

City Council Chamber, City Hall, Tuesday, October 14, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 14, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. 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.

At 2:04 p.m. Mayor White called the meeting to order and stated they would begin with Council presentations and called on Council Member Noriega. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Green absent.

Council Member Noriega stated that it was her honor to be present with Mr. Cesar Espinosa, that Mr. Espinosa had dedicated his life to the Hispanic Community by mentoring youth and being involved in a community outreach program, that Mr. Espinosa was the 2008 recipient of the Mayor's Hispanic Heritage Youth Activist Award for the City of Houston, that Mr. Espinosa was currently the community outreach coordinator at the Central American Research Center and had worked on lobbying, legislation that gives fair opportunities for all students to go to college in Texas, that Mr. Espinosa had worked nationally for the passage of the Comprehensive Immigration Reform and the passage of the Dream Act, that Mr. Espinosa was currently the President and one of the co-founders of FIELL, Familias Immigrantes y Estudiantes en la Lucha, a non profit organization that helped immigrant families and their students, that Mr. Espinosa also worked for America For All, another non profit organization that advocates for educating Houston's day labor population to improve community relations, that the City of Houston salutes and commends Mr. Espinosa for being an outstanding leader in the Hispanic Community and Mayor White presented Mr. Espinosa with a proclamation and proclaimed Tuesday, October 14, 2008, as Cesar Espinosa Day in Houston, Texas. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Green absent.

Mr. Espinosa stated that he wanted to thank GOD and his family for giving him this honor and all of the people in the City of Houston, that they would continue to work and continue to educate a new generation of people to do something for the community and make themselves something and to promote education and equality for all. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Green absent.

Council Member Garcia stated that he was proud of the work that Mr. Espinosa was doing and to keep up the good work, and to his lovely family they wanted to celebrate Mr. Espinosa and thanked them for their support of his work. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Green absent.

Council Member Holm stated that the United States Senate had recently passed Resolution 601 designating October 19 through 25, 2008 as National Save for Retirement Week, that to observe this event the City of Houston was holding it's Third Annual Financial Expo at the George R. Brown Convention Center, that with the rising cost of retirement and the current fiscal situation all City of Houston employees could benefit from increased awareness of the need to save for retirement and the knowledge of the availability of tax advantage savings plans at their disposal through municipal government and municipal employment, that she was joined today by Sherry Mose and Peter Coups, representing the Municipal Employees Pension System, a key partner to the success of the expo, that the City of Houston saluted their efforts and best wishes for a successful and rewarding event, and Mayor White presented them a

proclamation proclaiming October 19 through 25, 2008 as Save for Retirement Week in Houston, Texas. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Green absent.

Ms. Mose stated that she wanted to thank them for the opportunity to share the wonderful month and certainly the wonderful week that was coming up, that to clarify the event would be held at the City Hall Annex on Tuesday, October 21, 2008 and on October 22, 2008 it would be held at 611 Walker Auditorium, that they would have educational information on Social Security, Retirement Benefits and Deferred Compensation, opportunities for all City employees and were inviting all the Council Members to participate also. Council Members Johnson, Sullivan, Rodriguez, Noriega and Green absent.

At 2:13 p.m. Mayor White recognized Council Member Holm for the prayer and pledge of allegiance, and Council Member Holm invited Reverend Justin Coleman, Co Pastor of Saint Lukes United Methodist Church and Lead Pastor to Gethsemane United Methodist Church for the prayer and Council Member Holm led all in the pledge. Council Members Johnson, Sullivan, Noriega and Green absent.

Mayor White stated that Council Member Khan reminded him that they did a Ramadan Dinner at Gethsemane United Methodist Church as it was a most interesting and diverse congregations in their City and they could see people there of all backgrounds, that they had a special ministry to reach out and bring the word of GOD to those who had mental and physical handicaps and was really a leader in their community in that regard. Council Members Sullivan, Garcia, Green and Jones absent.

At 2:16 Mayor White requested the City Secretary to call the roll. Council Members Sullivan, Green and Jones absent.

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

Mayor White stated that Council Member Sullivan was not present because he was representing each of them, that no City did more for their community than Fort Worth, and in Fort Worth they were filling their City Hall with those workers, they were Police, Solid Waste, Public Works and Parks who helped them recover from Hurricane Ike, so Council Member Sullivan was bringing greetings from all of them to the people of Fort Worth expressing their thanks, that they would be doing this with the other big cities in the State and Council Members or the Mayor Pro Tem or Vice Mayor Pro Tem may be asked to represent them at a convenient time and he could think of nothing better to do from their community. Council Members Johnson, Sullivan, Holm, Green and Jones absent.

At 2:20 Mayor White requested the City Secretary to call the list of speakers. Council Members Lawrence, Johnson, Sullivan and Holm absent.

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared and stated that he was present to speak on Item No. 45, that as many of them knew the Harris County AFL-CIO had a strong position on tax abatements and the kind of jobs those tax abatements create, and as he reads the resolution there was some language that he thought was missing and he would like to see some language that speaks directly to the granting of tax abatements for hotels that provided a quality living wage and fulltime employment in jobs, that he thought it was important and knew that many of them around the table also shared the same philosophy, that if they were going to give money away to make sure they created good jobs,

that he would like to see in Wednesday's meeting a discussion around that and possibly inserting some language that would speak to those issues, that everyone should be aware of the fact that the Hilton Americas was one such hotel that had good employment and labor practices and provided quality full time jobs, and he would appreciate their consideration of any such language amendment being added. Council Members Johnson, Sullivan, Green and Jones absent.

Upon questions by Council Members, Mr. Shaw stated that he thought, just in general, that the City ought to promote the creation of good jobs because in the end it helped everybody. Council Members Johnson, Sullivan, Green and Jones absent.

Mayor White stated that first because in part there was a process of consensus building among potential investors in the Hotel Association about what they do to provide more incentives to bring more hotel jobs he was a little bit reluctant on an amendment as such, but they would work together on it, that it would be their intention for some extension to the Hilton Houston Convention Center Hotel, something that would be part of that structure or for that matter on the development of the site that was immediately between Discovery Green and Minute Maid Park, that it would rely on some kind of financing through the HOT tax mechanism, some kind of public support of the financing to enter into an agreement identical to the one with the Houston Center Hotel, that was dated October 23, 2000, which provided for information to the union and also notices of new hire and commitments towards neutrality, that of course it should not be coerced one way or another, that it was a real milestone for the City and helped provide good wage and good service and it would be their intention to do that because there were many different people with different agendas concerning this; that they were targeting this to a particular area and trying to build consensus around that without having to go back through another vetting process with those who supported it and built consensus; that any particular abatement under the terms of what they would pass would have to come before City Council again, that he did not want there to be multiple conversations about different issues, there may be arguments for the Galleria area or some other place or some other issues but they were trying to do it as a clean thing; that he intended to write Mr. Shaw and the Members of the Hotel Board and Ms. Aldridge, copied to Members of the City Council, saying that it would be the City's intention for any new development of a new convention center facility to have the same kind of agreement, and he would attach it, so that they would continue that policy for a true convention center hotel. Johnson, Sullivan, Holm and Green absent.

Upon further questions by Council Members, Mr. Shaw stated that as it was presently written, it was not clear that fair labor practices, benefits and health insurance were adequately provided for, but he thought they could make it their preference so that who ever came to the City with their hand out asking for a tax abatement they could say that their preference was that they have labor practices that were good labor and employment practices, that it sends a strong message, and Mayor White stated that he understood that Mr. Shaw's preference would be that it be hardwired into any hotel that would be built under this, that he thought it was in good faith and was not asking Mr. Shaw to give up his position, but if it was a convention center hotel, and they were trying to do something like that and they even had a specific site that had been identified and they had tried to market for that site, that if they had something that was a new convention center hotel then they were absolutely right, that would be a matter that they could deal with in the operating agreement and they did have a precedent and he would provide it in writing to people of what was required under a prior administration for the Hilton Hotel, and moreover as Mr. Shaw mentioned, to the extent that there were specific properties that were developed in the downtown area, then Council always had an opportunity to look at the issues concerning those properties. Council Members Lawrence, Johnson, Sullivan and Holm absent.

After further discussion Mr. Shaw stated that he could speak to the international unions he dealt with and many of them brought thousands and thousands of conventioners at one time, that the two unions that he was a member of bring on an average of 5,000 to each convention so they needed the light rail so they could bring people downtown to the convention center and that was the way it worked in other cities and they needed, obviously, more hotel space so they could bring the big conventions to Houston, that the more hotel space they had that had good labor practices the more money Houston good enjoy and the light rail was absolutely essential to bring them down here. Council Members Lawrence, Johnson, Sullivan and Holm absent.

Mr. Greg Ortale, 901 Bagby, Houston, Texas 77002 (713-437-5202) appeared and stated that he President and CEO of the Greater Houston Convention and Visitors Bureau, that he was present to speak in support of the resolution, that basically what they were facing right now was a critical need for additional hotel rooms in the downtown area, particularly within walking distance of the convention center, but certainly within the Central Business District, that it was essentially a matter of competitiveness, they were not able to compete because other cities that were in some ways smaller and less important than Houston, in many ways, were able to put together a better overall package, they thought that it was a very measured response to be able to create a solution to a problem that in 2006 cost them \$180 million in lost convention business, in 2007 \$169 million in lost convention business and it would continue for the foreseeable future until they were able to make a solution that was reasonable and be able to put together a package that approximates 4,000 committable hotel rooms in the immediate downtown area; that their Board of Directors had considered it very carefully and had endorsed it and he was authorized to give that endorsement. Council Members Lawrence, Johnson, Sullivan and Green absent.

Mayor White stated that the whole statutory reason for the HOT tax, Hotel Occupancy Tax, was for the proceeds to be used to attract visitors who otherwise would not visit the City and conventions were the classic case of that, so it was not like a property tax abatement; that second, there had been about half a dozen hotel projects that were conceived for the Central Business District and that were in various stages but they were not getting closed and one of the essential reasons were that when the equity investors and the banks ran pro formas on hotels what they did was look at their business visitors, not convention but basically weekly base trade, and those were the numbers that people were running, that with the redevelopment, especially in the last several years, with the boom that had gone on downtown and the price per square foot downtown in competition with office spaces in particular, then it made more sense to go a little bit more outside the area that was close to the convention center and was walking distance rather than relatively near the convention center, in part because of the vast impact of Discovery Green on the values of properties in and around that side of downtown, so people were having a hard time closing on about half a dozen projects, that they did recognize, and the bureau pointed out with good cause that one of the things that convention planners looked at were hotels within walking distance of that convention center, that he was not making an argument he was just telling them what the market was, so in order to offset that price differential they were seeing between the land and getting some of the projects closed so that they could book more of these citywide conventions they thought that this kind of rebate of the HOT tax was appropriate. Council Members Sullivan and Noriega absent.

After further discussion and questions by Council Members, Mr. Ortale stated that he could not tell them how many major labor union conventions they attracted to Houston, that he would have to go back and look at his records and he would be happy to do that and get them that information, that they did have unfortunately a long list of lost business, and Mayor White stated that he thought it would be good to get an answer to the labor union convention questions; that there were certain representations made by leaders of labor concerning the union business that would be attracted to Houston should the Hilton Hotel sign the agreement,

that it was before their time on City Council, and he thought it would be worth looking at what organized labor specifically had done on those representations about reaching out to book conventions, whether it was their fault, or somebody dropped the ball of it had been a spectacular success, they had to see how it had been done, that he had no idea what the story was. Council Members Sullivan, Noriega and Jones absent.

Upon further questions, Mr. Ortale stated that based on what they knew may be in the pipeline in terms of hotels, an additional 1,000 rooms, and one of the requirements of the resolution would be a 70% commitment, so with the 70% commitment it would mean an additional 700 committable rooms, with which their current committable rooms would put them well over 4,000 rooms, they would still be under hoteled but it would be a lot closer, and once they had those properties announced they would begin including them in their bids going forward, that they did receive permission from the American Legion Convention to include as part of that the possibility of those rooms in their presentation when they made the decision to come to Houston for 2013. Council Members Sullivan and Clutterbuck absent.

Ms. Joan Johnson, 6615 Westpoint, Houston, Texas 77005 (713-858-6119) appeared and stated that she wanted to talk about their board and how it was made up because they did pass a resolution to support a rebate for hotels to be developed in the downtown area, that their board was made up of hoteliers from small independent hotels to the Hilton Americas, that the board represented all parts of the greater Houston area, so it was not just the hoteliers in the main area, it was hoteliers in the Galleria, Intercontinental and all over, so those were the people who voted to support the tax rebate for hotel development in downtown; that as Mr. Ortale stated they found themselves under hoteled in this area, that when they looked at their City compared to some of the other cities just in Texas, San Antonio had 11,645 rooms in downtown San Antonio, Houston had 4,751, that came from the PKF Study, an outside consultant, Dallas had 6,740 rooms, so as they could see when they were competing for the big conventions that they wanted to bring to Houston they had a hard time because in those cities, particularly in San Antonio, they could walk to the convention center, and it made it very difficult for them in Houston; that other thing that was very important was when they talked about hotels being developed downtown they talked about what they called compression and if downtown was full, because they had a large convention, all of the business people who were going to stay downtown start to move out, so it helped the hotel industry throughout the City, that doing it for the downtown area would not just impact the downtown area, it would impact their industry throughout the City. Council Members Johnson, Clutterbuck, Sullivan, Brown and Jones absent.

Council Member Lawrence asked Ms. Johnson what was the occupancy rate, Houston in comparison with some of the other cities, and Ms. Johnson stated that she had the information but did not bring it but would send it to her and would bring to all the Council Members the PKF Trends Report that was done in August 2008. Council Members Clutterbuck, Sullivan, Khan, Garcia, Lovell and Jones absent.

Ms. Elizabeth Thomas, 4720 Banning, Houston, Texas 77027 (713-877-8803) appeared and stated that she was the General Manager of the Westin Galleria and the Westin Oaks, as well as the Chairman of the Hotel Lodging Association and Chair Elect for the Convention and Visitors Bureau; that if they looked at what was happening nationwide in cities that were growing, Indianapolis, Oklahoma City and Orlando, they were really growing over the next five or six years and their downtown area would be much more conducive for larger conventions than mid size conventions that they needed in the City, that if they as a city did not grow with the competition then they would not be able to compete at all and they would find themselves in five or six years thinking why were they not where they needed to be, that in addition to everything that had been said by her peers she just wanted to remind everybody that they as a City needed

to have a long term plan for downtown so they could really compete on a nationwide level. Council Members Clutterbuck, Sullivan, Khan, Garcia and Lovell absent.

Mr. Smithy Requula, 5217 Scott, Houston, Texas 77004 (832-638-2382) had reserved time to speak, but was not present when his name was called. Council Members Clutterbuck, Sullivan, Khan, Garcia and Lovell absent.

Mr. Rudy Sutherland, 2202 Poco Dr., Missouri City, Texas 77489 (281-841-8444) appeared and stated that he had knowledge, legal documents and other information in his possession that strongly spoke to possible conflict of interest, corruption and collusion in regards to the management and administration of the disadvantaged minority business enterprise participation in the debris removal process by the City of Houston; that he would share the information with the appropriate authorities shortly; that by using an elaborate scheme of foreign and local MBEs, facilitated by Mr. Samuel Eton, community advisor to DRC, to line their pockets some elected officials had caused enormous harm to honest local competitors for business, hardworking members of industry trade unions and legitimate minority owned businesses seeking to provide their skills and services on one of the most important public projects that their community had been challenged with, that Mr. Kenny Banks, President of Houston KACO, spoke before Council on October 7, 2008 and clearly laid out the fundamentals of what he (Mr. Sutherland) had been getting direct calls at late hours of the evening since late September, local MBEs were not getting a fair shake on debris removal contract opportunities, which was what he (Mr. Banks) stated, meanwhile the Chairman of the MWBE Committee, Mr. Adrian Garcia, not only walked out on his speech but did not return last week, nevertheless he managed to obtain for his "click", which included Namack and Raytac Construction principles, Ben Reyes and nephew Greg Reyes, a prime contract for hauling debris, that they might recall that Mr. Reyes was convicted in 1996 of bribery and conspiracy for taking approximately \$51,000 in cash to influence votes for the Convention Center Hotel project while he was on the Houston City Council, that by the way Mr. Banks contract was terminated shortly after he spoke before Council and lost 6 headcount and was later told by Mr. Garcia that the City would get it's numbers though a different MBE, was that the precedent they wanted to set for those who dared to speak up, had they read the United States Constitution, that Mr. Garcia should reclude himself from the MWBE Committee as Chairman, and despite his being Hispanic he should have the professional discipline to represent all minority groups not just the one to which he belonged, that further as a Council Member he did not have the right or the privilege to bias local commerce to those he subjectively had relationships with, passively or actively, using his station as a means to that end, that in short he had breeched the public trust, that final note, to Bill White, "you stated that the City should not show favoritism to local MBEs out of fear of retaliation by other cities", last week. Council Members Sullivan, Khan and Noriega absent.

Mayor White stated that he knew the Ms. Laws office had met with him before and Mr. Gallegos was present and he would encourage Mr. Sutherland that if there was some evidence that he had of bribery or something that violated some criminal statutes, and Mr. Sutherland stated that he would not share it with them, that he would share it with the appropriate legal parties at the appropriate levels. Council Members Holm and Noriega absent.

Mr. Sam Stewman, 7168 Valentine Way, Houston, Texas 77019 (713-751-0288) appeared and stated that he wanted to thank them for living through the storm, being here before and after the storm, that he wanted to talk about the plight of the blind, and he demonstrated a cane for the blind and anybody carrying one of those had the right-of-way period, in the middle of Loop 610 or anywhere else, regardless of what TxDOT sign said, that tomorrow was National ID Cane Day, which was a cane that identified the person as being visually impaired, legally blind, and since Houston was an international City he thought he would wear a yellow armband with three large black dots, which was an international symbol that the person is blind, that he was in

Budapest about five years ago, after he had lost his vision, and he asked a friend where were the disabled people, he had not seen any blind people or people in wheelchairs and his friend said they were at home, they stay at home, and he was almost to the point where he would be a recluse to because for the second time in two months he had stepped into an open water meter thing that was on the sidewalk and usually it was between the curb and the sidewalk but he had stepped into two open ones, that the first time he stepped in he found out it was just tough luck, the City of Houston did not do anything about people stepping into their water meter holes, that the second time he stepped into the hole it was the day that it rained so hard, that he was coming back from the doctor, rushing to get out of the way of the traffic, stepped into another hole that had grass growing out of it and these holes go nearly up to the knee, that people had been kind and helped him up, the people of Houston were very nice, but he thought they should be covered, that somehow there should be warnings. Council Members Sullivan, Khan, Holm, Brown and Noriega.

After discussion and questions by Council Members, Mr. Stewman stated that the one that was a real problem was south of the bus stop on Shepherd, just south of Richmond Avenue on the east side, it had the grass growing out of it, the one that he stepped into where the lid fell in was on West Dallas at the 1000 block; that as to TxDOT, he went to get his ID and they had a sign that said "if you see a person with a cane at the intersection corner all four cars had to stop", so how much did they want him to walk downtown and stop traffic with his cane, they learn that they were dead right if they got hit, and the TxDOT information was simply wrong, that he would be happy to work with them anyway he could, and Mayor White stated that Ms. Colvard and Mr. Anderson from the Mayor's Office of People with Disabilities were present and they would meet with him and should have access to Mr. Norman and others, and Mr. Stewman stated that they had been very kind. Council Members Clutterbuck, Khan, Holm, Garcia, Brown and Noriega.

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

Mr. Joseph Ballard, 6302 Rocky Nook Dr., Humble, Texas 77396 (281-850-0388) had reserved time to speak, but was not present when his name was called. Council Members Clutterbuck, Khan, Holm, Garcia, Brown and Noriega.

Mr. Roland Curry, 8707 Cowart, Houston, Texas 77029 (713-673-5486) appeared and stated that he was going to change his topic; that he came to Council on one subject and got most of it resolved through Lieutenant Gallegos; that he wanted to thank Mayor White for the leadership he had shown during Hurricane Ike, that he and his mom watched television at night and she thought that Mayor White looked tired, that he wanted to thank his Council Member Jarvis Johnson for making sure the Pleasantville people got MREs, ice and water, that there were a lot of elderly people out there who did not have cars so it was very convenient, that the people appreciated Council Member Johnson; that he wanted to say hello to Council Member Jones and congratulate her on winning the Council seat; that he wanted to say hello to Council Member Garcia; that hopefully FEMA could do a little bit more for the people in Pleasantville. Council Members Clutterbuck, Khan, Holm, Garcia, Noriega and Green absent.

Ms. Deborah Manahan, 1313 Story St., Houston, Texas 77055 (832-654-5499) appeared and stated that she would like to tell the City Council and the City of Houston what a great job they had done in getting the post Ike disaster relief funds into the hands of the disabled and elderly but she was present to tell them that was not what was happening, that so far at the six week mark they were getting a "D", that she had been trying very hard to penetrate the system, that she was educated and used to be a PR executive and was now on fulltime disability and

she was telling them that if she could not do it those elderly and disabled out there that were less able than her were not doing it either; that she had documented a great deal of information and would be glad to provide it to anybody who was interested and would be glad to get it to them. Council Members Johnson, Clutterbuck, Khan, Holm, Garcia, Noriega and Green absent.

Mayor White asked if it was for getting individual assistance from FEMA, and Ms. Manahan stated that basically at this point she had not heard from her insurance or FEMA, that FEMA said that somebody had been assigned to her personal case, that she had not gotten anywhere with any of them, that FEMA said that the State of Texas opted to disburse certain funds for the Post Disaster Cash Grants and Individual and Household Program Disaster Funds and the State of Texas said they chose to disburse through Texas Health and Human Services, and the Texas Health and Human Services, every single location in Houston, including the Polk Branch, the main regional office and the Ombudsman Office in Austin, had no earthly idea what any of this was about, that she still had not heard from FEMA, nobody had contacted her or showed up and she had been calling regularly and trying to get through to somebody and kept getting the buck passed so she knew that if it was happening to her there were people out there that were suffering even more than her and that was really aggravating her. Council Members Clutterbuck, Khan, Holm, Rodriguez, Lovell, Green and Jones absent.

Upon further questions by Mayor White and Council Member Lawrence, Ms. Manahan stated that FEMA told her that any cash grants for the immediate emergency funds, which she knew several people who did end up receiving them, they told her that specific program was being administered through the Texas Health and Human Services and apparently Texas Health and Human Services had no idea what it was about, so they just went in one big circle; that she called 3-1-1 and it was the same thing, they sent her back to the Texas Health and Human Services and as of last week continually calling all the different branches of Texas Health and Human Services the lines would ring and then dump her out of the system, saying they could not take phone calls at this time and then disconnect them, so as of last Thursday they could not even get through to Texas Health and Human Services if they wanted to; that Council Member Lawrence's office gave her the same numbers and they were very polite and so did the Mayor's office, but of the list that they had and were telling people when they called in, one number, the Westheimer number for Texas Health and Human Services, was disconnected and the other three numbers they could not get through, they just dumped them out of the system. Council Members Clutterbuck, Khan, Holm, Rodriguez, Lovell, Green and Jones absent.

Mayor White stated to Ms. Claudia Vasquez that he wanted to wrestle to the ground the issue of what the funds were and what category of funds, that he believed that they were referring to a program to give emergency cash assistance to some people, in particular difficult needs, post emergency, and either the citizen had been given wrong information, which inadvertently they may have forwarded it on, or Ms. Manahan was making it up, but he doubted that she was making it up, that either there was a problem or her information was incorrect, that those were the only two alternatives, that he wanted a straight answer, that in the City they had 3-1-1 and he had been trying to figure out where that was for State government; that he wanted to take a look at this and see what they could do. Council Members Clutterbuck, Khan, Holm, Rodriguez, Brown, Green and Jones absent.

After further discussion, Mayor White stated that he would say to Ms. Stein, and to Mr. Lapin, who may be following the Council meeting, that next Thursday at 9:00 a.m. they had a meeting at the George R. Brown Convention Center which was similar to the one they had today to do trouble shooting and thought they did need to have some representatives of large homeowners insurance companies there because the two bottlenecks for the FEMA money tended to be getting that private insurance adjustment where there was FEMA money due and

the second was getting the private insurance adjusters, and if they had to have maybe special legal counsel there to decide whether or not they were following the Texas Insurance Code, they would get them there, that after a month they should be getting the checks, and the second was the SBA stuff that people had to go through which was just a nightmare and pointless, so they would be working on it; and Mayor White asked Ms. Dillard to get the emergency fund information to Ms. Manahan. Council Members Clutterbuck, Khan, Holm, Rodriguez, Brown, Green and Jones absent.

Ms. Christine Lund, 9118 Shoreham, Houston, Texas 77093 (713-385-6384) appeared and stated that nationwide restaurant sales had dropped 33% and add to that her income had been cut in half because stations had been cut in half, so that she could salaried work in the kitchen and bus her own tables before, during and after work, that many businesses had eliminated key salaried positions to save money and job loaded the server with these duties, that the result was mass pandemonium, it was not a good setting in terms of proper sanitation or product quality, that she was not a cashier, hostess, food runner, salad prep, dessert prep, floor sweeper, trash man or dishwasher, she was a professional server; that in 1968 she received \$1 per hour plus tips, that forty years later she receives \$2 per hour plus tips, that minimum wage was \$1.25 in 1968, that hospitality was an art and not a minimum wage job, that training professionals required years of learning product knowledge and proper sanitation methods and years of experience in quality establishments; that for \$2 per hour the City was getting what they paid for, that corporate policies were shaping their industry standards and it was important that they regulate upper management decisions that concern their public health, that obviously profit was their main concern and only the law was their motivation, that she could simply ask them to consider requiring full service restaurants to prominently display on a sign and half printed on the menus informing the public that the servers were paid \$2 per hour plus tips and include a charge on the bill how much was paid out of her tips to the support staff and management, that she paid 3% to 4% to the support staff, 3% in taxes, and now some restaurants were taking 2% of her tips for the credit card charges, that they work nights, days, doubles, weekends, holidays and often without benefits or sick days, no free food, no time to eat it and when a customer leaves without paying the server pays the bill and 7%; that with Houston's multi cultural society they play host to people from all over the world, it was imperative that the customer understand that there were several hundred thousand tipped employees raising families on tips over 7%, that she had a thing that tells her on her paycheck, "if side work cannot be kept up there will be consequences", smaller stations, more servers per shift and loss of open and closed shifts, that they were being forced to do work that was not theirs; that if she was not being forced to work in restaurants right now she could be working in clubs with older people that smoked, but the older people did not go out to bars anymore or restaurants because they could not smoke, that she could deal with the restaurant business not smoking, but they could not smoke in bars, she was captive in her home, she could not go drinking or go out, there was no place to have fun for a smoker, that maybe they could legalize smoking in bars. Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent.

Mr. Jeremy Lane, 1133 W. Clay, B, Houston, Texas 77019 (713-445-6423) appeared and stated that on behalf of Blind Friends, Lesbians and Gays, a P Flag Texas, Houston Chapter, they had two requests and two hopefully positive suggestions; that a City ordinance be created or if one already existed be enforced on overhead limbs and in some cases street signs that were in the way of the sidewalks, that their identification canes tells them what was on the ground, but in many cases there were limbs, trees, bushes and so forth that kind of hung in their way that could be from the chest up and he, as well as some of their members, had quite literally ran into the problem, and in some cases, not quite as often, there were some street signs and stop signs that kind of covered the path, that they would like the width of the sidewalk times about a height of 6.5 to 7 foot, like an imaginary corridor; that the second request was in

relation to sidewalks, the creation or the enforcing of some type of City ordinance in regards to people parking on sidewalks, which was not so much in the downtown Houston area, but more in residential areas, that people in townhomes and so forth tended to not entirely pull up to their garage door and a lot of times would be left hanging in the actual sidewalk path, sometimes people on motorcycles as well; that the third would hopefully be a positive suggestion, that his understanding was that the City was installing and upgrading the currently existing but also installing more audible lights for the visually impaired, that something that had worked for his parent organization, that he had been informed, was something similar to an adopt the sidewalk or street program that might ease the taxpayer cost while at the same time more quickly installing lights, that people could have their name on a plaque or something, dedication or in memory of on the audible light; and the fourth, he understood that due to the hurricane weather it was questionable whether they were going to celebrate the October 15 White Cane Safety Day, in the future, weather permitting, they would like to see that the City have more PR in promoting such a day, in and of itself was awareness, which hopefully would have more people, both vision and blind, and just people who may be interested and unaware of the subject, have more attendance and education. Council Members Clutterbuck, Sullivan, Khan, Holm, Noriega and Green absent.

Council Member Adams stated that Mr. Gary Norman, Public Works, was present in Council and would be able to address a couple of his issues and concerns, and with the parking issue they already had an ordinance in place about parking on sidewalks, and if anybody on his street or in his organization notice that people were parking on the sidewalks, they could call 3-1-1 and their Parking Enforcement Officers would come out; about the tree limbs hanging over sidewalk, they could call 3-1-1 for that and the City of Houston would go out and assure that those items were taken care of. Council Members Clutterbuck, Khan, Holm, Noriega and Green absent.

Council Member Jones stated that earlier in the year they adopted in the budget to put up audible crosswalks, that they were waiting to identify the crosswalks, that they had a limited budget but were trying to figure it out. Council Members Clutterbuck, Khan, Holm, Noriega and Green absent.

Mayor White stated that Ms. Colvard and Mr. Norman were present in Council and would see what they could do to help Mr. Lane. Council Members Clutterbuck, Khan, Holm, Noriega and Green absent.

Ms. Brenda Johnson, 8415 Arkansas, Houston, Texas 77093 (832-273-3640) appeared and stated that she was present on behalf of her mother, Shirley Johnson, who lived on the side of a health center and also the City of Houston General Services Center, that Hurricane Ike left behind devastating damage to the property and the garage, but from the City of Houston property a 47 foot tree fell across the garage and another tore down the wooden fence and landed on the electric wires and meter box, that her mother needed the City of Houston to rectify the devastating situation; that they had done all of the necessary paperwork to get everything done, in an effort for FEMA, the insurance, and also to file a claim, that when she tried to file a claim with the City of Houston she was told by Harry Shelton, a claim officer, that even if she filed it was highly likely that they would not get any financial help, and she was asking what could they do to get it resolved, that she had gone to the City of Houston next door to speak to a couple of people and she too was going around in circles, and what could they also do to remove the tree that fell across the garage, that the stump was between her mother's property and the health center, so they needed it done; and the debris, they worked so hard to remove the debris to the side of the street but when one of the contractors came most of the stuff was back in the ditch, so they needed help with that. Council Members Clutterbuck, Khan, Holm, Noriega and Green absent.

Upon questions by Mayor White, Ms. Johnson stated that she reported the tree falling on the garage the next day, she went over to the City of Houston General Services Department, that it was on the property with the health Center; that on Saturday they got the tree removed but it was still sitting on the back of her mothers property, that the garage was totally lost because of the tree, that her brother helped but a contractor, through the City of Houston, helped remove the tree from the garage, that the tree was still on her mother's property; that they paid him a little something to get it done; and Mayor White stated that if it was somebody from the City of Houston they probably wanted a name, and Ms. Johnson stated that she had the name of Josh and a cell number, and Mayor White asked that she give that to Ms. Vasquez; that he relied on Michael Moore, Terence Fontaine and Claudia Vasquez to trace some of these things out, that there ought to be predictable policies, and one predictable policy was that they do not pay for damages because of fallen trees, that it was not generally what the City did, and the second thing and what he could not understand was that they would remove the trees that were in the public right-of-ways and he was not sure why it took so long or if the City had even helped her to do that; that he was trying to figure out when somebody was dispatched to get the tree off of her house and asked Mr. Harlan Heilman, Legal Department, if he had any inside into that. Council Members Lawrence, Clutterbuck, Khan, Holm, Noriega and Green absent.

Mr. Heilman stated that he got an email and notified the Parks Department and they immediately went out and investigated it and indicated to them that it would be on the schedule to have it removed, and Mayor White stated that he was more interested if there were others who were in the queue, in other words what was it that they had learned about a process, did it take somebody to come down before Council to get the tree removed, to help him figure out the process; and Mr. Heilman stated that if an individual calls into the Claims Division they would advise the citizens what Texas Law was and after that conversation they were to notify the Chief Forester of the City of Houston to get his folks to go out and investigate if in fact it was a City tree, if it was a City tree they would make efforts to remove the tree, if it was not a City tree they would communicate that information to the citizen; that the deadline for them, after the communication was done with the citizen, they were to immediately make contact with the Chief Forester, and in this case it was done immediately when they found out about it; that Mr. Shelton indicated to him that he visited with Ms. Johnson and communicated to her what Texas law provided for, but it was not communicated to the Parks and Recreation Department, that they should follow up to see if the tree was still on the property; and Mayor White stated that the individual in the Claim Department, their job was to say what could they do and what could they not do for the citizen, and Mr. Heilman stated that had been communicated. Council Members Lawrence, Clutterbuck, Khan, Holm, Noriega and Green absent.

After further discussion Ms. Johnson stated that because the guys were removing the trees she went up to them and asked if they could please come over and look at the tree over the garage, but the tree was a rotten tree and on the City of Houston property, four weeks before Hurricane Ike, a big branch fell on their property and the City of Houston cleaned it up but the remainder of the 47 foot tree remained intact until Hurricane Ike, so she felt it was negligent on the City's part not to cut the tree down when the first branch fell, so that was what they were discussing, that a tree on their property broke the wooden fence completely down so they did need some assistance, and Mayor White stated that he understood her request, but they were very narrow circumstances and did not include any losses caused by trees that were on public property, that maybe it was right or wrong, but was the State law and sort of the policy that they abide by. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm and Green absent.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak, but was not present when his name was called. Council Members

Lawrence, Clutterbuck, Sullivan, Khan, Holm and Green absent.

Ms. Nia Colbert, 6333 Chimney Rock Rd., No. 132, Houston, Texas 77081 (713-830-5444) appeared and stated that one of the things that she shared with the staff of the Mayor's office was the plight of housing in Houston, especially for the disabled, that she had shared it with members of Council Members Khan and Jones office, that she would like to ask if there was a way to get to the root cause or problems, that with a particular retirement it was changing, that it was called The Park at Bellaire Retirement Community, 6333 Chimney Rock, that it was in Houston, Texas in Council Member Khan's District; that specifically the property was renovated around 2000 and there were some serious concerns, how a community could exist in the City of Houston, that the elevators were not functioning up to the second level, that many of the residents were disabled, that Channel 13 did a story about the particular community, but how could a property existing in the City of Houston be constructed and the City not know, for example, that there were elevators, not only that they failed a yearly inspection but that they had never been inspected so the elevators were closed down, that the same thing for four water areas, how three pools could be in existence and the City come out and cite the owner, that it was not known that the pools existed, those as well had been closed down, that other egregious problems, water, routinely they were given notice that it was going to be turned off, trash piling up; that the question she was asking and had asked, if the City was coming out and citing someone what was happening to the citations, what was going because the residents were suffering, the elderly and disabled, that it had seriously caused a deterioration of the social fabric of the community. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Colbert stated that there was no way that she could express the efforts by Council Member Khan and his staff, as well as Council Member Jones staff immediately seeing her, that in terms of her safety and going somewhere else, that was the issue, where do they go in Houston, and as a person with a disability they move from place to place and there was a question of housing, but it still did not take care of the root cause of the problem. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he already had the City Council's official decision and court conviction awarded case that was pending regarding action that should be taken on his case; that he was also a Harris County Deputy Voter Registration Representative and had charges on ACORN and the NAACP voter fraud, and continued to voice his personal opinions until his time expired. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

At 3:56 p.m. City Council recessed until 9:00 a.m., Wednesday, October 15, 2008. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, October 15, 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 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:27 a.m. Mayor White called the meeting to order and stated that the first item was a public hearing. Council Members Khan, Garcia, Noriega and Green absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** to determine just and reasonable Retail Water and Sewer Rates of **SOUTHERN WATER CORPORATION** within the City of Houston - **DISTRICT B – JOHNSON** – was called. Council Members Khan, Garcia, Noriega and Green absent.

The City Secretary stated that Mr. David Webb would make remarks concerning the hearing. Council Members Khan, Garcia, Noriega and Green absent.

Mr. Webb, Special Assistant for Regulatory Management, stated that the hearing was on the Southern Water Corporation's rate case affecting customer's served under TCEQ, Certificate's of Convenience and Necessity Numbers 11389 for Water and Number 20500 for Sewer, that the hearing was convened under Chapter 13 of the Texas Water Code and the public hearing was called by Ordinance 2008-0860, that at this point he would like to alert any representatives of Southern Water or any member of the public to speak about the matter to plan to come forward to the podium; that on May 30, 2008, Southern Water Corporation filed an application to increase it's water and sewer rates for the 1,246 customers it served in the Hidden Valley Subdivision, located in the City of Houston District Council B, that Southern Water Corporation's rate filing sought an increase to \$1,179,362 in the company's annual revenue requirement to be recovered through water and sewer rates, that by Ordinance 2008-0616 the City suspended the effective date of Southern Water's new rates for 90 days, from August 1, 2008 to October 30, 2008, that the City's Rate Ordinance recommendation would be posted for consideration on the Council agenda at a Meeting of the City Council before October 30, 2008, that he would note that they had been contacted by Southern's attorney last week, he had a trial this week and the City was agreeable to a recess of this hearing to be resumed on October 22, 2008 if City Council agreed. Council Members Garcia and Green absent.

The City Secretary stated that no one had reserved time to appear at the public hearing and asked if there was anyone in the audience present who desired to be heard in connection with this hearing. Council Members Garcia and Green absent.

Mr. Lee Roy McAnally stated that he resided in Hidden Valley, that he was born and raised in Houston, Texas, that the Southern Water Company deserved a moderate increase and a raise, that they had not asked for one in about 37 years, he thought and believed they deserved a raise, they were a good company and had good service, and as far as he knew they were the only ones during Hurricane Ike that did not shut out, that he would like to see them get a raise but a moderate raise, that he thought their rates right now were exorbitant, that he would appreciate the City's help for them to get the raise set at a reasonable rate; that he wanted to thank Council Member Johnson, especially, for his concern and help in this matter. Council Members Garcia and Green absent.

Mayor White stated that he wanted to thank Mr. McAnally, that his position was sort of the position of the City of Houston as well. Council Members Garcia and Green absent.

Upon questions by Council Members, Mr. McAnally stated that rates would be higher than the City rates, but their improvements had been ongoing, they were steadily improving their system, that just recently they had put new valves to control the water, new filter systems that the State required to filter the water, they had installed, he thought, three new lift stations in the last year, so they were improving it all the time, that they were a good company and deserved a raise, like he said, but a moderate raise, that he thought their rates right now were a little bit

high, that they had adequate fire protection and thought that their piping system all beat State standards, that there was no complaint there. Council Members Khan, Garcia and Jones.

Mayor White stated that they were going to have to deal with each water system individually and in this case, unlike some of the ones that they had to deal with, it appeared as though this system had maintained the system, so they did not have some of the issues that they had in some of their water systems, but on the other hand the rate increase they had asked for was about 50%, that there would be more on that, that the City was contesting the amount of the rate increase in the time period that they had asked for, that all parties would have an opportunity for an evidentiary hearing next week.

Council Member Johnson moved to recess the public hearing until October 22, 2008, seconded by Council Member Jones. All voting aye. Nays none. Council Members Khan and Garcia absent. MOTION 2008-0760 ADOPTED.

MAYOR'S REPORT - 1. Hurricane Ike Recovery Update
2. Public Safety Radio Safety

Mayor White stated that on the Mayor's Report they had two different items; the Hurricane Ike Recovery Update, there were a couple of issues that he would invite Council Members, their offices and networks participation, wisdom, thoughts and ideas, that they had a press conference scheduled at 2:00 p.m. and some details and each were being finalized, that one issue had to do with debris disposal, they wanted to recycle the vast majority of the debris that had been removed, over 95% was vegetative waste, wooded waste, and there was a lot of work that had gone into it, they were confident that they would be able to accomplish the great task without filling up landfill space, but they were going to have a competition for additional ideas for a limited period of time, that the competition was to make sure they were considering all the alternatives at a reasonable cost to the taxpayer, there were some ideas that were not practical and there were some ideas that were way to expensive, but they had a lot of ideas in the community and they had a lot of resources in the community, that a website would be announced at that time and the format of the competition would be announced for these ideas and they would try to disseminate it nationally, but because of transportation costs most of the recycling opportunities would be local, so at 2:00 p.m. he would invite each of the Council Members participation and they would get it out on citizens net and there may be other components where they talk to channels or some print media to get the competition out; that the other issue with the Solid Waste Department, along with many real estate professionals and Council Members Noriega and Adams in particular, and people were working in the back, they wanted to designate a date and time for citizens to roll up their shirt sleeves and in addition to neighborhood depositories they had identified sites where people could put stuff in their pickup trucks and take it, they had done about 90% of the first pass and were approaching 4 million cubic yards of debris picked up but there were still people bringing things to the street and if there was 90% finished on the first pass and if they did not get everything then there were some people that had not been passed yet, and they had demonstrated in Houston that they knew how to work and people could take care of their own property, they were not saying they would not come by the second or third time, but if they were tired of waiting then they were providing alternatives where the citizens could participate and also deal with instances where there were people who had debris on site who may not be physically capable of gathering the debris on their private property and bringing it out in the public right-of-way, there were people who may need help out there, he had met some of them, and they wanted to encourage citizens to help their fellow citizens in that connection. Council Members Johnson and Holm absent.

Members of Council congratulated the Solid Waste Department for doing a wonderful job; and Council Member Lovell stated that she would like to request that the trucks have magnetic

signs on the side so if citizens had a complaint or concern they could call and identify who was out in that area, rather than calling in and giving an address; that she knew there were a lot of people who were new out there, but would like to ask that they go back and review some of the training and safety issues for the people who were out there working, and Council Member Khan stated that he and constituents had a concern that sometimes people put the debris next to a drainage ditch and they do not have it tied down and it gets into the drainage ditch and sometimes the trucks pick it up and some of it does get into the drainage ditch and the concern was if the debris would be removed from the drainage ditch through this process or through what process, especially in the Bissonnet area. Council Member Johnson absent.

After further discussion, Council Member Lawrence stated that they needed all trucks to have releases for picking up debris on private property, and Mayor White stated that he had talked about the releases and he would say to Ms. Stein and Mr. Moore and others, if he said that he wanted something pursued, which was some executive order or thing in the City they did not want people to have to push the debris into the ditch, that he did not know what difficulty there was in his communication skills at the time, but he specifically referred to identifying the legal authority that they would have or exercise in the event of an emergency for the Mayor, under the powers granted in the City Charter, to allow that area that was contiguous to the right-of-way to be clean, that he would like a report as to what was done following his instruction, a request to identify what authority that the Mayor may have to issue an order permitting entry to the private property, that he thought they had solved that problem, and Council Member Lawrence stated that every driver just needed to have on his dashboard a release form, and Mayor White stated a release form or better yet some authority from the City to do that because clogging up the drainage ditches would be a nice thing to avoid, that it was a public safety issue and that was what he asked of people, including the contractors and the City Attorney and others to investigate and implement or tell him why it could not be done. Council Members Johnson and Lovell absent.

After further discussion, Council Member Jones stated that one of the things that concerned her was timely payment, that they needed to work on it because people needed pay on a timely basis, that she was continuing to get calls as late as yesterday trying to get people paid; and Council Member Adams stated that she wanted to remind everybody that there would be another debris removal committee meeting on October 22, 2008 at 2:00 p.m. in the Council Chamber to address some of the concerns and questions that were brought up in Council this morning and if they had any concerns and issues to bring them to the meeting so they could give Director Hayes and his staff appropriate time to address some of the needs and questions. Council Members Johnson and Lovell absent.

Mayor White stated that as to the second topic, they had many reports on the issue, that on the radio system that they were procuring for the City he wanted to review a little bit of the process, which was a multiple year process, where they come out on it and have he, Mr. Lewis and Mr. Sorely available to answer questions; that there had been a couple of reports, one of which was done before anybody present served on Council, in 2003, recommending a system replacement, conceptual solution and provided some kind of budgetary estimates, that was followed by a recommendation by a firm that a new report, which was commissioned during this administration, by a firm that was the most experienced in the Country in advising local entities concerning radio systems, RCC Consultants, they reviewed additional system alternatives, including an in depth analysis of the existing infrastructure, which existed for the Harris County system and they recommended a 700 mega hertz system done via competitive procurement process, that there were a lot of meetings, when the report came in, in order to have a competitive process that would offer the very best value for the taxpayers, that he had made at least four reports that he could think of, August 29, 2007, October 31, 2007, April 28, 2008 and a brief Mayor's Report last week, which thanked the participants in the process, the vendors

with outstanding proposals, and identified both a timetable and criteria for selection, that they published the expected coverage requirements in April 2007 and had an RFI process with demonstrations beginning May 1, 2007, they released an RFP on August 31, 2007 and conducted a pre submission conference in October of 2007, which he personally participated in and set forth some of the considerations and criteria, particularly the cost; that a public safety radio was a public safety expense, as a matter of math not of theory, then that meant they could not spend money on something else because they had disciplined budgets and their revenues were limited by both City Charter and State law to a great extent, that they received vendor proposals in December and a technical compliance review was completed in January 2008, that an evaluation committee that was composed of seven City executives, a Montgomery County and Harris County executive, nine employees with technical backgrounds did a technical evaluation that was completed in June and he reviewed that, that he would assure them that he had participated in all aspects of the procurement, that in testament to the vendors and their technical strengths and the tremendous investment and time that was put in to making the submission to the City of Houston he would tell them that the difference in the rating was four hundreds of one percent; that interoperability was a big issue, it is not well understood, that there was a lot of propaganda about it, that both vendors were compliant with the operability standards specified by the FCC, moreover because neither proposal, and their requirement, did not have something where they could not use somebody else's blank with their blank built in there was an ability, over time, to substitute competitive product, for example, radio units, because they were coded in a way that they would be compliant, that there were various protocol they had to do with other law enforcement, they could not just let anybody who wanted to get into the public safety radio system, and they had good cooperation with Harris County and other jurisdictions as well as CenterPoint and others; that this had been a topic that he and Ms. Travis, and would encourage each Council Member, to continue to fight for Homeland Security funding, they had gotten that; that because of the work of Mr. Sorely and Mr. Lewis, on the technical level, there were potential partners in the system which included Harris County, HISD, Metro, CenterPoint, Entergy and cities within the Harris County and Montgomery system and others that may be potential partners and it would be to their advantage if others chose to share some of the cost of infrastructure, that he had made absolutely clear to Mr. Sorely and others if they could rent some space on someone else's tower rather than building them they had to do that and they had built the contract in a manner so that the vendor had the same incentive that the City did if they found a way to reduce the cost of infrastructure by using somebody else's towers that they do so; that this may be more than they wanted to know but he would do it as a point of reference, that radio systems, they had radios that they could hold in their hand or put on their belt, they had radios that were built into the car and they tended to call them subscriber units, that radio had to get back to 9-1-1 dispatch somehow or another or communicate with another user, so then that signal was picked up by some local bay stations or places where basically they had an antenna and other equipment which would repeat the signal through microwave or transmit the signal through fiber, so to get back to the ultimate place that controlled the system, the HEC center or wherever the dispatch went if they were located in another place of the County then they needed a backhaul capability, a way to get it from that antenna to the first place that it was received by the radio, back to where there was the control center, and there were different ways they could do that but some of that was expensive because they may need towers that were resilient so that they were able to get it back; then there were some control systems, consoles, that allowed them to use the radio system; then there was another asset, which they were not paying for because they already required it, which was the frequency they used on the radio band; that to free up some spectrum took some time, the FCC freed it up and allocated to the States and regions and the City of Houston fought for their fair allocation within the City, which they had but could always use more, and they had enough and the system would allow them plenty of opportunity to grow as a City before they were congested and had so much traffic on the system that there was a delay and a busy signal; that they were concerned about not having any dark spots and chief penetration, they

wanted something that could penetrate into a building where people were, they could be deep in the bowels of a building fighting a fire, and frankly most conventional civilian radio systems were not designed to get any where at any time and they needed to be prepared to fight a fire or chase a crook or something any where and any time; that finally, there were a number of submission and negotiations going on over a period of time, that he met with both of the two vendors, pre and post Hurricane Ike, and during that time actually had a contract, they did not say they were going to recommend somebody and then negotiate a contract, but they negotiated the contract with both bidders on standardized terms including quality testing protocols and the like, so people could not try to come back later and score a point or something like that, and so they could take into account their legitimate concerns, and so they would not over sell or under sell what they were getting to Members of the City Council and to the public, that on that basis they received last Thursday night final pricing and they did select a vendor based on what they called the most likely scenario, because there were some options, like how many subscriber units were they going to use and would they provide coverage in places where it was most difficult to get coverage and what pricing could be offered to Harris County, Metro or CenterPoint should they chose to participate, which would be an advantage to the City because then they would have somebody sharing big time in infrastructure costs and they got those prices back; that the low bidder was on the infrastructure cost, they bid \$76 million, that was for the towers, some of the backhaul capability, it was really for all the hardware in the system, including management and putting it up and civil engineering of the system and the subscriber units, at what they considered to be their most likely, based on the needs they forecasted and their current staffing, was 10,731 subscribers; then there were other elements of price, which were considered, and what he said to the vendors on Wednesday morning a week ago today, that one thing that was important to them was, and it was based on conversations with Chief Flannigan and Chief Boriskie, that they get the voice quality that they needed in a high noise environment, that was important to them, and if they failed the test that was using the most likely frequency that was selected by the National Association of Fire Chiefs, and they had nine of them conducted with firefighters, to do a test concerning the digital versus the existing analog capability, then there was a very significant price difference between the vendor that was selected and the vendor that was not selected on the analog option if the digital testing failed; then they looked at various options, it was not a primary importance, the two things he mentioned before, analog option if the digital testing failed for those who were in high noise environments and the price per subscriber units and the infrastructure, where the recommended bidder was lower on both of those things; and the other categories they looked at were special coverage areas, that may be where some of the cost may be borne by those in those coverage areas that were very extraordinary, for example, the tunnels, there were not a lot of calls for service in the tunnels, but they did have tunnels downtown and there was currently no reception in the tunnels for almost anything, but they wanted to basically make sure that the Downtown TIRZ Management District and they worked with them so if they wanted that option that was available, the same thing within the Galleria area and parts of Reliant, so those were things that were priced out separately between the different vendors; and finally they priced the options if CenterPoint or the County participated, taking all these things into consideration there was a significant price differential between the low bidder at the time they received the final pricing on Thursday night; that he would tell them that he had none, zero, favorites, and there was no decision made until Friday morning when they got the final pricing, that he could say that for a fact, that he made the decision and the staff concurred on the recommendation, but it was based on the criteria that he publicly announced in open Council; that he was impressed that at meetings with vendors and City employees, who were excellent people, within Public Works, Fire and Police, on radios, in meetings with the technical ringers from the vendors, where there were technical issues that came up Mr. Sorely often was often much more well versed and much more detailed and had a better technical grasp of the subject matter than the vendors, and they thanked him for his work on the project. Council Members Johnson, Sullivan, Khan and Holm absent.

Upon questions by Council Members, Mayor White stated that one preference was locating the towers on buildings and they had even identified the buildings and often they were public buildings and in some cases they were private buildings, that it was cheaper to use an existing structure, that next was to identify an existing tower and the last choice, which he would like to avoid, was new tower infrastructure; and Mr. Sorely stated that of the 50 sites that they were going to be using the vendor had indicated 9 new sites and of those 9 sites 6 of those were replacements of towers at fire stations that had to be taller than the current ones, so it narrowed them down basically to 3 brand new tower spots and they were working on an alternate location on building tops for 2 of those 3, that right now they did not have a definitive answer on whether they were going to get those or not, but at the worst case they were looking at 9 new towers, 6 of which were replacing shorter existing towers; and Mayor White stated that they were not going to get to the worst case it was just going to be a matter of their policy to keep on schedule, that they knew that the citizens were entitled to have a hearing on issues involving towers and he would say that it was something that he had given direction to Mr. Lewis and Mr. Sorely, and there were combinations in the contract, so he wanted to be clear that to the extent that they could avoid construction costs it was a good thing, so if on this one particular location they could find that they had to put in two sets of equipment that were somewhat not as high as one set of equipment then they might consider doing so with a change order being the net of procurement of additional equipment minus the cost of the civil engineering if they could use an existing site, that their goal was to minimize new tower construction, to the extent that came with a price he had asked them, and he had also asked them repeatedly in meetings, site by site, that they would have to first justify to him, and he would say to Council Members, including the District Council Members and then to the public if there were any new sites. Council Members Johnson, Rodriguez, Noriega and Green absent.

Upon further questions by Council Members, Mr. Sorely stated that they had designed the towers and the infrastructure to be resistant up to a category 3 hurricane, plus they had built in redundant pass and redundant equipment for all the major components, that the first and preferred method was not to ever have to roll over to another location, that was very common in public safety systems, they were built to withstand disasters, for example the Galveston County system, it did not go down at all during Hurricane Ike, so they were designed not to have to fail over, but they would work with other radio agencies, like Harris County and others, to form the partnerships that were necessary to do fail over in the event they had to but they did not anticipate needing to do that, that their towers were not on the coast, they were approximately 50 miles from the coast for most of their tower sites, that they had wind zones that were designated by the National Weather Service and were in 110 mile an hour wind zone, which was a category two, so they designed for one above that, so they should be very good even on their eastern most towers; and Mayor White stated that there was an interest, he did not want anybody to misreport or misspeak, so he would say that obviously they would defer completely to the judgment of those who were authorized by the Board of CenterPoint or elected as County Commissioners and Members of Commissioners Court, as to what they wanted to do, that their technical people had been in communication and they believed that it would be an excellent deal, they were going to do it by giving Harris County, CenterPoint or anybody else what they thought would be a really great deal for their taxpayers if they would share some of the burden of infrastructure cost, but he did not want anybody to think or somebody to repeat something that through some County Commissioner or some senior executive at CenterPoint to think that the Mayor said there was a deal with either of those two entities, that would not be correct, that they had expressed an interest, a person from Harris County participated in the technical review, there would be a compelling economic case for sharing some infrastructure and they thought there would be a compelling pricing case because under the proposal there was actually an option to purchase the equipment that would allow additional "talk pass" both inside the city limits for other law enforcement and outside the city limits for CenterPoint so they had

provided strong incentives, but ultimately they had not concluded any commercial deal, nor would it be even practical to do so because they had not yet chosen a vendor. Council Members Johnson, Clutterbuck, Rodriguez, Noriega and Green absent.

Upon further questions by Council Members, Mayor White stated that on the issue of the internal policy regarding consolidation of radio shops for cost savings he would ask that they have more of a report because he thought if they did not have all the entities represented at the table when somebody talked about being consolidated he was reluctant, in other words he wanted the IT Department to be a customer service department, not to say they were from the government and knew what was best for Police, Fire and Public Works, so they would get a separate report on efficiency; that on the issue of how they picked this level of durability, etc., Mr. Sorely stated that the way they picked the wind resistance for the tower was that they gathered the data through their consultants for what the max wind zones would be in the area of Houston, and as he said before they were in the 110 mile per hour maximum wind zones for Houston, so they designed for 135 mile an hour winds for their towers, which were over and above the maximum sustained; that Harris County, the maximum towers they had were 110 miles per hour and they did not lose any towers during the hurricane, that Galveston's towers were rated at 135 miles per hour and they did not lose any towers, their equipment stayed up the entire time, that the systems were built robust and they believed the City over killed on the towers to make them more than they needed; that he did not know if they tested for one hurricane after another in one season so it would be difficult for him to give them a scientifically defensible answer. Council Member Johnson absent.

After further questions by Council Members, Mayor White stated that it would be implemented over a several year period, but it was not material to the consideration, that if the other vendor had the cost differential it would have been selected and that would not have been the issue, that they wanted to get on with it as soon as possible, that was what he got from the Fire and Police Chiefs and their staff, that they were really concerned about channel capacity, that they would provide their cash flows, which they built into their debt service models; and Mr. Sorely stated that the contract had a series of milestones, eleven, and each of them had specific performance requirements and tied to those performance requirements were timelines and liquidated damages for failing to meet those timelines, that there was a \$78 million performance bond and a \$10 million letter of credit to cover the things such as the liquidated damages; that the system was a digital voice radio system, but the traffic was all in IP format, internet protocol format, the typical messaging format that was used today, that right now they did not plan to integrate data into the voice system and that was because the amount of space or bandwidth that these frequencies had were so minute that the performance of data would be something that they would not enjoy at all, text messaging would be about the most they could do over that bandwidth; and Mayor White stated that as to the cost differential, on their most likely scenario the cost differential, just for the infrastructure and subscriber units, was \$807,686, that on the options, when they added the difference in the cost of the options, that brought the cost differential to \$6,969,000, those options, to a great extent, would be paid for by some other entities, some of them would be internal, such as a TIRZ or a management district that were affiliated with the City, but all of them gave them real advantages for those options to be exercised, that there was one that was the analog option where there was almost a \$3 million difference if the digital failed it's test and he could handicap what the likely hood of failure was, but he would say that the belief was that based on the technology that existed today, the systems that actually could be bought from each of the vendors today, that Mr. Sorely thought that it was more likely than not, today, that they would fail, one or multiple of the nine tests in both vendors, so that the price of the analog option was very significant to them, so the total difference would be, with all the options exercised, almost \$7 million, just the infrastructure and subscriber units more than \$800,000, and he wanted to commend both vendors, both of the bids were tens of millions of dollars less than what the consultants gave them as the low range

within the ball park, and he would say significantly lower than where the process started. Council Member Johnson absent.

After further discussion and questions by Council Members, Mr. Sorely stated that the consultants had worked with them from the beginning to develop the technical specifications that made up the RFP, they worked in conjunction with one another to develop the criteria to evaluate, there were well over 200 technical criteria that were used to evaluate the proposals, they also were responsible for conducting their own technical evaluation of the proposal and presenting the results to the evaluation committee, so they were involved all along but they did not dictate to the City nor did the City dictate to them, it was a symbiotic relationship; and Mayor White stated that as to the funding he would get a breakdown for the Council Members, but there would be a substantial contribution from the Homeland Security Fund. Council Members Johnson, Garcia, Rodriguez, Lovell and Jones absent.

Upon questions by Council Member Lawrence, Chief Flannigan, Fire Department, stated that as the Mayor mentioned earlier, from the public safety standpoint, the International Association of Fire Chiefs had looked at other departments around the Country that had problems and they had made it a point for the Houston Fire Department to put together a committee so that they could voice those concerns as they build the system out so that they would have clarity and that clarity was on both sides for public safety as far as fire and police; that the other thing they were concerned about was building penetration, they had the capability for voice communication where management takes place on the outside of the building so that they could conduct and have contact with those people who worked inside, and that was very critical, that the most important and viable tool in public safety was the radio and that was even in war, if they break down the communication everything was going to fall apart so it was very important that they look and make sure they had the right types of tools out there to provide for their public safety agencies, that right now they were on a lifeline with the analog system, that right now they were just keeping things together, so it was very vital that they move forward, it was good that they put together the consultants that they had and good that they had a competitive process to approach the system so that they could choose the correct vendor and he thought probably that they were going to find out that not only would they have improvements for public safety, they were talking about the compatibility from Aviation, Public Works and all those entities that were structured just in the City of Houston, but also they were going to branch out and have better compatibility through the County and some other neighboring departments. Council Members Johnson and Garcia absent.

Upon further discussion and questions by Council Members, Council Member Holm stated that she looked forward to meeting with the vendor this week about some questions she had about the product itself, and would also appreciate this week to have a meeting with the Mayor or a designee from his staff to understand the funding; and Mr. Sorely stated that as to what happens to the existing equipment and does it work on the new, that for the most part the existing equipment would not work on the new system because it was on a different frequency band and was also conventional equipment that was not standards based, there was a notable exception to that, many of the Public Works radios, because they were new and in the correct frequency band, would be able to be repurposed to the new system; that most of the radios that they had were either reaching the end of their life or the end of their life disappeared a long time ago, they were not new assets for the most part, so they would be ready to be disposed of; and Mayor White stated that on the issue of salvage, and fire would be an example of it, where the thing did not have a salvage value for existing fire departments, but in that case they did have with some small cities and also some cities in foreign nations they had used their equipment to support those rather than having them demolished; and Mr. Sorely stated that the salvage value of the equipment was not a lot, they did take the number of subscribers that they were going to purchase, the actual radios, they took it down in the best and final offer stage by roughly 5,000

radios for Public Works so they did realize that savings, but they did it through the procurement process. Council Members Johnson, Garcia and Brown absent.

Council Member Green moved to suspend the rules to consider Item Numbers 2, 31, 44 and 45 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Brown absent. MOTION 2008-0761 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of **MR. QUI VUONG**, to Position Two of the **HOUSTON AREA WATER CORPORATION BOARD OF DIRECTORS**, for a term to expire August 1, 2009 – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Brown absent. MOTION 2008-0762 ADOPTED.

Mayor White congratulated Mr. Qui Vuong on his appointment and asked that he stand and be recognized and thanked him for his public service. Council Members Johnson and Brown absent.

31. ORDINANCE approving and authorizing agreement between the City of Houston and **MCGLINCHEY STAFFORD, P.L.L.C.** for Legal Services relating to Cause No. 2008-51588; City of Houston v. Candlelight Condo Investments, LLC et al.; in the 270th Judicial District Court of Harris County, Texas; providing a maximum contract amount - \$320,000.00 - Property and Casualty Fund - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Lawrence. Council Members Johnson and Brown absent.
44. ORDINANCE **AMENDING CHAPTERS 1 and 2 OF THE BUILDING CODE and CHAPTER 1 OF THE RESIDENTIAL CODE OF THE CITY OF HOUSTON, TEXAS**, relating to registration of roofing contractors; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 16-1 on Agenda of October 8, 2008, TAGGED BY COUNCIL MEMBERS GREEN, CLUTTERBUCK, JONES, LAWRENCE and SULLIVAN)** – was presented. Council Members Johnson and Brown absent.

Council Member Green moved to refer Item No. 44 back to the administration, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Johnson absent. MOTION 2008-0763 ADOPTED.

Mayor White stated that Council Member Holm and several Council Members had an excellent suggestion, the issue of preventing roofing rip offs that had currently occurred, they knew it for a fact, within their community, it was something that was very important, that some people thought it had not gone far enough and some thought it had gone to far and time was working against them because the roofing contractors were already out there, that he would ask that they may come up with some modest appropriation, so they could get word out to their citizens, of a webpage and a hot line that they had created and referring to some of the sites that Council Member Clutterbuck referred to at the end of the last meeting; that he thought they would approve that procurement up to \$50,000, but they may need additional authority depending on how much the stations charge. Council Member Johnson absent.

After further discussion by Council Members, Council Member Lawrence stated that she hoped they would go forward with a volunteer list and really try to let people know about the Better Business Bureau and what the City was doing with the volunteer list, if they chose to do that, and put it on their website; and Mayor White stated that he wanted to recognize and commend the members of the Roofing Association present in the audience. Council Member Johnson absent.

45. RESOLUTION in support of Economic Incentives for the development of hotels in the Central Business District - **DISTRICT I – RODRIGUEZ** – **(This was Item 12 on Agenda of October 8, 2008, TAGGED BY COUNCIL MEMBERS GARCIA, KHAN and GREEN)** – was presented. Council Member Johnson absent.

Council Member Brown stated that he was going to offer an amendment that had to do with future assurance that the operating agreement for a future hotel would incorporate the fair employment policies and fair labor practices that he thought had been very successful at the Hilton Americas Hotel, that he realized that they did not want to do something at this point that would jeopardize or limit the appeal of the new project to future investors and developers, so in that spirit he would decide not to offer the amendment, but would appreciate if Mayor White would make a strong statement of his commitment to the fundamental principles of fair employment practices. Council Member Johnson absent.

Mayor White stated that they would ask the hotel association to come up with an consensus and they would submit their consensus to accomplish the goal, that during this administration and he would hope those who advocate any future administration if they had an extension of an addition to a Convention Center Hotel, like they did at the Hilton Americas, with the public support, then they had an agreement which was just like the agreement that was reached on that hotel, and he could circulate that, that workers did not have to be a member of the union to get employed, but it was for labor neutrality and information provided to the union, which gave the union a shot to organize, which they did, they would do exactly that same thing with this hotel, that they had this administration's commitment. Council Members Johnson absent.

After discussion by Council Members, Council Member Holm stated that this was a resolution authorizing economic incentives, how did they do that through resolution rather than ordinance, that she thought resolution supported and if they were actually authorizing rebates how do they do that through resolution, was that something that C&E could do without the Council's support, and Mr. Michel stated that he thought they would do it for specific properties by ordinance and this just set up the framework to do it.

After further discussion a vote was called on Item No. 45. Council Member Holm voting no, balance voting aye. Council Member Johnson absent. RESOLUTION 2008-0029 ADOPTED.

Mayor White stated that they would move to the consent agenda. Council Member Johnson absent.

CONSENT AGENDA NUMBERS 3 through 43

ACCEPT WORK - NUMBERS 4 and 5

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,320,490.59 and acceptance of work on contract with **PACE SERVICES, L.P.** for Westview Paving: Shadowdale to Beltway 8, WBS N-000549-0004-4 5.94% under the original contract amount - **DISTRICT A – LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0764 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,060,724.50 and acceptance of work on contract

awarded to **J & N INTERNATIONAL COATINGS** and completed by the surety, **SURE TEC INSURANCE, INC** for Rehabilitation of Two Ground Storage Tanks at the Southwest and Jersey Village Pumping Stations, WBS S-000600-00B1-4 - 6.74% under the original contract amount **DISTRICTS A - LAWRENCE and C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0765 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 12

7. ORDINANCE appropriating \$226,948.15 out of General Improvement Consolidated Construction Fund for Purchase of Office Furniture for the Information Technology, Human Resources and General Services Departments, WBS D-000119-0001-5, D-0000EQ-0001-5 – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0898 ADOPTED.
- 7a. **CONTRACT RESOURCE GROUP, LLC** for Office Furniture through the State of Texas Building and Procurement Commissioner's Contract (TXMAS) for the Information Technology, Human Resources and General Services Departments – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0766 ADOPTED.
8. ORDINANCE appropriating \$120,086.00 out of Equipment Acquisition Consolidated Fund, WBS X-340003-0001-3-01 and \$10,000.00 out of Equipment Acquisition Consolidated Fund, WBS X-340003-0001-3-02 for Purchase of Digitization and Digital Darkroom Equipment for the Houston Public Library – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0899 ADOPTED.
- 8a. **DIGITAL TRANSITIONS, INC** for Digitization and Digital Darkroom Equipment for the Houston Public Library - \$71,000.00 – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0767 ADOPTED.
9. **AMERICAN AVK COMPANY** for Fire Hydrants for Department of Public Works & Engineering \$227,025.75 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0768 ADOPTED.
10. **PARADIGM TRAFFIC SYSTEMS, INC** for Intelligent Transportation System (ITS) Traffic Signal Controller Cabinet Assembly and Components for Department of Public Works & Engineering \$825,632.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0769 ADOPTED.
11. **AQUATECH MEASUREMENT SYSTEMS, INC** for Water Meter Test Bench for the Department of Public Works & Engineering - \$86,662.11 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0770 ADOPTED.
12. **SOUTHWEST SOLUTIONS GROUP, INC** for Shelf Filing and Storage Systems from the State of Texas Procurement and Support Services Contract through the State of Texas

Cooperative Purchasing Program for Department of Public Works & Engineering - \$60,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0771 ADOPTED.

ORDINANCES - NUMBERS 15 through 43

15. ORDINANCE consenting to the addition of 35.7806 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0900 ADOPTED.
16. ORDINANCE consenting to the addition of 3.4434 acres of land to **FAULKY GULLY MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0901 ADOPTED.
17. ORDINANCE consenting to the addition of 40.029 acres of land to **GRANT ROAD PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0902 ADOPTED.
18. ORDINANCE consenting to the addition of 33.58 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 439**, for inclusion in its district - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0903 ADOPTED.
19. ORDINANCE consenting to the addition of 1.500 acres of land to **NEWPORT MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0904 ADOPTED.
20. ORDINANCE consenting to the addition of 3.6279 acres of land to **NORTH FOREST MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0905 ADOPTED.
21. ORDINANCE consenting to the addition of 19.00 acres of land to **WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0906 ADOPTED.
22. ORDINANCE consenting to the addition of 1.9052 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0907 ADOPTED.
24. ORDINANCE approving and authorizing amended and restated Agreement among the City of Houston, Texas, Reinvestment Zone Number One, City of Houston, Texas (Saint George Place Zone), and the Saint George Place Redevelopment Authority to finance certain Public Infrastructure Improvements - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0908 ADOPTED.

- 24a. ORDINANCE relating to the Fiscal Affairs of the Saint George Place Redevelopment Authority on behalf of Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone); approving the Fiscal Year 2009 Operating Budget for the Authority and the Fiscal Years 2009-2013 Capital Improvement Budget for the Zone - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0909 ADOPTED.
25. ORDINANCE approving and authorizing the City of Houston to enter into first contract amendment with the **YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA** to add two school sites and provide an additional \$65,000.00 for the administration of an After School Achievement Program - Grant Fund - **DISTRICTS H - GARCIA and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0910 ADOPTED.
26. ORDINANCE approving and authorizing the City of Houston to enter into contract with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to administer an After School Achievement Program ("ASAP") - \$355,580.00 - General Fund and \$429,420.00 - CDBG Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - KHAN; G - HOLM; H - GARCIA and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0911 ADOPTED.
27. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Parks & Wildlife Department (TPWD) Urban Outdoor Recreation Grant Program, administered by the State of Texas, to support the Townwood Park Improvement Project; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0912 ADOPTED.
33. ORDINANCE authorizing the Director of the Houston Airport System to effect transfers of certain reimbursement grant funds to the Airport System Senior Lien Bond Interest and Sinking Fund **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0913 ADOPTED.
34. ORDINANCE appropriating transfer of an amount not to exceed \$50,000,000.00 from the Houston Airport System Airports Improvement Fund for certain Houston Airport System Capital Expenditures; declaring the Houston Airport System's intent to reimburse the Airports Improvement Fund with bond proceeds - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0914 ADOPTED.
35. ORDINANCE appropriating \$5,893,420.00 out of Airports Improvement Fund, \$16,440,750.00 from Transportation Security Administration Grant Funds; awarding construction contract to **VANDERLANDE INDUSTRIES, INC** for Terminal D Fully Automated Explosive Detection System In-Line Baggage Handling System at George Bush Intercontinental Airport/Houston (IAH), WBS A-000486-0012-4-01 and A-000486-0012-4-02, (Project No. 612K); setting a deadline for Vanderlande Industries, Inc's execution of the contract and delivery of all bonds, insurance, and other required contract

documents to the City; holding Vanderlande Industries, Inc in default if it fails to meet the deadlines; providing funding for contingencies and the Civic Art Program relating to construction of the facilities financed by such fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0915 ADOPTED.

36. ORDINANCE appropriating \$315,019.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing an Interlocal Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Improvements to the Central Business District Communications System; WBS N-000650-0047-4 – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0916 ADOPTED.
37. ORDINANCE appropriating \$47,240.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation for an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** (approved by Ordinance No. 07-0510) for construction of White Heather Street and Storm Sewer Improvements, WBS M-000262-0001-4 - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0917 ADOPTED.
38. ORDINANCE appropriating \$132,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Services Contract between the City of Houston and **TERRACON CONSULTING, INC** for Technical Research and Consultation for Pavement Sub-Grades (approved by Ordinance No. 07-0760), WBS N-000668-0012-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0918 ADOPTED.
39. ORDINANCE appropriating \$2,440,328.34 out of Metro Project Commercial Paper Series E Fund, awarding construction contract to **TJ & T ENTERPRISES, INC** for West Houston Traffic Signal Communications along Wilcrest, Briar Forest, Meadowglen, Richmond, Beechnut, Dairy Ashford, Cook Road, Harwin and Rogerdale Corridors, and other various locations citywide, WBS N-000650-0035-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies and project management relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0919 ADOPTED.
40. ORDINANCE appropriating \$4,890,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PRELOAD, INC** for Construction of Concrete Ground Storage Tank, WBS S-000610-00A2-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0920 ADOPTED.

41. ORDINANCE appropriating \$730,000.00 out of Public Health Consolidated Construction Fund as an additional appropriation and approving and authorizing second amendment to construction contract (approved by Ordinance No. 2006-0579) between the City of Houston and **TIMES CONSTRUCTION, INC** for Renovation and Expansion of Fifth Ward Multi-Service Center, WBS H-000054-0001-4; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0921 ADOPTED.
42. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on proposed amendments to the Strategic Partnership Agreements between the City of Houston and **CHELFORD CITY MUNICIPAL UTILITY DISTRICT** and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris County; proposed Strategic Partnership Agreements between the City of Houston and **ADDICKS UTILITY DISTRICT; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 500** involving the Towne Lake Management District; and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 501** involving the Towne Lake Management District; and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris County; proposed Strategic Partnership Agreements between the City of Houston and **CINCO MUNICIPAL UTILITY DISTRICT NO. 2; and CINCO MUNICIPAL UTILITY DISTRICT NO. 5** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Fort Bend County, proposed Strategic Partnership Agreements between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 49; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 71; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 106; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 144; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 166, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 278; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 371; HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 383; and HARRIS COUNTY UTILITY DISTRICT NO. 15;** and on proposals for the City of Houston to annex for limited purposes certain territory located within and in the vicinity of such districts in Harris County; proposals for the City of Houston to impose the City of Houston’s Sales and Use Tax in such territory, proposals for the City of Houston to amend the Regulatory Plans for certain territory previously annexed for limited purposes that is located in Harris County and Fort Bend County, located in the vicinity of various Municipal Utility Districts and other similar entities as listed in the ordinance; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability - **HEARING DATES - 9:00 A.M. - WEDNESDAY - NOVEMBER 5 and 12, 2008** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0922 ADOPTED.
43. ORDINANCE No. 2008-868, passed second reading October 8, 2008
ORDINANCE granting to **SAFETY KLEEN, INC, a Wisconsin Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0868 ADOPTED THIRD AND FINAL READING IN FULL.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MISCELLANEOUS

3. RECOMMENDATION from Director Department of Public Works & Engineering to amend the Planning Commission recommendation for "Kirby 1" segment by reclassifying Kirby between Southwest Freeway and Bissonnet Street as a 95-foot-right-of-way principal thoroughfare - was presented, moved by Council Member Khan, seconded by Council Member Garcia, and tagged by Council Member Rodriguez. Council Members Johnson and Green absent.

- 3a. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2007 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2008 MTFP in map form – was presented, moved by Council Member Khan, seconded by Council Member Garcia. Council Members Johnson and Green absent.

Council Member Sullivan moved to divide the question and separate out the Mills Branch application, parts 1 through 4, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0772 ADOPTED.

Council Member Sullivan moved to refer the Mills Branch application, parts 1 through 4, back to the administration, seconded by Council Member Garcia, and tagged by Council Member Rodriguez. Council Members Johnson and Green absent.

After further discussion the balance of Item No. 3a was called and tagged by Council Member Rodriguez. Council Members Johnson, Lovell and Green absent.

Council Member Garcia moved to extend the meeting beyond the scheduled noon recess to complete the agenda, seconded by Council Member Holm. All voting aye. Nays none. Council Members Johnson, Lovell and Green absent. MOTION 2008-0773 ADOPTED

PURCHASING AND TABULATION OF BIDS

6. **LION APPAREL, INC** for Apparel, Uniforms for Houston Airport System - \$1,568,133.00 Enterprise Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0774 ADOPTED.

ORDINANCES

13. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Automobile Dealer and Salesman Licensing – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0923 ADOPTED.

14. ORDINANCE **AMENDING SECTION 105 OF THE CITY OF HOUSTON FIRE CODE**, relating to Permit Fees; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability – was presented, and tagged by Council Member Lawrence. Council Members Johnson and Green absent.

23. ORDINANCE approving and authorizing Interlocal Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Registration holds on

vehicles with 1) Outstanding penalty for Photographic Traffic Signal Enforcement System Violations (a.k.a the Red Light Camera System), and/or 2) Outstanding warrants for failure to appear or failure to pay a fine for traffic moving violations; providing a maximum contract amount - \$340,000.00 General and DARLEP Funds – was presented, and tagged by Council Member Clutterbuck.

After discussion by Council Members, Mayor White stated that Council Members Clutterbuck, Holm, Khan and Jones had tagged Item No. 23. Council Members Johnson and Green absent.

28. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Parks & Wildlife Department (TPWD) Urban Outdoor Recreation Grant Program, administered by the State of Texas, to support the Sylvester Turner Park Phase III Improvement Project; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT A – LAWRENCE** – was presented, and tagged by Council Member Lawrence. Council Members Johnson, Holm, Brown, Noriega and Green absent.

29. ORDINANCE approving and authorizing agreement between the City of Houston and **JPMORGAN CHASE, N. A.** for Check Processing, Validation and Imaging Services for the Municipal Courts Administration Department - **DISTRICT H – GARCIA** – was presented. Council Members Johnson, Holm, Brown, Noriega and Green absent.

After discussion, Council Members Khan and Garcia stated that they would tag Item No. 29. Council Members Johnson, Holm, Brown, Noriega and Green absent.

30. ORDINANCE relating to the Retail Electric Rates of **ENTERGY TEXAS, INC** within the City of Houston, Texas; approving a settlement agreement relating to an increase in Entergy Texas, Inc's rates - **DISTRICT E – SULLIVAN** – was presented. Council Members Johnson, Noriega and Green absent.

After discussion Council Member Brown stated that he would tag Item No. 30. Council Members Johnson, Noriega and Green absent.

32. ORDINANCE amending Ordinance 2006-1043 to increase the maximum contract amount of contracts between the City of Houston and **A-1 PERSONNEL OF HOUSTON, INC, ALSO TEMPS, INC, APPLE ONE TEXAS, INC, BERGAILA & ASSOCIATES, INC, ELITE COMPUTER CONSULTANTS, L.P., ELITE PERSONNEL CONSULTANTS, INC d/b/a EVINS TEMPORARIES, EXECUTEAM STAFFING, L.P. and SILVER & ASSOCIATES, INC,** for Temporary Employee Services and Information Technology Staffing Services - \$2,600,000.00 Central Services Revolving Fund – was presented. All voting aye. Nays none. Council Members Johnson, Noriega and Green absent. ORDINANCE 2008-0924 ADOPTED.

MATTERS HELD - NUMBER 46

46. ORDINANCE appropriating \$3,445,816.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0121-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in

default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – **(This was Item 31 on Agenda of October 8, 2008, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. Council Members Johnson, Noriega and Green absent. ORDINANCE 2008-0925 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Adams stated that on one of the items they passed \$1 million improvements for Townwood Park and she wanted to thank State Representative Alma Allen, who secured the matching funds; that on Saturday at 10:00 a.m. they would have a Near Town Forum at Saint Stephens Episcopal Church, 1805 West Alabama, that they would be discussing what the community wanted in the Near Town and Montrose area and the strategic plan for the future; that last Thursday in the District D office they held a president's forum in the Fort Bend County area, to look at issues related to the partnership of Fort Bend County and the City of Houston; that a Debris Removal Committee hearing would be held on October 22, 2008 at 2:00 p.m. in the Council Chamber; and finally she would like to ask for a moment of silence and to keep their prayers for Ms. Yolanda Adams, Ms. Caroline, her mom, passed away yesterday, and she asked that they keep Ms. Adams in their prayers. Council Members Johnson, Noriega and Green absent.

Council Member Jones stated that she wanted to offer her condolences to the family of Dorothy Mae Harper Hubbard and the Emma Butler family, that both women died and were very instrumental in their neighborhoods in helping the community; that her staff member, Evie Allen attended the National Day of the Republic of China on Thursday and had a wonderful time; that they had the Fourth Annual National Black Pre Law Admissions and Prep Conference and Law Fair 2008 at the University of Houston, that she was the key note speaker and they had people from all over; that she wanted to commend and recognize Greater Grove Baptist Church for their Fortieth Anniversary, that she was invited to be the key note speaker and on the Mayor's behalf she read a proclamation; that she went to the reception for the State of Katar last evening at Rice University's President's home, that it was beautiful; that she attended a reception for the major donors to date at the Julia Ideson Library Preservation Partners; that the Houston Survivor Challenge would be on October 25, 2008 at Buffalo Bayou, that they were raising money for Buffalo Bayou Partnership and the U'jana Conley Foundation for SIDS, that they were trying to redo the International Coffee House, which was where the City of Houston was founded; that they were trying to work with the City of Galveston because they intended to do a cleanup. Council Members Johnson, Adams, Holm, Brown, Lovell, Noriega and Green absent.

Council Member Rodriguez stated that he wanted to thank the National Association of Latino Elected Officials for coming to Houston this past week, that they hosted a conference in Houston, that he lead a bus trip of his district; that he wanted to extend his condolences to the entire KTRK Channel 13 family who lost two of their own this past week in a helicopter crash, that their thoughts and prayers went out to the families of Cameraman Dave Garrett and Pilot John Downhower and wished their families all the best. Council Members Johnson, Adams, Holm, Brown, Lovell, Noriega and Green absent.

Mayor White stated that Niel Diamond played to some 12,000 people last night at the Toyota Center, that he went down to visit with him and he talked about some of the continuing needs that Houston had because of the hurricane and made a pitch to those fans in attendance and he handed him a check for \$203,000, that he raised last night and he wanted to thank Mr.

Diamond for his compassion of their community. Council Members Johnson, Adams, Holm, Lovell, Noriega, Green and Jones absent.

Council Member Sullivan stated that Mayor White recognized the City of Fort Worth employees yesterday for all of the hard work that they did in the City, that it was an honor for him to go to Fort Worth to make a presentation of a proclamation on his behalf to the Mayor of Fort Worth, who was very gracious and appreciative, that he had called the morning together of about 300 employees in their City Hall Chambers and recognized them as a group for all of their work and called his employee up and shook their hands, and Mayor White stated that they would be calling on various Council Members and the City Controller to represent the City to thank every City that contributed. Council Members Johnson, Khan, Holm, Noriega, Green and Jones absent.

Council Member Lovell stated that she would like for all of them to remember the KTRK Channel 13 family and the families of John Downhower and Dave Garrett, the pilot and reporter who died this week in the helicopter crash, that there had been a fund established for Dave Garrett's son, Adam Garrett, an educational fund, at P. O. Box 1811, Sugarland, Texas, 77478; and also a fund had been established for the Downhower Family and contributions could be made at any Wells Fargo Bank by asking specifically for the Mitchell Downhower College Fund; that she wanted to say what a great time it was at the Julia Ideson Building last night, that she understood that they had raised half of the money that they needed; that the Friends of the Texas Room were inviting them to view a documentary, In Search of Houston's History; that as to the roofing issue she was disappointed in the fact that they had so many people out there who were going to be vulnerable to being ripped off, but she had learned at the table when most of her colleagues did not agree on something the best thing to do was step back and figure out a different way to do it, and she knew that was the way they were doing it. Council Members Johnson, Holm, Rodriguez, Noriega, Green and Jones absent.

Council Member Lawrence stated that they had two days until the Council bowlarama, that they still needed to get a bit more money in, that all the dollars raised by Council was going to the Heroes Foundation for City employees. Council Members Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent.

Council Member Garcia stated that North Main had been in tremendous need of repair, from I-45 north to Airline would be a much anticipated and much needed total reconstruction project and they would be having a meeting on Tuesday, October 21, 2008 at 6:00 p.m. at Christ the King Church, 4419 North Main, that he wanted to thank Public Works for coordinating it and the Mayor's office; that he wanted to recognize some firefighters from Belgium who were visiting, that they had been here since October 12, 2008 and would be participating with the Ride Along Program for a week with Fire Stations 73, 25, 46, 82, 35, 51 and 68, they were conducting their own research. Council Members Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent.

Council Member Khan stated that the Sister City of Houston's September Concert, which was rescheduled due to Hurricane Ike, would be held on October 23, 2008 at Houston Baptist University; that there were a lot of celebrations going on in the Indian American Community, known as Davali Celebrations and the City of Houston would be participating in that, that the Mayor's Annual Celebration would be held on Saturday, November 1, 2008 at Jones Plaza from 4:00 p.m. to 8:30 p.m.; that he wanted to thank the Houston Dynamos, who sponsored the National Kidney Foundation, Goal for the Soul Reception, last Monday. Council Members Lawrence, Johnson, Sullivan, Holm, Garcia, Rodriguez, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that Council Member Clutterbuck was the lead sponsor of the Red Wine and Blue Festival, in Intown Houston, which would take place on November 8, 2008 at Levy Park; that as they build the City back he would challenge the Mayor to find 6100 Harwin, that they could not find it, there were no address numbers on any of the shopping centers or buildings near there, that they really needed to enforce visible address numbers; that he thought they needed to have a serious civic conversation about the financial crisis that they were in the midst of and that had affected the global economy. Council Members Lawrence, Johnson, Sullivan, Holm, Garcia, Rodriguez, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to extend congratulations and praise to the administration for the handling of Hurricane Ike and the aftermath; that she noticed that on Thursday at the Metro Board of Directors meeting one of third agenda items was the approval of the Fiscal Year 2009 Business Plan, their Operating Capital and Service Plans, and fare rates as well as other things, that one of her constituents, Mr. Paul Magaziner, submitted to all of them at public session a black binder package, which she forwarded to the City Attorney; that she wanted to bring it to the Mayor's attention and to request a definitive response to his questions, that he asked why the City Attorney had not extended the General Mobility Agreement with the City of Houston pursuant to the 2003 election and asked Mayor White if he could comment on it, as well as several accounting issues that related to whether or not the City of Houston was getting the money they were owed from Metro, and also a clarification or a confirmation of whether the \$100 million that Metro owed the City of Houston did or did not appear on the Metro balance sheets; and Mayor White stated that he would encourage Mr. Magaziner and others that the citizens who served on Metro's Board and the men and women who worked there were not all evil conspirators, that there were three issues, number one, he knew there were some negotiations, he monitored them concerning the extension of the Mobility Agreement, there was protection provided by words within the bond election, and he was not sure exactly if there was a derailing of that, that why was it not brought to a close, there were even resolving issues on the extension, that he felt very strongly about that; that second, he felt very strongly about the General Mobility Funds, there was original Charter language that said up to 25% and then there was an agreement, about 1999, passed by a prior Council that set forth procedures for requesting reimbursement and timelines for requesting reimbursement, that for their carry of Metro that was what was negotiated in 1999 and passed by City Council, that they had reduced the carry during this administration; that there was a new Metro Board by about the third week of January 2004 and about a week later the City of Houston received \$37 million or \$38 million; and Council Member Clutterbuck asked if the City Attorney's office could issue a legal opinion outlining where they stood on these items she thought it would be helpful to the public, and Mayor White stated that they would do so. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to make an announcement for Council Member Noriega, that the First Annual Houston City Council Rebuilding Together Houston event would take place on Saturday, October 18, 2008, from 9:00 a.m. to 3:00 p.m. at 7634 Lady Street; that the Johnson Branch Library was open due to the power outage. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:08 p.m. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary