston, that he gave them a copy of the official letter which was called "The Boiled Water Notice", that it was something under State regulation; that two other things on water; that for those who covered City Hall press this was the first time they made the announcement to anyone about the water being officially safe, that he had been drinking it himself, that they would be making decisions to make sure that their supply of bottled water went only to the places that did not have water; that several of them would be going out to sites tomorrow and they were putting priority on ice and food and places who did not have water; that second, they were the eyes and ears in the community, that he and Council Member Lawrence may chair a joint committee, and it would be the Champs Water Supply Hearing where these people did not have any backup generators and they had people within the City of Houston city limits who did not have the benefit of a public water system, that he was not against private enterprise but private enterprise ought to be held to the same standard as anybody else and there were people right now who did not have water to drink because this for profit institution decided it was going to cut cost by not having backup power generation, that in the meantime they were going to figure out how they could get those folks pallets of water tonight or tomorrow; that he had talked to the head of the Corp Engineers this morning how they could get their water back up, that was for water. Council Member Lovell absent.

ORDINANCES - NUMBERS 1 through 4

1. ORDINANCE authorizing the Mayor of Houston to extend or continue a proclamation of a

local state of disaster for the City of Houston beyond the seven day period after the proclamation was issued – was presented.

Mayor White stated that this was something that was authorized under State law and it had been done by Harris County, that he did not know the various uses to which this may be put but he would give them one example, they had the curfew from midnight to 6:00 a.m. through Sunday and this did, for example, authorize actions such as that which would be extraordinary.

A vote was called on Item No. 1. All voting aye. Nays none. ORDINANCE 2008-0822 ADOPTED.

2. ORDINANCE creating the Hurricane Ike Aid and Recovery Fund (The “Fund”); establishing the sources and uses of the funds therein to aid in disaster relief and recovery; appropriating \$5,000,000.00 out of the Limited Use Roadway and Mobility Capital Fund No. 4034 to be reimbursed by a subsequent borrowing and transferring such amount to the fund; appropriating any and all funds donated to and received into the fund for the purposes set out herein - was presented.

Council Member Jones asked if this was for the peace officers, and Mayor White stated that yes, that it would be to set up a fund and they could think of it as an account within the City and their intention was to use funds that had not been appropriated for some other purpose, that they were going to appropriate for a purpose and they wanted it to be stuff that they would not need the money within the next 60 days and their intention was to sort of borrow a little money from one account and then if they could to clear accounting either get directly reimbursed from FEMA, like they did with the apartment program where they basically advanced them funds, or they would get a line of borrowing out there and that line of borrowing would be reimbursed by FEMA, so their goal was that they would not interfere with, push back, cancel or delay any other City projects or activities because they had these extraordinary expenses, so it was sort of a loan from one account to another with the purpose that it be replenished soon.

A vote was called on Item No. 2. All voting aye. Nays none. ORDINANCE 2008-0823 ADOPTED.

- 2a. ORDINANCE appropriating \$5,000,000.00 out of Hurricane Ike Aid and Recovery Fund for the purposes of disaster relief and recovery for the City of Houston; approving and authorizing the creation of contractual obligations for goods or services to assist the residents of Houston, Texas, and other victims of Hurricane Ike in disaster recovery, declaring the City’s intent to seek reimbursement from the Federal Emergency Management Agency (FEMA) for such expenditures – was presented.

Council Member Adams asked if Mayor White could clarify what the goods and services were, and Mayor White stated that they would be like contracts or purchase orders, mutual aid agreements with other municipalities, the County and sort of thing.

A vote was called on Item No. 2a. All voting aye. Nays none. ORDINANCE 2008-0824 ADOPTED.

3. ORDINANCE appropriating \$20,000,000.00 out of General Fund Fund Balance (“Rainy Day Fund”) and \$5,000,000.00 out of Limited Use Roadway and Mobility Capital Fund (No. 4034); and transferring to the Hurricane Ike Aid and Recovery Fund – was presented.

Council Member Lawrence stated that she would like for somebody in either the Mayor’s office or Legal to look at the election in the Spring to see if they wanted to put something on the ballot to appropriate more money for the Rainy Day Fund as a way to use tax dollars.

After further discussion a vote was called on Item No. 3. All voting aye. Nays none. ORDINANCE 2008-0825 ADOPTED.

- 3a. ORDINANCE amending Ordinance 2007-987 that approved a disaster debris removal contract between the City of Houston and **DRC EMERGENCY SERVICES, LLC**, for Hurricane Ike debris removal for the Solid Waste Management Department; authorizing the Mayor and City Officials to make application for Federal Emergency Management Agency (FEMA) reimbursement; and creating a maximum contract amount - \$98,000,000.00 – was presented.

Upon questions by Council Members, Mayor White stated that both the firm that was doing the work, and the next item which was a firm to oversee, they knew that part of the cost was keeping all the forms and doing all the paperwork because when they did business with a governmental entity then they were audited for good reasons and were audited by everyone who wanted to get in the headlines in addition to that; that he did not know the firm from Adam, that they would be monitoring the amounts and making sure the expenditures were only based on the work performed, that should be their goal, that it would not be spent in one day, that one thing they would like to strive for was to have advanced payment by FEMA, that what they had asked the administration, where Chertoff and Paulson had agreed with him but they had to wait on a presidential decision yesterday was to get 100% local reimbursement, that this afternoon he was trying to at least start a process of reaching an agreement with the Federal government, that what he wanted to say was to have somebody who was a FEMA auditor or controller over living with these people and “speak now or forever hold your peace” about something involving the procedures and bring it to their attention, that if somebody was paid based on how much they hauled and they were not weighing their trucks, then he did not care if they were paid or not because they ought to make sure they knew how much loads were being brought in, that his goal was that they would not get hit, the taxpayers, what were the risks, in Allison and Rita, FEMA took the position at various times that because they did not know whether a particular tree would have been related to the storm or what would just be normal trees gone down, that they were going to say to go and look at how much they had been picking up and look at how much they had picked up last year and they would document that and the stuff over and above that was the debris from the storm; that as to the \$98,000,000.00, it was just a maximum contract amount, that under the law they had to appropriate a certain amount of money, so they do not get to a situation where work had to stop then they tended to appropriate the maximum amount under the contract, that he hoped they would not get to that amount, that they should have some other hearings and discussions about how much they expected it to be when they got a better damage assessment, that how much did they actually think that it should cost; that there was a 19% MWBE goal, that he thought there was going to be a lot of debris removal business, that they would not give preferences, that they did it based on objective criteria.

After further discussion Council Member Khan moved to suspend the rules to hear from Mr. Tom Combs, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0707 ADOPTED.

Upon questions by Council Members, Mr. Tom Combs, DRC Emergency Services, appeared and stated that the best way to have the system work properly was to go through Mr. Hayes and his department, that they would be totally responsive to Mr. Hayes; that he was a local guy; that for their systematic problems they should talk to Mr. Hayes, but he was available if they needed him as well; that he was doing liaison and their Director of Operations was Mr. Don Bayhooth, who was working directly with Mr. Hayes, and Mayor White stated that they should not call the operations people, so if Mr. Combs was a liaison he should make sure people had instructions.

After further discussion, Mayor White stated that if they would permit him, at the next regularly scheduled meeting, or if not before, either in writing or orally, to report to them concerning what they thought the number would be, etc., and he would commit to them that he

would personally try to do some due diligence on that.

After further discussion by Council Members, Council Member Lawrence stated that since they had DRC present, when it was over she would list of all the sub contractors, the city they were from, that if they were a elected official and was a consultant and were representing somebody from out of State, they had 16 people who had applied for the contract and they had hundreds more from the City and then they had people from out of the City that should have priority over anybody from another State. Council Members Sullivan, Garcia and Lovell absent.

After further discussion by Council Members, a vote was called on Item No. 3a. All voting aye. Nays none. Council Members Brown and Lovell absent. ORDINANCE 2008-0826 ADOPTED.

- 3b. ORDINANCE amending Ordinance 2007-883 that approved a disaster management recovery and consulting services contract between the City of Houston and **BECK DISASTER RECOVERY, INC** for Hurricane Ike disaster management services for the Solid Waste Management Department; authorizing the Mayor and City Officials to make application for Federal Emergency Management Agency (FEMA) reimbursement; and creating a maximum contract amount - \$15,000,000.00 – was presented. All voting aye. Nays none. Council Members Garcia, Brown and Lovell absent. ORDINANCE 2008-0827 ADOPTED.
4. ORDINANCE appropriating \$1,500,000.00 from the TIRZ Affordable Housing Fund (2409) to the temporary emergency home repair program to be used for repair of damage caused by Hurricane Ike to qualifying single family homes – was presented. Council Members Garcia, Brown and Lovell absent.

Mayor White asked Ms. Stein to check with Ms. Travis or have somebody on her staff check with Ms. Travis concerning whether the individuals were people he wanted to meet with, whether on time or not; that one goal they had was to get people's roofs fixed who did not have insurance, and even for some of the people who did have insurance if there was a temporary fix, that he had talked to the Lieutenant General who headed the Corp and others, about the Blue Roof Program, where they would put on top some temporary patching of the holes in roofs with some type of roof material so that the structure could have more integrity and they would be safer from water damage, that he intended to work this week and ask people to work this week, and it was something that they needed to be thinking about, that they normally set up registration centers, that they probably needed to do it more like the Residential Energy Efficiency Program that Issa did where they went block face by block face and sign a form and attach it to the roof, but that would be new ground and was one of their agenda items with the federal government, that the Corp had a contractor and they wanted to meet with them and probably some of those affected; that second, for all those who were uninsured FEMA did have reimbursement for the homeowner, that he thought it was up to \$26,500 or something like that, for the damage to the structure which made it uninhabitable or not functional, that under their building code it was a dangerous building if it had a hole in the roof, that there would be some further briefing and Mr. Celli had looked at the contractors and all, that he wanted them to know that they would like whatever they did to be FEMA reimbursed, that they would like that to be the case and were working towards that end, but they did have some TIRZ funds and if people did have a tree on their roofs and as opposed to somebody trying to wait two weeks until their phone worked so they could call the yellow pages or some adjuster maybe they could have some crews working on this stuff it would be better; that he had just gotten a note and FEMA, through the Corp., had the power to make contracts for roof repair, that one contract was with the contractor for the Blue Roof Program and another contract mechanism may be through the program that they institute that they needed to make sure they work out the details, that until they got some of the power back up then basically every City employee had a very mission critical, time sensitive, job to do. Council Members Lawrence, Rodriguez, Lovell and Green absent.

Council Member Clutterbuck stated that Governor Perry had suspended the collection of State and local hotel and motel taxes for victims of Hurricane Ike for a period of 14 days, backdated to September 8, 2008; that there was a particular form, if the hotels were still collecting taxes, that could be submitted to the State to get a rebate. Council Members Lawrence, Rodriguez, Lovell and Green absent.

A vote was called on Item No. 4. All voting aye. Nays none. Council Members Sullivan, Lovell and Green absent. ORDINANCE 2008-0828 ADOPTED.

There being no further business before Council, the City Council adjourned at 11:36 a.m. Council Members Johnson, Sullivan, Rodriguez and Green absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary