

City Council Chamber, City Hall, Friday, December 14, 2007

A Special Meeting of the Houston City Council was held at 10:00 a.m. Friday, December 14, 2007 with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega and Ronald C. Green; Mr. Anthony Hall, Chief Administrative Office, Mayor's Office; Mr. Arturo Michel, City Attorney; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member M. J. Khan, P. E. out of the city on personal business. Council Members Addie Wiseman and Pam Holm absent on personal business. Council Member Michael Berry absent.

At 10:09 a.m. Mayor White called the meeting to order. Council Members Lawrence, Johnson, Garcia, Alvarado, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Mayor White stated that this was a committee meeting as a whole and thought they had done it three times before where something did not fit clearly within a committee jurisdiction; that the issue was raised where they had a busy agenda and by coincidence right before some vote that Metro was going to take, that people brought the issue to their attention and they had a discussion at the Council table and they wanted to give an opportunity besides a regular Council meeting to get some of the factual information involved; that he would make two statements and then they would start first with the witnesses and then the citizens seeking to make comments; that he would say to all involved, public and private participants involved, that the City had a lot of different people with a lot of different views and the great thing about Houston now was that they respected each other's views and listened to each other; that in looking at his colleagues he thought he could say on behalf of the entire City Council that the Members of the City Council were most impressed by those who both fairly acknowledged issues or statements or facts that were raised by people who may have differences of views and he would say that within the last couple of weeks many of them had the same conversation that exaggeration really hurt credibility and he could think about half a dozen occasions over the last month and at least two or three not having to do with this issue where they found the more strident the rhetoric the more weaker the facts, but it was free speech and anyone could say anything they wanted. Council Members Lawrence, Johnson, Garcia, Alvarado, Brown and Green absent. (NO QUORUM PRESENT)

Mr. Fred Wilson, CEO of Metro, Mr. Paul J. Derkowski, P.E., Director Metro Solutions, Mr. William (Bill) R. Abbott, P.E., Road and Bridge Department Manager, Klotz Associated, Inc., Mr. Edwin Wetzel, Owner of Professional Corrosion Service, LLC, Mr. Thomas R. Pena, Vice President, Reytec Construction Resources, and Mr. Joseph F. Zafonte reviewed a Metro presentation titled "Richmond Avenue Waterline", a copy of which is in the City Secretary's office for review. Council Members Lawrence, Alvarado and Green absent.

Mr. Michael Marcotte, P.E., Director, Public Works and Engineering reviewed a presentation titled "Existing 66-Inch Water Line Along Richmond", a copy of which is in the City Secretary's office for review. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Members of Council question Mr. Marcotte at length and Council Member Garcia stated that he would appreciate a future meeting of the whole regarding his district. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White recognized Council Member Garcia for a point of personal privilege and Council Member Garcia stated that he wanted to take the opportunity to recognize one of the City's Board Members on Metro, Ms. Carmen Orta, who was also a District H constituent and

asked any Metro Board Members present in the audience to stand and be recognized. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that they announced today that Ms. Judy Johnson was going to be doing what she had wanted to do for a few years which was to move on and spend more time in New Mexico, that in that department they had some able successors, that they wanted to have a department that was on budget and finance, headed by Ms. Michele Mitchell, who had an 18 year career with Goldman Sacks and was extraordinarily able and a department of administration and regulatory affairs, headed by Mr. Alfred Moran who was CEO of numerous public and private companies; that he could not think of a single individual, who on the financial side of City government, had made the type of contribution that Ms. Johnson had. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (No Quorum Present)

At 11:53 Mayor White requested the City Secretary to call the list of speakers.

Mr. Robert McClain, 1701 Milford, Houston, Texas 77098 (713-875-9349) appeared and stated that as a voter, taxpayer and business owner, the single most important responsibility that he entrusted to his elected officials was the security and safety of himself, his family and his property, that his business property stood 25 feet from Richmond Avenue and he was concerned; that the Lockwood, Andrews and Newnan report, which he believed was the catalyst for the meeting had described the potential for a catastrophic failure, that there had been a lot of discussion and a detail specifically about the issue of strayed current corroding the pipes, that this kind of failure had been associated with spectacular bursts scattering shards of concrete, that he had a few questions, number one, if in fact the catastrophic failure happens and there was a spectacular burst, what happens to the natural gas line that lay in very close proximity that ran along the waterline and did anybody know the size of the natural gas line, that maybe Mr. Marcotte might be able to answer that for them, and his next question, that in the entire proceeding since Lockwood, Andrews and Newnan was the entity that had caused them to question the safety, why were they not present in the discussion and it seemed to him as a citizen and for the other citizens that were concerned the only way to allay their concern was to hear from Lockwood, Andrews and Newnan, for them to retract their statement about the risk associated with the pipe line and for them to sign off and say there was no risk for Metro to build the line; that his second issue would be since TCB had been cited as the authority in refuting this risk, along with other engineering firms, would all those engineering firms be willing to sign corporate responsibility on their finding that they would take financial liability if there was a failure due to the stray current issue. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (No Quorum Present)

Council Member Clutterbuck stated that she to was very concerned when she saw the draft report that the City commissioned, she and Council Member Holm met with Mr. Rafael Ortega, a former member of the Metro Board, as well as one of the authors of that draft and they had extensive discussions about it, that she thought they raised significant issues, especially with regard to the close proximity to any gas lines that were there, but one of the things that came out of their discussion with Rafael and others who were in the meeting was that questions needed to center on the specific nature of this kind of pre stressed concrete cylinder pipe and parallel issues, and it was their opinion that the issues could be mitigated but that they needed to establish an understanding of them in preparation for the consent agreement, that likewise she learned that the phrase catastrophic failure was a technical term with regard to that type of concrete pipe and was a technical term and did not mean that it was going to explode like a bomb necessarily, but was the type of failure that did regard mitigation and an understanding on their part as they prepare for these type of issues. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (No Quorum Present)

Council Member Brown stated that Mr. McClain's statement of their commitment to protect the health, safety and welfare of every citizen had reminded the City Council of that and they were particularly focused on doing just that as the project proceeded. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (No Quorum Present)

Mr. Chris Seger, 4522 Ivanhoe, Houston, Texas 77027 (713-622-8079) appeared and stated that no one had ever built a rail line on top of 2.6 miles of this kind of 66 inch type pressure pipe, that no one had ever decided to do that, and there were also two failures right here in Houston that were never mentioned on the screen, though they were alluded to in some conversation and they occurred on the Katy Freeway expansion, and he had given them handouts which showed the catastrophic failure when that pipe let go and it was only a 30 inch pipe; that the LAN Study did say that the pipe was subject to catastrophic failures and said it would have major impacts on the operation and maintenance and threatened the longevity of the waterline, that those were pretty serious statements, that the waterline was 18 years old, not 14 years old, and therefore it was 27% of the way through its useful life, that it was going to cause a lot of problems on its own, absent any construction on top of it and absent anything going on with rail. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (No Quorum Present)

Mr. Dan Barnum, 3108 Austin, Houston, Texas 77004 (713-621-7581) appeared and stated that he was a long time resident of Houston and lived in Midtown; that he was also representing RichmondRail.org; that they had seen that they had great engineering talent working on this problem and situation and he thought they could have great confidence that a City known for its engineering capability could bring them to a safe conclusion, that what they wanted, as part of RichmondRail.org, was for the City to work with Metro to move to the real challenges of making rail neighborhood friendly, wide sidewalks, street trees, pedestrian amenities, bike parking, great connections into the neighborhoods, that was where the City really needed to start being involved now, that they had great concerns based on their experience with Main Street that some of the issues had not been adequately addressed and they needed the issues addressed. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (No Quorum Present)

Mayor White stated that there would be issues and a forum to where they would address these issues and a consent agreement. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (No Quorum Present)

Mr. Sam Akers, 2223 Richmond Ave., Houston, Texas 77098 (713-527-8205) appeared and stated that there were actually three major lines in the Richmond alignment, there was a 66 inch waterline, an 18 inch storm sewer line and a 12 inch steel high pressure gas line going down the medium of Richmond Avenue; that he was happy to hear that they had studied the gas line and the catastrophic explosion that could occur because of it, that he had not seen in any of Metro's reports, and he had attended every scoping meeting and every DEIS meeting and had submitted written comments and submitted three oral comments and a formal response to the DEIS and had commented on these issues for almost two years, that he recently requested Council Member Clutterbuck to investigate for him if there had been any studies on the gas line, that was back on October 22, 2007 and two months later Metro had not responded to her request and he wondered why that was, that at the final DEIS meeting he had a conversation with Mr. Vanreason and he stated that only 5% of the alignment had been engineered, that it confused him how they could make projections and make decisions with just 5% of the engineering being completed on the route, that he thought it was really about building a line no matter what the cost, that vital information had been withheld and not being shared with the public and with the Mayor and City Council, that eventually they would be the ones that

would decide how it would go and they would bear the responsibility of it. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (No Quorum Present)

After discussion, Council Member Edwards asked Mr. Akers if there was any information that he thought she did not have access to would he please get that information to her, and Mr. Akers stated that they had been asking for information on the gas line, which was finally brought out and acknowledged, that for two months they had been trying to get the information, that he suspected that she did not have it herself as a Council Member, and Council Member Edwards stated that she had some information on the gas line but was not sure if it was the information he was speaking of, and Mr. Akers stated that he doubted that Council Member Edwards knew that the gas line ran right down the medium of Richmond Avenue or if she had been told that she had been told it ran down the medium of Richmond Avenue and that was important information that she should have available, and Council Member Edwards stated that she had that information, and Mr. Akers stated that he believed it was Metro's responsibility to be transparent and up front with her as a City Council Member, that he actually had the survey and would be happy to send it to her, that it had all of the lines that ran up Richmond Avenue, and Council Member Edwards stated that if he had the information that they all needed to have she would appreciate it, at least they needed to look at it and review it. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (No Quorum Present)

Mr. Tony Essalin appeared and stated that he was Congressman Culberson's Chief of Staff and unfortunately he was in Washington, D.C. and could not be present; that he had letter from the Congressman to be entered into the record and some corresponding attachments that he would like to pass around, a copy of the letter is on file in the City Secretary's office for review. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (No Quorum Present)

Mayor White stated that as Congress they would have it incorporated into the record, and to please communicate that they very much appreciated the Congressman's having him come down to share his views. Council Members Lawrence, Johnson, Alvarado, Noriega and Green absent. (No Quorum Present)

Mr. David Wolff, Chairman of Metro, stated that he listened carefully to all the speakers and in his opinion the issues were clearly delineated and professionally addressed as they were one year ago, that all of the reports that were prepared for Metro were signed and sealed with professional seals by all the engineers, that he would point out that Lockwood Andrews to this date had not put their professional seal on the very brief study that they did and he would ask the City Council why Lockwood Andrews had not put their reputation behind it whereas the seven consultants who were represented partially here today and who addressed the issue of structural integrity of stray current and of accessibility had all put their professional seals on; that he would come to the point, Metro had to spend a lot of time addressing issues like this, it was one that Metro addressed a year ago professionally and comprehensively, they were very concerned about safety and were spending a lot of time on lawsuits, on stray current issues and on what he called hand grenades that got thrown through the transit when they were trying to successfully build and operate a transit system, that they did not have a unified Congressional delegation, that hurt them in getting their funding in Washington, that he would ask them as City Council Members did they want improved mass transit in the City or not, because unless they got leadership from City Council, from the Mayor's office, from their Congressional delegation, they could never get this money, the money would go to Dallas, Phoenix or San Francisco, as it had for the last 25 years, so there was a lot of discussion, that there were utilities under there, that was no surprise, gas lines, water lines and sewer lines, that he thought they dealt with it openly and he resented it very much people saying that they had not been transparent because they had, that to conclude he would just ask if they wanted improved mass transit in the City, it

was not going to be easy but Metro could not do it alone. Council Members Lawrence, Johnson, Edwards, Alvarado, Noriega and Green absent. (No Quorum Present)

Council Member Garcia stated that some of the comments that Mr. Wolf had made about how important it was to Houston and how important it was to the future of Houston was very profound, that people needed to understand that they wanted Houston to be an environmentally friendly City and they wanted people not to spend half their lives in traffic getting around the City; that Metro today was really about getting Houston to the next level and he would say that he had supported the efforts, that there were questions and concerns and those were all respected, but the leadership from the City Council, they were the closest to the ground and every day they went back to the constituency that elected them, so folks wanted to know that they were doing and taking the concept of due diligence extremely seriously, so as much as he knew that Metro wanted to spread their wings and fly sometimes it was the City Council's responsibility to slow things down a little bit to make sure there was clarity and good dialog. Council Members Lawrence, Johnson, Edwards, Alvarado, Noriega and Green absent. (No Quorum Present)

Council Member Brown stated that he totally supported what Mr. Wolff stated, that they had to move forward with all deliberate speed with the program, that Metro and the Board had done an absolutely exemplary job of listening to the public and taking everything into consideration. Council Members Lawrence, Johnson, Edwards, Alvarado, Noriega and Green absent. (No Quorum Present)

Mayor White stated that he had done this twice and apologized for those who were not interested, but their open records requirements meant that in part the City's business and some of their discussions had to happen on the record and in public and that was also, because of their schedules, where they saw each other; so where there was breaking news he used the microphone also to let them know and because other's in the City also monitored what happens in the Chamber; that the second significant personnel announcement they would make today was that the position that had been unfilled since the departure of Mr. John Walsh, Deputy Chief of Staff for Neighborhood Services, in January 2008, would be filled with one of the most able public leaders he had ever met, Council Member Edwards, that he wanted people to know that. Council Members Lawrence, Johnson, Edwards, Alvarado, Noriega and Green absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 12:19 p.m. Council Members Khan out of the city on personal business. Council Members Wiseman and Holm absent. Council Member Berry absent on personal business. Council Members Lawrence, Johnson, Edwards, Alvarado, Noriega and Green 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