

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 8, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega and Jolanda "Jo" Jones; Ms. Jo Wiginton, Division Chief, Contract Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director present. Council Member Ronald C. Green absent on personal business.

At 2:00 p.m. Mayor White called the meeting to order and stated that Council Member Adams would begin presentations. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Rodriguez, Brown and Lovell absent. (NO QUORUM PRESENT)

Council Member Adams stated that today she was calling up two employees all were proud of and invited Mr. Jay Barkdull a 24 year veteran of the Houston Fire Department and Mr. Andy Kahan, director of the Mayor's Crime Victims Office to the podium and presented each with a Bravo Award for their outstanding service. Council Member Holm absent.

Council Member Clutterbuck stated that it was a pleasure to recognize the Houston Bar Foundation, an outstanding service organization and branch of the Houston Bar Association, they would be commemorating their 25th year of serving the Houston community with a day of giving sponsoring ten legal clinics throughout the city to low income residents this Saturday and invited Mr. Carl Stern and Mr. Tommy Proctor to the podium. Mayor White stated that it was humbling to present such certificates to them and presented them with a Proclamation proclaiming today "A Day of Giving Day" in Houston, Texas. Mr. Stern stated that he was chairman of the Houston Bar Foundation which was established 25 years ago to support the charitable arm of the Houston Bar Association and to celebrate they were giving pro bono legal services in the community and over 300 lawyers would be providing services free of charge and over 200 additional volunteers would be providing support to those lawyers; that they intended to help over 1,000 residents; and thanked all for the proclamation. Mr. Proctor stated that he was president of the Houston Bar Association and thanked Mr. Stern for all the work the foundation did in supporting the Houston Volunteer Lawyers Program; that on a daily basis the program and the executive director Mr. David Mandell provided legal services to the community and he commended them for that work they did on a daily basis. Council Member Holm absent.

Council Members thanked the Houston Bar Association and Foundation for all the work they did. Council Member Jones absent.

At 2:21 p. m. Council Member Noriega led all in prayer and in the pledge. Council Member Jones absent.

At 2:22 p.m. the City Secretary called the roll. Council Member Green absent on personal business.

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

Council Member Lovell wished Council Member Holm a happy birthday; and Council Member Garcia led in singing "Happy Birthday" to her. Council Member Johnson absent.

At 2:24 p.m. the City Secretary began calling the public speakers. Council Member Johnson absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Member Johnson absent.

Ms. Sherrie Alex-Butler, 1066 South Lane, Houston, Texas 77088 (281-448-3946) appeared and stated that she was present today because of housing discrimination and harassment, it came from her ex-sister-in-law and her friends and resulted in negligence from a company position from METRO who misdiagnosed her in psychiatry; that she was terminated due to noncompliance of deadline which resulted with her going into housing, she waited three years and then was forced to move out; that she contracted hepatitis because of a chemical being placed in her unit illegally, she moved out and now they would not give her deposit money to her; and she was asking for assistance. Council Member Sullivan absent.

Upon questions by Mayor White, Ms. Butler stated this was the Houston Housing Authority; and Mayor White stated he understood she was to receive her deposit by mail; and upon further questions, Ms. butler stated that they said she would receive it in three weeks and it was to come from the Irvington Village Apartment Complex; and Mayor White stated that they had her current contact information and a note from Health and Human Services on information they provided her, she appeared December 18th in Council and when vacating an apartment there were procedures and some things triggered a deposit being returned and to Ms. Vasquez he wanted her to be sure they had the correct address and that HHA was sending the deposit back. Council Members Clutterbuck and Sullivan absent.

Mr. Richard Freeman, 121 Riggs Road, Houston, Texas 77022 (no phone) appeared and stated that he moved his house over and lost a driveway and reconnected the plumbing, but the city made a big error there years ago as it looked like it was built on an easement strip and never fenced; that a boss from the bus company talked to Ms. Dillard and he had nothing but hard times, bit by a Doberman Pincher; and he lost his grip on the rail and surged forward and went down; and continued expressing his personal opinions until his time expired. Council Members Sullivan and Noriega absent.

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

Ms. Barbara Ann La Course, YMCA @ Louisiana, Houston, Texas 77002 (no phone) appeared and stated that she was present to speak on police officers; that she was hit by a car January 3rd on Louisiana and Webster and the guy had no license or insurance so she called police who came to the scene and they asked her for ID but she had been on her bicycle and had none, she showed her food stamp card; that the guy had no drivers license so the female officer took him to the car and the male officer threatened to give her three citations for no lights and riding on the sidewalk, but she had reflectors and was hit in the street; that as far as she knew the one who hit her was released with no tickets and something should have been done. Council Members Sullivan, Lovell and Noriega absent.

Council Member Garcia stated that it would be good for her to visit with the police liaison present; and upon questions by Mayor White, Ms. La Course stated that she got no police report or anything, she would like to know if the driver received a citation, etc.; and Mayor White stated that the disposition of the case the citizen may need to be informed about and he would ask Lt. Gallier who was present to speak with her and get case information. Council Members Lawrence, Sullivan and Noriega absent.

Council Member Jones stated that if Ms. La Course felt she had been treated unfairly she could go to Internal Affairs; and Ms. La Course stated that she did feel she was treated unfairly.

Council Members Lawrence, Sullivan and Noriega absent.

Upon questions by Council Member Rodriguez, Ms. La Course stated that she did not get his license plate number but he did pull over and when he told the officer he had no license she took him to his car to talk and that was when Officer Jermaine harassed her; and Council Member Rodriguez stated that he would appreciate HPD following up with him. Council Members Lawrence, Sullivan and Noriega absent.

Mr. Simplicio Mendoza, 6143 Willow Glen Drive, Houston, Texas 77033 (713-444-2455) appeared and stated that he came again asking for help, he had a family to support; that he was discriminated against since 2004; that they messed up his name, where was the justice; that he would serve in the military but they rejected him because he did not belong to the family; that education in America was not important; that when he was in the city the supervisor drank beer and smoked marijuana but because he was not color coding he did not belong to the family; that he last applied for jail officer in the Sheriff Department and they said his problem was his employer the City of Houston; why they do this to him. Council Members Lawrence, Sullivan and Noriega absent.

Mayor White stated that he was familiar with his case and his appeal date from the suspension and he knew the HR Department had provided him information about how they treated inquiries from former employees; that he understood he was frustrated but they did not control hiring practices of the Harris County Sheriff Department; and Mr. Mendoza stated that he did not want to go back; that once they called him an inmate and he was not; and Mayor White stated that he may have had problems with coworkers; and Mr. Mendoza stated that they should not mess up his name. Council Members Sullivan, Rodriguez and Noriega absent.

Upon questions by Council Member Garcia, Mr. Mendoza stated that he had applied for the Sheriff Department; and Council Member Garcia stated that he would suggest he make the same presentation to the Harris County Commissioners' Court as they governed the county. Council Members Sullivan, Rodriguez and Noriega absent.

Ms. Christina Lund, 9118 Shoreham, Houston, Texas 77093 (713-385-6384) appeared and stated that as a professional in the hospitality industry since the '60's she felt by not accommodating smokers in bars they were severely limiting their customer base, eliminating the very people who sustained their business, most non smokers were too cost conscious to support their industry which led to smaller checks, tips and less people; that business owners should have a right to choose to be smoke free. Council Members Sullivan and Noriega absent.

Upon questions by Council Member Lawrence, Ms. Lund stated that she just moved here from Missouri and was staying in her RV as she could not make a good living because Council had outlawed smoking. Council Members Sullivan and Noriega absent.

Mr. Claude Brown, 3018 Hohl, Houston, Texas 77093 (832-885-9182) appeared and stated that he was present to speak about the noise where they lived as it was becoming unbearable, they lived next to an iron company and he had already called the police 30 times, every morning from 6:00 a.m. to 6:00 p.m. they could not rest; that their children could not rest and he called Council Member Johnson's office, but received no response; that he did all he was told to do to get help and he also recorded it on tape which he brought for anyone to hear; that he was there first and since they came in and laid the foundation it was now two feet higher than his property and when it rained his property flooded and their vibration in laying the foundation had cracked his foundation, even part of his ceiling fell and they could not get help from anyone and it was ridiculous and he also had signatures from six neighbors. Council Members Sullivan and Noriega absent.

Upon questions by Mayor White, Mr. Brown stated that he lived in Northeast Houston off 59 and Tidwell, he lived on a dead end street behind the company; and Mayor White stated that Ms. Vasquez had this and the city did have rules and he would say to the Lieutenant they would enforce the rules; that they had rules on noise and specified the decibels and there were machines to monitor the noise; that he would say to everyone this was serious and the law would be applied and he wanted to be informed as to what happened in this situation; and upon further questions, Mr. Brown stated that off 59 North you made a left on Laura Koppe and went to Weedy and the company was on the corner, but they were behind the company; and Ms. Brown stated that the company bought homes and expanded and many people there were too old and did not know how to fight back, they just thought the company had the power so they came today; that she had quit her job because of her panic attacks and now with the company they were getting worse; that her grandkids were living with her but moved because of the noise; that her daughter worked and got home very late at night and they wanted to live with them and be a family. Council Members Sullivan, Khan and Noriega absent.

Council Member Garcia stated that such issues did pose particular challenges and as the Mayor said there were clear rules on how much people can do certain operation and they had success on similar situations; and he would follow-up with them. Council Members Sullivan and Noriega absent.

Council Member Brown stated that there was an ordinance which limited noise levels of sound in residential neighborhoods and he was curious as to how it was enforced; that as he recalled the limit was 68 decibels one foot inside the residential lot and he felt it would be a simple measure and they should be able to sleep well. Council Members Sullivan, Holm and Noriega absent.

Mayor White stated that he would ask this to be taken up by HPD representative through the command staff, there were times when there were Neighborhood Protection functions where the inspectors did want a peace officer in blue with certifications and firearms and the like, but shame on us, one reason they had the Neighborhood Protection Corp was, he never went through the academy but he bet someone without the full police officer certification could set up a decibel meter so he hoped Chief Edwards and those in Neighborhood Protection, there had to be someone who could do this and provide records and proof and he would also say to the Legal Department that the criminal citations were not the only remedy if there were persistent violations of this ordinance; that persistent violations could be treated as proof in common law court of nuisance per se, young lawyers he knew could probably draft up a petition in about 90 minutes on something like that with appropriate proof over a long period of time, but they wanted to give them help and they would and he wanted people to report back to him. Council Members Sullivan, Holm and Noriega absent.

Council Member Jones stated that she would like her office to work with them and see how they could figure it out, there had to be a commonsense approach; that when you worked your whole life to be a productive, law abiding citizen and bought a house new neighbors should not be able to do this; and upon questions, Mr. Brown stated the company was Myrex Industrial located at 9119 Weedy; and Council Member Jones stated that her staff member was present and would get information. Council Members Sullivan, Holm and Noriega absent.

Council Member Johnson stated that if he called his office and they did not respond to him then shame on them and he just told them; that he did not live in his district, but the fact was they still should have responded to him the same as any constituent; that his coming had peeked attention of departments and the Mayor, this was a problem faced across the district with industrial areas and they needed to be held accountable; that his wife was emotional and said it was destroying their quality of life where they lived and he agreed and his office would stay on top of this and that was his guarantee; and he would backup Council Member Garcia to

get a remedy. Council Members Sullivan, Holm, Lovell and Noriega absent.

Mr. Michael Manuel, 5755 Belmark, Houston, Texas 77033 (832-392-9718) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm, Lovell and Noriega absent.

Mr. James Yarbrough, 1010 Lawrence, Houston, Texas 77007 (713-870-5390) appeared, presented information to Ms. Vasquez and stated that he was present with a problem of the Leader newspaper being thrown in the Heights; that his photos showed them lying on the sidewalks and in ditches which caused tripping hazards and possible flooding; that he spoke with Mr. Burge the president and owner of Burge Publishing which published the Leader and he did not seem to care about the neighborhood; that he intended to send a letter to Mr. Burge stating his inability to correct the problem would cause him to be in gross negligence if the neighborhood flooded; and he would appreciate help. Council Members Holm, Lovell and Noriega absent.

Council Member Lawrence stated that she also spoke with Mr. Burge; and suggested he speak with the kids who threw it; and Mr. Burge stated that it was not a child it was people throwing from the back of a pickup truck; and Council Member Lawrence stated that she would call Mr. Burge and at least make an effort to help him. Council Members Holm, Lovell and Noriega absent.

Council Member Garcia stated that he checked with his office and the person who took constituent calls was not in today and he apologized if they had not resolved this, but they would follow-up with him; that it was an issue with free community newspapers being distributed. Council Members Khan, Holm, Lovell and Noriega absent.

Mayor White stated that recently an individual Council Member asked him a question about procedures on determining speed bumps and other traffic calming devices going through and he could not recall that Council Member, but he had a joint report from Public Works and the Fire Department; that he thought it was Council Member Holm and he needed to get the information to that person. Council Members Holm, Lovell and Noriega absent.

Mr. Rodney Lewis, 7907 Meadowbriar, Houston, Texas 77063 (713-975-0780) appeared and stated that in the next few weeks Council would be presented with a new Energy Code, as he understood it, for their consideration and it related to new construction primarily; that the code was not a finished product and the Construction Industry Committee needed approximately eight more meetings to attempt to resolve outstanding major issues; that the CIC and Construction Industry was deeply divided as to whether this code as they modified it was right for Houston and in his opinion it was not; that the code ventured into new territories that to date had never been requirements in a major city; that the proposed code created an unlevel playing field in competing with the rest of the state and even just across the city limit lines; that cost of commercial construction would be increased significantly and residential construction would be increased by about 2% to 5% and the projected energy savings achieved by these new requirements would not provide a reasonable return on the investment, incentives were missing; that he served on the CIC Code Committee for over 25 years and he was a former president of the CIC; that this incomplete code was the worst document that had come out of the Construction Industry Council in this time and adopting it as it existed would be irresponsible and it was not needed. Council Members Robinson and Noriega absent.

Mr. Sikander Alexander, 1821 E. Main, League City, Houston, Texas 77573 (832-283-4348) had reserved time to speak but was not present when his name was called. Council Members Robinson and Noriega absent.

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he liked the Council Meetings to go quickly as this one did; that he wished happy birthday to all Capricorns and Council Member Holm reminded him of Council Member Hartung who had class and grace; and he was here for the Ron Paul and Obama revolution and encouraged all to vote for them; that this was the year of the rat; that he went to go renew his license for his dog and it had gone from \$2.00 to \$10.00 and that would discourage many from doing the right thing; that if Comcast did not unban him from the news groups he would file a lawsuit as it was easy for a moderator to hide behind an ID and if not liking your views ban you; that Mardi Gras started early this year and he wanted the Houston Astrodome for the Houston Dynamos, they did not need a new stadium. Council Member Noriega absent.

At 3:18 p.m. City Council recessed until 9:00 a.m., Wednesday, January 9, 2008. Council Member Green absent on personal business. Council Member Noriega absent.

City Council Chamber, City Hall, Wednesday, January 9, 2008

The Houston City Council reconvened at 9:00 a.m. Wednesday, January 9, 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. Arturo Michel, City Attorney; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 9:19 a.m. Mayor White called the meeting to order. Council Members Johnson, Clutterbuck, Holm, Garcia and Jones absent.

### **MAYOR'S REPORT**

Mayor White stated that they had a very well attended committee meeting presided over by Council Member Lawrence earlier this week, that he wanted to pick up on one thing, that while they had all been inaugurated in the recent past, that he would share with his colleagues around the table concerning some of the difficult issues and wonderful issues their City confronted; that he did talk about finding common ground, common ground on higher ground, and the higher ground was the values that they shared with Houstonians which was friendliness, opportunities and welcoming new comers from all backgrounds, and the fact that every citizen deserved to be heard at City Hall, not just the powerful, that those were values that they all believed in, and in this community as in others during the next two years they would be listening to a debate which had continued for fifty years and would continue for fifty more years about the right balance between continuity and change within their City, the right balance between allowing there to be growth and opportunity for people who were moving up and newcomers within their City and at the same time preserving both the identity and property values within existing neighborhoods, that it was a balance, that was all it was, a balance, and there were different views and different judgments at different times about where they ought to draw those balances, and he was just asking the people around the table to be leaders and accept the challenge of helping their citizens try to find some common ground on the higher ground of shared values, that he thought that they could do that, that they had seen cities and times within their own community where there was acrimony and a high degree of polarization by the fact that people talk past each other on issues where when they talked about what people were concerned about he found in every neighborhood in the community there was a lot that they had in common and he would just offer to his colleagues, in the spirit of that inauguration, some things that he found in this particular type of debate worked for leaders such as the Members of City Council and the City Controller and the senior City employees in helping

people find common ground on the issues concerning continuity and change and the right balance within their community; that the first rule that he would ask for their help, as peer groups and leaders representing people of all backgrounds around the table was to hold themselves and encourage each other and citizens not to mislead or exaggerate, was that not a pretty good starting point in any discussion or debate; that exaggeration was a lazy person's form of persuasion, so it was very tempting to exaggerate from time to time and there was a fine line between exaggeration and saying that something that was not true; that he would give them examples of that, that were not intended to engage a debate, but each of them could think of other examples, by different sides in the perennial debate, in big cities all over the world, that example one, there was no regulation and anybody could build anything anywhere in Houston, had they ever read Chapter 42 or a building code or an energy code, did they know what the rules or regulations of the Planning Commission were, did they really think they could build anything anywhere within the City of Houston; that if they went up to Aldine Bender, outside the city limits in the north, now they could what happened when you could build almost anything, but it looked a whole lot different than it did within the city limits and there was a reason, because there were a lot of rules and regulations that had been adopted for a long time; that another exaggeration, there were so many rules and regulations in the City of Houston and it was getting worse and worse that nobody was going to build anything within the city limits, then where did the increase in the appraised value of Houston come from last year, why had these been the greatest years, 24 months in the real estate business ever in the history of the City in terms of new construction, why were they flooded with permits and plat approvals, because nobody wanted to invest in the City of Houston, exaggeration was not welcome; that second, be informed, being informed in a debate like this actually required a little homework, correct, that it required attending committee meetings, there were people who advocated for a long time that they either pass something or repeal something and they politely had to tell them that they did so five years ago, that was pretty common; or people hear that they were about to do something that they were not; or people hear that they were about to do something because one Council person said that it might be a good idea at the Council table, that they all knew what a fact was, and the fact was that the Mayor put something on the agenda and they probably had as many different views as they had on the Council table, people sitting at the Council table about a variety of positions; be informed and encourage others to do so; that the third rule that he would just ask people was to seek to have people meet with each other and communicate with each other, that he found that when that happens a lot of good things happen; that they were going to deal with an issue today that shed a lot more heat than light last month and actually when they found people meeting together and go through the details of it they find they had it in common despite the fact that there were email campaigns that seemed like there were terrible things going down at City Hall, that if people who sat across from each other talked about it they might find that people had more in common than they suspected; that finally people ought to deal with specifics, that this was where he was pretty proud of the City of Houston, that the body had been characterized whether it dealt with the issue of regulations so that a neighbor could not build up their property and flood their next door neighbor, which was part of property rights, or whether it be preserving the investments people made in 100 year old houses, or he could go through a whole variety of issues, which were adopted unanimously by the City Council, where they dealt with the specifics of problems, and when they dealt with the specifics they found that it was a whole lot easier, and one question that he had always had when there was a specific proposal at City Hall was what specific change did they think they ought to make and when people could not come up with that answer then they needed to do a little bit of homework and put themselves in their shoes, that it was easy to oppose something, and also acknowledge that it was a problem that needed to be addressed, that it was harder to come up with specifics, that was the job they were in and they ought to invite the citizens to be in their shoes; that he was sorry for the lesson but he thought it was a good illustration that their finding common ground was not a platitude that they were going to be asked time and time again this year when they find the balance between opportunity and the preservation of neighborhoods, between growth, which was critical for opportunity within the City and the protection of people's rights and the

ability of people to get ahead in this world and also having a predictable set of rules and regulations so that the citizen' knew that the most modest citizen and the most humble dwelling had every bit as much right as the most powerful citizen in the community no matter how well organized they were.

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION**

**REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds – was presented.

At 9:28 Mayor White stated that they would move to the Monthly Financial Report and called on Ms. Annise Parker, City Controller and Ms. Michele Mitchell, Finance and Administration.

Ms. Parker stated that this was the Monthly Financial Report for the period ending November 30, 2007, that she wanted to first welcome aboard Ms. Michele Mitchell, who was presenting today for the first time in what should be her new role in City government and she looked forward to working with her; that there was a question asked yesterday by one of the Council Members as to whether their numbers were the same, and their numbers were not the same and there was a long standing joke about economics, that if they had two economics in the room they had three opinions, and she trusted that would continue, however there was a lot of information flowing back and forth and they had a good working relationship and she thought there was a feeling on both sides that they were freely sharing information and she trusted that would continue; that currently in the Controller's office they were projecting a \$4 million budget deficit, that represented a swing of \$16 million from last month's reported budget surplus of \$12 million, it was the net impact of a \$7.7 million increase in their revenue projections and then Council's decision to take advantage of the previously discussed unanticipated revenues they received this year to fund a \$17.5 million increase in projected departmental spending and a \$6 million transfer to the new Internal Service Fund to pay for equipment purchases, so they were basically back to where they were; that they had increased their projection for Sales Tax Revenues by \$3.1 million and they had also increased their projection for Telephone Franchise Revenues and License and Permit Fees by \$1 million and \$2 million respectively, that just reflected higher year to date collections; that their projection for Miscellaneous Other Revenues was up by \$1.6 million to reflect additional taxes recovered from companies that failed to meet the terms of their Tax Abatement Agreements with the City, and they were glad to see that those were being aggressively monitored; that a reminder that they heard last month from Harris County Appraisal District Executive Director Jim Robinson, and for the new Council Members just to recap what he said, that one of the reasons that there was this unanticipated revenue was due to changes from the Appraisal District after they set the budget and did their budget projections, the number one cause of that was that there was a record number of protests of property tax appraisals in Harris County last year and the Appraisal District was mandated to take the most conservative estimate, which would be as if all the appraisal protests were upheld and of course that was not what happened, many of them were disallowed and as the money came back in the total tax roll was recalculated, and that had resulted in nearly \$35 million of unanticipated revenue to the City of Houston, and that was the revenue that had now been allocated out for various expenditures; that on the Expenditure side the departmental spending in the General Fund, as she said, was up by \$17.5 million, that \$13.5 million of that increase was due to additional transfers for Debt Service, that \$5 million was attributed to additional overtime for the Police Department and half a million dollars to help fund the "Ask a Nurse Program" at the Fire Department, which they hoped would have an impact on long term expenditures in their Ambulance Service; that for the Enterprise Funds, Aviation's Operating Expenses had decreased by about \$12.6 million due to an adjustment in anticipated pension costs and electricity savings, that also good news in the Convention and Entertainment

Facilities Operating Fund, they had increased their projection for Hotel Occupancy Taxes by \$2.7 million to more accurately reflect ongoing occupancy rates, that there was also a corresponding increase of \$1.1 million in spending for Advertising and Promotion; that the projection for Food and Beverage Concessions had decreased by \$500,000 because MicroSoft had postponed until 2009 an event that was planned in the Convention Center; that there had also been a reversal in the downward trend in Water Sales, they had a drier few months and they had now increased their projection for a Combined Utility System Revenue by \$2.2 million; that there were no significant changes in the Storm Water and Parking Management Enterprise Funds; that for the Annual Report, her office issued a draft of the Annual Report on December 31, 2007, as was mandated by statute, it was an audited draft, the auditors were still targeting February 28, 2008 as the date for completion of the final version, she was not however particularly optimistic about it, they were still experiencing problems finalizing the numbers to the auditors, the three City Departments primarily responsible for Fixed Assets, F&A, Public Works and Aviation had been working diligently but it was a slow slog, they were still providing numbers to the auditors and they could only do limited testing until they get the final numbers, that there were also on going problems from the switch in financial systems to SAP, conversion issues, bluntly garbage in garbage out, that this was their first full Annual Report under the new system and they were discovering some of the garbage that went in from the old system, that was being fixed, however they were getting good cooperation, it was a matter of allocation of resources and they were working on, that finally there was nearly \$3.6 billion worth of adjustments made by the departments after the close of the books and done in periods 13 and 14, that was unacceptable, she understood that there was a new program in place, that working with F&A that they would be required to balance either monthly or quarterly so that they would not jam everything up at the end of year and try to push it through after the fact, and that concluded her report.

Ms. Mitchell stated that she looked forward to working with the Controller over the next year; that for the General Fund their projections since last month increased by \$5 million, mainly due to Sales Tax being up 10.58% for October 2007 receipts compared to previous years, as a result they increased their estimate by \$2.7 million, that it was good to know that there were a lot of economic indicators in the Houston area that send a signal that their Sales Taxes were likely to be higher than budgeted, however they were not increasing their estimate for later months as they wanted to see what the holiday receipts looked like; that they had also increased the Telephone Franchise Fees by \$1.1 million due to growth in internet protocol lines and increased Miscellaneous Other Revenue by \$1.8 million due to Property Tax Abatements; that they had not changed their projection for Property Taxes, however as the Controller stated the budget surplus had been spent and due to their healthy Fund Balance they saw no problem with that; that on the expenditure side they had reflected the changes for budget transfers of the additional unanticipated Property Tax Revenue of \$25 million approved by Council in December; that the net effect for spending and transfer out, compared to last month's projection, was \$23 million; that for the Enterprise Fund their projection for the operating expenditure in Aviation decreased by \$12.5 million due to reclassification of pension costs and a savings in electricity; their projection for Convention and Entertainment increased by \$2.7 million for Hotel Occupancy Tax as the actual receipts today confirmed a healthy hotel economy and a corresponding increase in spending of \$1.1 million for Advertising and Promotion; that Operating Revenues decreased by \$500,000 for Food and Beverages Concession due to rescheduling of the Microsoft event in 2009 and Operating Expenditures increased by \$269,000 due to higher use of construction materials; that she was pleased to comment that their projection for Combined Utilities System Water and Sewer Revenues increased by \$2.2 million because it had been drier weather in November so their water and sewer sales had increased; that Interest Income had increased also by \$757,000 due to higher than expected interest rates; that finally, as it pertained to the report on revenues at the Fiscal Affairs meeting yesterday she would like to make a clarification, the revenue increases as reported for November were in line with the Controller's projection, however the overall projection for Finance and Administration

Revenues was 6.8 higher than the Controller's projection, the key differences were projected in prior months and had been reported in prior months on the Municipal Courts Fines and Forfeitures of \$3.7 million, Telephone Franchise of \$1.2 million and Miscellaneous Other of \$1 million, and that concluded her report. Council Member Lovell absent.

Upon questions by Council Members, Ms. Parker stated that as to the adjustment of \$3.5 billion, each department was largely responsible, although some worked through Finance and Administration to reconcile their spending at the end of the year and there were adjusting transactions that were made, they had a 12 month fiscal year but they hold open a period 13 and a period 14 so that final adjustments could be made, but what they wanted those to be were minimal adjustments and to keep track of things during the course of the year and this was a situation where they had pushed every thing to the end of the year; that she would also acknowledge that as to Mr. Alfred Moran's appointment she was also very pleased to hear that, that while she and Ms. Mitchell worked more publicly together he worked more with the back house of the Controller's office and they anticipated that between the two of them that it would be a much smoother operation in the future, that they had already laid out a schedule that they intended to hold to various departments in terms of posting transactions and cleaning things out; that she had stated consistently that there were no underlying financial issues, it was a matter of timely posting of the information; that as to the Annual Report, their external auditors say that it would be the end of February and they had filed all the proper extension requests to the end of February, that she thought it may be longer than that but she would hesitate to hazard a guess. Council Members Lovell and Noriega absent.

Upon further discussion Mayor White stated that as to the report from Mr. Dadoush concerning the fleets he was familiar with the report and had back and forth already based upon a more accelerated time table for the HPD marked units where they had five years of funding so they catch up on the backlog of the marked units, that in general he would respond that the report did show both an older average age and also did remark that part of the reason for that they found was because people did not have multi year equipment budgets and because vehicles would breakdown, they had some years of no vehicles, then instead of salvaging the older vehicles they would seek to keep a large number in reserve, which would inflate the average life of the fleet, so what he had challenged people to do, it was sort of similar to what they did with Solid Waste when he came into office, they would provide more money, somewhat more money for vehicle replacement, and then would they show him what their maintenance savings were last year when they had the new vehicles, and then it was an iterative process, so the strategy was invest more but do not go from zero to sixty in one second, invest somewhat more and then put on some pressure to show them where their savings had been within the maintenance or if they were able to get rid of some salvage vehicles; that he would take ownership with Mr. Dadoush and Ms. Mitchell and Mr. Fontaine of making sure that they increase the Equipment CIP and he would add that Council Member Clutterbuck, it was going to be news to people and they needed Council Members and the finance committee help; that he thought they should be prepared to have CIP budget at least, maybe CIP and equipment well before June, that he would tell them why he thought it was a good idea, if they looked at the historic spending patterns of the City of Houston it was not like a well run business in the sense that they saw they had the CIP budgets adopted in the summer and it had been long standing, that they were better now than they had ever been, but then they would see engineering contracts awarded and then they would see a slug of construction begin at the end of the year within Public Works, did they follow what he was saying, that was not an efficient way to order their business, it ought to be steady throughout the year on both construction and engineering and he thought if they started things a little earlier it would give the people a chance to plan, and generally they would know what the Debt Service Tax Rate was, that when he came into office the CIP's were adopted in September for the fiscal year, three months afterwards, so they got better last year because they had done it before the end of the fiscal year, but he was saying that maybe they ought to try to see if they could do it a little earlier in the fiscal year. Council

Members Johnson and Lovell absent.

After further discussion, Mayor White stated that for the new Council Members he wanted to say that the financial condition of the City of Houston was very good and one reason for that was that they made, with the assistance of the Controller and the Director of F&A and some professionals, prudent and he would say realistically conservative judgments and as a result of that for years in this administration they ran a surplus, which other levels of government did not do, and then they made plans, such as the firefighter contracts, such as staffing of the Police Department, such as funding the Drainage Program, of what to do with the surplus, and because of that they ought to have an opportunity next year to provide far more services with a lower tax rate and that was because they had accumulated surpluses over the last several years, that to Ms. Mitchel he would say that right now Houston was in a category by itself in growth in the big cities of the Country and a lot of the Country seemed to be going into recession, so they needed to be fairly conservative about their Sales Tax receipts going forward in the future and they needed to be sensitive to changes. Council Members Holm and Lovell absent.

After further discussion, Ms. Parker stated that it was the administration's responsibility to come up with the plan, that she stated talking to Mr. Fontaine at least a year ago about fleet management issues and had been monitoring it and kept abreast of it and also watched the presentation yesterday, that if asked she was happy to render an opinion at some other point. Council Members Holm, Rodriguez and Lovell absent.

Council Member Clutterbuck moved to accept the Monthly Financial Report, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Lovell absent. MOTION 2008-0024 ADOPTED.

Mayor White stated that they would move to the consent agenda.

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

#### **ACCEPT WORK** - NUMBER 3

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,577,966.69 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Blackhawk Park, WBS F-504B07-0007-4 - 4.97% over the original contract amount **DISTRICT E – SULLIVAN** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0025 ADOPTED.

#### **PROPERTY** - NUMBER 9

9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY6-048, located at 12300 Bissonnet Road, owned by Alfred F. Lustbader, Trustee, for the **COOK ROAD PAVING PROJECT from Bissonnet Road to Bellaire Boulevard**, WBS N-000639-0001-2-01 - **DISTRICT F - KHAN** – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0026 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 through 13A

10. ORDINANCE appropriating \$313,798.20 out of Water & Sewer System Consolidated Construction Fund for the Emergency Replacement of the 42" sanitary sewer line at the

intersection of Antoine Drive and West Tidwell Road for the Public Works & Engineering Department, WBS R-000019-0041-4 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. ORDINANCE 2008-0014 ADOPTED.

- 10a. **TROY CONSTRUCTION, L.L.P.** for Emergency Replacement of a 42" Sanitary Sewer Line for the Department of Public Works & Engineering – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0027 ADOPTED.
11. ORDINANCE appropriating \$149,089.43 out of Reimbursement of Equipment/Projects Fund for Front End Alignment Machines for the Public Works & Engineering Department, WBS V-1850-2008-04-01, V-1850-2008-04-02 – was presented. All voting aye. Nays none. ORDINANCE 2008-0015 ADOPTED.
- 11a. **SNAP-ON EQUIPMENT, d/b/a EQUIPMENT SERVICES, INC** for Front-End Alignment Machines from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Department of Public Works & Engineering – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0028 ADOPTED.
13. ORDINANCE appropriating \$16,607.00 out of Equipment Acquisition Consolidated Fund for the Purchase of Vans and an Automobile for Various Departments – was presented. All voting aye. Nays none. ORDINANCE 2008-0016 ADOPTED.
- 13a. **DALLAS DODGE CHRYSLER JEEP** for Vans and an Automobile through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council - \$233,405.00 - Equipment Acquisition Consolidated, Assets Forfeiture - Justice, Enterprise and Parking Management Funds – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0029 ADOPTED.

**ORDINANCES** - NUMBERS 14 through 27

15. ORDINANCE approving and authorizing Memorandum of Agreement No. DTFASW-08-L-00069 by and between the City of Houston and the **UNITED STATES DEPARTMENT of TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION** for Navigational, Communication and Weather Aid Facilities at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2008-0017 ADOPTED.
16. ORDINANCE approving and authorizing contract between the City of Houston and **ACCION TEXAS INC** to provide \$100,000.00 in Community Development Block Grant Funds to assist in funding costs associated with providing a Micro-Loan Program for low to moderate income persons starting or expanding small businesses - **DISTRICTS B - JOHNSON and F - KHAN** – was presented. All voting aye. Nays none. ORDINANCE 2008-0018 ADOPTED.
17. ORDINANCE approving and authorizing contract between the City and (1) **BAYLOR COLLEGE OF MEDICINE** and (2) **HOUSTON AREA COMMUNITY SERVICES, INC** for HIV/STD Services; providing maximum contract amounts - \$1,550,000.00 - General and Grant Funds – was presented. All voting aye. Nays none. ORDINANCE 2008-0019 ADOPTED.

18. ORDINANCE appropriating \$33,510.87 out of Police Consolidated Construction Fund as an additional appropriation under contracts with **NORTH AMERICAN CONTROLS CORPORATION, BL TECHNOLOGY, INC** and **GTSI CORP.** for Purchase of Security System Equipment for the Houston Police Department, WBS G-000101-0001-5 – was presented. All voting aye. Nays none. ORDINANCE 2008-0020 ADOPTED.
19. ORDINANCE appropriating \$177,219.00 out of Solid Waste Consolidated Construction Fund as an additional appropriation for the Heights Consumer Recycling Center, WBS L-000037-0001-4, under an existing contract with **SPRING EQUIPMENT COMPANY, INC**; providing funding for engineering and testing services relating to construction of facilities financed out of the Solid Waste Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2008-0021 ADOPTED.
20. ORDINANCE amending Ordinance No. 2003-483 to increase the maximum contract amount for contract between the City of Houston and **NAES CENTRAL, INC d/b/a AMTECH ELEVATOR SERVICES (previously known as ELEVATOR MAINTENANCE CO., INC)** for Elevators, Escalators, Booklifts and Manlifts Services for Various Departments - \$101,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-0022 ADOPTED.
21. ORDINANCE amending Ordinance No. 2003-008 to increase the maximum contract amount between the City of Houston and **RBEX, INC d/b/a APPLE TOWING COMPANY** for Towing Service for Light, Medium and Heavy Duty Vehicles for Various Departments - \$327,618.75 Fleet Management Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-0023 ADOPTED.
25. ORDINANCE appropriating \$3,873,495.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REPIPE CONSTRUCTION, LTD.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, WBS R-000295-0015-4; 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 – was presented. All voting aye. Nays none. ORDINANCE 2008-0024 ADOPTED.
27. ORDINANCE appropriating \$2,702,902.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYNOLDS INLINER, LLC.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, WBS R-002013-0020-4; 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 – was presented. All voting aye. Nays none. ORDINANCE 2008-0025 ADOPTED.

Council Member Lovell moved to consider Item Numbers 4, 29 and 29a out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0030 ADOPTED.

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,465,461.02 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Neighborhood Street Reconstruction

Project, Briargrove Subdivision Phase II, WBS N-000368-0002-4 (NSR436A) - 4.78% over the original contract amount - **DISTRICT G – HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Garcia, and tagged by Council Member Holm.

29. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **CLEAR CHANNEL OUTDOOR, INC** to settle outstanding disputes and controversies; making various findings and provisions relating to the subject – **(This was Item 40 Agenda of December 19, 2007, POSTPONED BY MOTION #2007-1254)** – was presented.

Council Member Lovell moved to refer Item Number 29 back to the administration, seconded by Council Member Garcia.

Mayor White stated that the administration supported the motion to refer Item No. 29 back to the administration.

After discussion Council Member Holm stated that she supported further delay of the Clear Channel Agreement if the goal was to examine the proposal, to engage in respectful dialog and to make appropriate recommendations that supported their defined goals, that she recommended to the Mayor that during this period of time they obtain a professional facilitator that would allow them to refocus their attention back to the community goal of sign reduction and control, that it also assured them that if something should come back before Council that it would be based solely on the merits of the agreement.

After further discussion, Council Member Jones requested a briefing of the legal history of the billboard stuff that had been going on; and Council Member Lovell stated that she would like to know from the Legal Department how would the billboards come down in 2013 and if they did not come down were they going to be back in litigation or could they force them to go out there and pull the billboards down, what were the facts about 2013.

Mayor White stated that his belief, based upon both knowledge of the law and the facts and representations, was that this body (City Council), some years back, created an exemption for commercial structures, for certain boards which were in existence they had to be commercial exclusively and at all times, but somebody could put up commercial boards, plus there were constitutional challenges and other types of challenges if they started taking down boards for churches and stuff like that, and in other areas and other localities Clear Channel had a pattern that they followed with litigation that would delay the ability to take down, that if somebody said they would pay and go take it down themselves, well he did not think they would do that because they would be subject to a restraining order if there was litigation and they would be personally liable, so one of the things that Council Member Holm and the administration were trying to do was to try to get more billboards down sooner rather than later without litigation, that having said that they were not afraid of litigation, they would be in litigation, they would have good counsel and they would know their strategy, but if they were more about results and posturing then they would prefer to do it without that expenditure of taxpayer money and the sometimes delay of maybe five or ten years that litigation could entail; that the reality was that on the 1,300 medium and small size signs that approximately 660 of those signs would be up on federally protected areas even if they took down everything timely under the ordinances, so there were two categories, what would they do to make sure the ones that were covered by the ordinances came down as contemplated and what would they do with some of those where they could not force them to and they had to have an incentive to bring them down.

After further discussion, Council Member Lovell stated that she would also like to move that Item No. 29a be referred back to the administration, seconded by Council Member Garcia,

and a vote was called on the motion to refer Item Numbers 29 and 29a back to the administration. All voting aye. Nays none. MOTION 2008-0031

29a. ORDINANCE amending the City of Houston Sign Code (Chapter 46 of the Building Code, Houston, Texas) relating to reduction of the number of Off-Premise Signs; containing other provisions relating to the foregoing subject; providing for severability; providing a penalty; providing for enforcement; providing an effective date – **(This was Item 40A on Agenda of December 19, 2007, POSTPONED BY MOTION #2007-1255)** – was referred back to the administration by MOTION 2008-0031.

Council Member Johnson requested a point of personal privilege to welcome some students from MB Smiley High School, the government class, that Ms. Ola Woods, Ms. Faith Howard and Ms. Sherri Simien were the teachers, that it was good to have the students down here learning about City government and seeing how the City worked. Council Members Holm, Sullivan and Green absent.

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

**MISCELLANEOUS**

1. RECOMMENDATION from Director General Services Department for supplemental allocation of \$100,000.00 for contract with **HONESTY ENVIRONMENTAL SERVICES, INC** for Professional Environmental Consulting Services Contract for the Houston Police Department's Dangerous Building Program - Dangerous Building Consolidated Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. Council Members Holm, Sullivan and Green absent.

Mayor White stated that there would be a comment from him to HPD and Mr. Fontaine, if he was present, that he had gotten some information, and stated to Mr. Michel that he had gotten some information that there had been a change in law and he read through the contracts and it did have schedules of hourly rates for various people, but what he wanted to know, from Neighborhood Protection, that Mr. Fontaine could help on it, what they thought it was going to cost per house, what their estimate and budget was for demolishing a structure, because if they just looked at a contract with a bunch of hourly rates it was hard to tell, that they needed to know a little bit so that they could figure out if there was any other source of funds, that if it so much to take down these houses because of what some other governmental entity, that they knew what was happening, that other governmental entities were saying that they could not take down those structures, that he thought it was State and Federal, without doing a whole lot of environmental work on each structure; that he wanted to know how much they were costing them per house, and if somebody said they did not know, that answer was not good, that they may not know but they ought to at least have a budget, that he was going to vote for it and it was on the agenda, but that was some information that they needed to know, and Mr. Michel stated that he got it. Council Members Sullivan, Holm and Green absent.

A vote was called on Item No. 1. All voting aye. Nays none. Council Members Sullivan, Holm and Green absent. MOTION 2008-0032 ADOPTED.

2. RECOMMENDATION from Director General Services Department for supplemental allocation of \$100,000.00 for contract with **TECHNOLOGY SERVING PEOPLE, INC** for Professional Environmental Consulting Services Contract for the Houston Police Department's Dangerous Building Program - Dangerous Building Consolidated Fund – was presented, moved by Council Member Garcia , seconded by Council Member Khan.

All voting aye. Nays none. Council Members Sullivan, Holm and Green absent. MOTION 2008-0033 ADOPTED.

### **ACCEPT WORK**

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,634,612.92 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00A7-4 - 1.15% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; G - HOLM; H - GARCIA and I – RODRIGUEZ** – was presented, moved by Council Member Garcia, seconded by Council Member Khan. Council Members Sullivan, Holm and Green absent.

Council Member Jones stated that she wanted to recognize Institutorm Technologies, Inc. because there was a goal of 16.2% for MWBE and they actually exceeded that, they did it at 27.35%, that she was excited to see that because she wanted for everybody to be a part of doing City business, so she wanted to commend them, that she wanted to do the same for Item Numbers 6, 7 and 8. Council Members Sullivan, Holm and Green absent.

Council Member Rodriguez stated that she wanted to echo what his colleague, Council Member Jones, stated on the MWBE requirement, that also the project included Magnolia Park, a historic district in his district and they had some sanitary sewer issues out there so he was glad that they were addressing that and he wanted to thank the administration for putting it on the agenda.

A vote was called on Item No. 5. All voting aye. Nays none. Council Members Sullivan, Holm and Green absent. MOTION 2008-0034 ADOPTED.

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,661,349.08 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00D7-4 - 3.67% under the original contract amount **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; G - HOLM; H - GARCIA and I – RODRIGUEZ** - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Sullivan, Holm and Green absent. MOTION 2008-0035 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,127,435.36 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00E1-4 - 4.73% over the original contract amount **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - KHAN and H – GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Sullivan, Holm and Green absent. MOTION 2008-0036 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,052,556.93 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000295-0004-4 - 3.38% over the original contract amount - **DISTRICTS B - JOHNSON; F - KHAN and G - HOLM** - was presented, moved

by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Sullivan, Holm and Green absent. MOTION 2008-0037 ADOPTED.

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

12. ORDINANCE appropriating \$16,201.00 out of Reimbursement of Equipment/Projects Fund (Fund 1850); and 2) the appropriation of \$274,032.00 out of Equipment Acquisition Consolidated Fund (Fund 1800) for the Purchase of Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for Various Departments - was presented. All voting aye. Nays none. Council Members Sullivan, Holm and Green absent. ORDINANCE 2008-0026 ADOPTED.

12a. **CALDWELL COUNTRY CHEVROLET** - \$141,373.00, **PHILPOTT MOTORS, LTD.** - \$886,345.00 and **TOMMIE VAUGHN MOTORS, INC** - \$101,603.00 for Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for Various Departments - \$1,129,321.00 - Workers Compensation Administrative, Equipment Acquisition Consolidated, Reimbursement of Equipment/Projects, Assets Forfeiture - Justice, Sign Administration and Enterprise Funds - was presented, moved by Council Member Garcia, seconded by Council Member Khan. Council Members Sullivan, Holm and Green absent.

Council Member Brown stated that he wanted to make a comment that hopefully they could move forward with more efficient fuel vehicles, that he looked at the list and understood there were some budget constraints about hybrid vehicles, etc., but he was looking forward as Houston became a City that exemplified sustainable growth that they could move forward with more fuel efficient vehicles and believed that was part of the administration's policy; that it was not just hybrid's, they could be fuel efficient, that they had diesel in it, but were the engines adaptable to bio diesel and that kind of thing and in this go round they were and hopefully they could set some criteria where next go round maybe they could use a little bit of that \$32 million and get a few more fuel efficient vehicles. Council Members Holm and Green absent.

Mayor White stated that he agreed with that statement and would ask Mr. Fontaine to see, that the last comment was a very good comment. Council Members Holm and Green absent.

Council Member Sullivan stated that he was going to go back a few years, and did not have the details, but the press hit the City a few years back about vehicles that were purchased and stored and not put into service immediately, that was just something he remembered. Council Members Holm and Green absent.

Mayor White stated that Mr. Fontaine and Mr. Dadoush were doing a lot better job about that, that they should be watching it because they would come up with an equipment budget on the vehicles, and they appreciated people's thoughts on that; that actually there was one thing that had job implications for somebody, employment security implications involving police vehicles which were sitting on the dock, so if anybody hears anything like that to let him know and they would take care of it. Council Members Holm and Green absent.

A vote was called on Item No. 12a. All voting aye. Nays none. Council Members Holm and Green absent. MOTION 2008-0038 ADOPTED.

### **ORDINANCES**

14. ORDINANCE **AMENDING ARTICLE XIX OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the City's Photographic Traffic Signal Enforcement Program – was presented. All voting aye. Nays none. Council Members Holm and Green absent. ORDINANCE 2008-0027 ADOPTED.

22. ORDINANCE appropriating \$1,218,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **JAYMARK ENGINEERING CORPORATION** for Design of Water Line Replacement in Oakwood Area and Janowski Area, WBS S-000035-0100-3 and S-000035-0102-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H – GARCIA** - was presented. Council Members Holm and Green absent.

Council Member Jones stated that she had the same applause for the City and the primes who were trying to make sure that they met the goals, so the distinction being that they were accepting work to do it so she was very pleased and she wanted to recognize Jaymark Engineering Corporation and Kipp Professionals Inc., those were Item Numbers 22 and 23. Council Members Holm and Green absent.

A vote was called on Item No. 22. All voting aye. Nays none. Council Members Holm and Green absent. ORDINANCE 2008-0028 ADOPTED.

23. ORDINANCE appropriating \$1,328,271.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KIT PROFESSIONALS, INC** for Design of Water Line Replacement in Oak Forest Area and Watonga Parkway Area, WBS S-000035-0099-3 and S-000035-0104-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and G – HOLM** – was presented. All voting aye. Nays none. Council Members Holm and Green absent. ORDINANCE 2008-0029 ADOPTED.
24. ORDINANCE appropriating \$2,674,307.00 out of Drainage Improvement Commercial Paper Series F Fund; \$3,722,015.00 out of Street & Bridge Consolidated Construction Fund; \$7,182,678.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **TEXAS STERLING CONSTRUCTION COMPANY** for Holcombe Blvd. Reconstruction W/Area Drainage Improvements, WBS M-000260-0003-4, N-000794-0001-4, R-000500-0056-4 and S-000500-0056-4; 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, construction management and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund; the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK and D - ADAMS** – was presented. All voting aye. Nays none. Council Members Holm and Green absent. ORDINANCE 2008-0030 ADOPTED.
26. ORDINANCE appropriating \$4,974,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Sampson Sewer and Eastwood Subdivision Sewer Relocation, WBS R-002011-0048-4; 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 **DISTRICTS D - ADAMS and I -**

**RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Holm and Green absent. ORDINANCE 2008-0031 ADOPTED.

28. ORDINANCE appropriating \$45,239,705.00 out of Airports Improvement Fund, WBS A-000322-0006-4-01 and \$739,902.00 out of Airports Improvement Fund, WBS A-000422-0007-3-01 and awarding construction contract to **MANHATTAN CONSTRUCTION COMPANY** for Terminal “C” Garages Exterior and Interior Renovations at George Bush Intercontinental Airport/Houston, (Project No. 490H); setting a deadline for Manhattan Construction Company’s execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding Manhattan Construction Company in default if it fails to meet the deadlines; providing funding for contingencies and the Civic Art Program relating to construction of facilities financed by such funds - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Holm and Green absent. ORDINANCE 2008-0032 ADOPTED.

**MATTERS HELD** - NUMBER 30

30. MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Finance & Administration Department to award to **CEMEX, INC** for Ready Mix Concrete for Various Departments - \$7,413,738.75 - General, Storm Water and Enterprise Funds – (**This was Item 32 on Agenda of January 3, 2008, POSTPONED BY MOTION #2008-23**) – was presented. Council Members Holm, Green and Jones absent.

Council Member Garcia stated that he was originally concerned on the item for discussion and comments that were made at various working group meetings as they were working on the Oversized Truck Ordinance, that he had an opportunity to visit with the leadership of Cemex and they had come to the conclusion that people who were no longer on their payroll were inadequately and inappropriately representing that company by the statements that they were making, so he would be keeping an eye on how they continue to operate their business, but he was looking forward to seeing the item move forward. Council Members Holm, Green and Jones absent.

Council Member Noriega stated that she wanted to applaud Council Member Garcia because it had tons of implications and he really showed leadership addressing it with the company and she was just grateful and proud that they were able to handle it in an appropriate way, that she thought it was a real accomplishment.

A vote was called on Item No. 30. All voting aye. Nays none. Council Members Holm, Green and Jones absent. MOTION 2008-0039 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Johnson stated that the CIP process was starting to take place and take shape and he wanted to thank Mr. Dadoush and Mr. James Tillman for doing such a great job and being attentive to some of the needs that he had in regards to the CIP process; that he had started to have across the district pre CIP workshops that would help many of his residents and constituents of District B get a better understanding of the process and certainly being able to understand the difference between a SNAP item and a CIP item so that they could start maximizing what it was that they wanted to see happening in their areas; that they had to start working on getting CIP dollars to those communities that had the need more than the want; that they had to improve neighborhoods one by one, not just based on the impact that the neighborhood might have to their area and not always the density but certainly looking at the need; that the CIP meeting would take place on February 13, 2008 at Shadydale Elementary in

northeast Houston and then February 21, 2008 at Acres Homes Multi Service Center, that both would be starting at 6:00 p.m. Council Members Holm, Green and Jones absent.

Council Member Khan stated that they would have a townhall meeting on public safety with Chief Hurtt on January 14, 2008 at the Southwest Multi Service Center, located at 6400 High Star, from 6:30 p.m. to 8:30 p.m., that he would urge everyone to join them for that townhall meeting and would invite his Council colleagues to come and join them; that the District F CIP meeting would be held on January 8, 2008 at the Southwest Multi Service Center beginning at 6:30 p.m., that once again he would encourage all of the civic associations, the Super Neighborhood Council to please come with their SNAP plans and come prepared to address the needs for the district in that CIP meeting, that they looked forward to seeing everyone there. Council Members Clutterbuck, Holm, Rodriguez and Green absent.

Council Member Khan stated that there was a delegation coming from Pakistan, an IT Delegation, and they were really looking at Houston to expand their businesses and interact with the business community in the IT area in the Houston area, that they looked forward to receiving them on January 17, 2008; that they would be taking a tour of City Hall and they would have a very nice meeting scheduled with people in the IT area and he looked forward to that. Council Members Lawrence, Clutterbuck, Holm, Rodriguez, Lovell and Green absent.

Council Member Khan stated that they were very honored that Doctor Muhammad Yunus from Bangladesh, who this year was the recipient of the Nobel Prize and was considered the father of microcredit, that he would be in Houston next Monday and there was a luncheon planned for him at the Hyatt Regency Hotel, that it would be a wonderful thing for the City of Houston; that he wanted to commend Doctor Selina Emmet and members of the Bangladeshi Community of Houston who worked very hard to invite Dr. Yunus to come to Houston. Council Members Lawrence, Holm, Lovell and Green absent.

Council Member Brown stated that they had an interesting opportunity that was coming up, the Ford Foundation had gotten interested in working with them on the lower Fifth Ward area and a team from the Ford Foundation was coming to Houston for a one day analysis of that area to see if they would qualify for a Ford Foundation Grant to put together a development strategy with landowners and others that were in that lower Fifth Ward area, which was below Lyons going down to Buffalo Bayou, Jensen over to the other side of Lockwood, a very interesting area, which he and the Mayor had discussed, to become a model mixed income neighborhood, there was a lot of disparate development going on there right now and he thought there was a great opportunity with two new schools, a new charter school and the Super Fund site development and so forth, that it was a great opportunity and he looked forward to that as something that would happen in the next year; that if they did get a green light from the Ford Foundation that would help them get additional grants, both Federal and non profit foundations to really show what Houston could do in that area; that it could also be the genesis of a Hope Six Application in the next year, which he hoped they could pursue. Council Members Lawrence, Khan, Holm, Lovell and Green absent.

Council Member Brown stated that since it was a new year he wanted to mention 10 exciting prospects that they had in Houston that were already on the table for the new year; that he was hoping that they would hear soon about the location of a new Houston Dynamo Soccer stadium in east downtown; that he thought they were moving forward, as the Mayor explained to some basic, reasonable and sensible ordinances to protect the neighborhoods and property values; that they were going to see the beginning of construction on Metro's 23 mile new light rail line; that they could look forward to the adoption of a series of nuisance ordinances where they would begin to deal with blight in their neighborhoods; that they could move forward on Historic Preservation; a green building code was absolutely essential to becoming a City that exemplified sustainable growth; a comprehensive residential and commercial recycling program;

major progress on their transportation, land development flood control plan that he thought was in progress; that he mentioned their traditional neighborhoods; and finally something that he thought was a real opportunity for the City and the County to get together on and that was a significantly expanded network of neighborhoods health clinics, that he thought it was a great opportunity. Council Members Khan, Holm, Lovell and Green absent.

Council Member Clutterbuck stated that she had been receiving a lot of positive feedback for the Mayor's light synchronization program, that he had been working on since he took office, that people who traveled downtown were extremely appreciative of it; that there was an area in District C, as she was sure there were throughout the City, that required the same sort of attention, in her opinion, that one in particular was the Meyerland, Westbury area, along north and south Braeswood, those streets were a tremendous challenge to signalize as it was because the bayou splits the two of them and there were shorter intersections as well as a number of directional turn lanes, but during peak traveling hours and rush hour at night, and additionally coming into the City in the morning, require the same kind of attention and maybe they pose an interesting challenge for them that she had no doubt that the good people in Public Works were up to the challenge but that was a major avenue to the Houston Medical Center and it had a number of critical issues in addition to just mobility, but she would urge that they add that interesting complex between say Hillcroft and Chimney Rock and those various intersections, that Fondren was an issue but not quite as bad as Hillcroft was, that she was eager to help with it and needed some direction on how they could get that accomplished. Council Members Holm, Lovell and Green absent.

Mayor White stated to Mr. Norman if he could work with Council Member Clutterbuck to find the geographical area and the first thing should be for people to do the counts and look at the last time they optimized the signals there; that he would like feedback from the Department of Public Works about whether there was a study that they needed about that area that Council Member Clutterbuck would define and see if there was some of the lower hanging fruit that they could gather on that. Council Members Holm, Garcia, Lovell and Green absent.

Council Member Clutterbuck stated that she wanted to give her appreciation to the Director of Solid Waste, Mr. Harry Hayes, for his resolution of the problem with the Essex Terrace Neighborhood, that her colleagues may recall that they had a number of speakers come down over a series of weeks to discuss an issue where the particular neighborhood had been receiving Solid Waste service for forty years and she was pleased to report that they would continue to receive that service and she wanted to thank Director Hayes for his understanding and for helping them to navigate the problem. Council Members Holm, Garcia, Lovell and Green absent.

Council Member Clutterbuck stated that they had some great suggestions from constituents, and one of them was if somebody had their water cut off for whatever reason the homeowner could not turn on the water themselves, that they rely on City of Houston employees, a valve technician in particular, to come out and turn on the water and it was interesting to note that they had authorized Public Works to have up to 40 people to do that job, but they only had 10 people actually in the entire City of Houston performing this extremely important task, that additionally if a valve breaks or if there were valve issues they had to have the appropriate parts in place and apparently there were thousands of projects that required the service and that there was a shortage of actual valves which was contributing to an even larger delay in resolving valve issues, repairing leaks and restoring service; that she knew they had a similar situation a year or so ago in Solid Waste with a lack of having enough receptacles for trash, a problem with inventory keeping up with the actual need, and she brought this up to the attention of Public Works and offer again her willingness as a Council Member to help try to sort that out, as well as try to help, whether they needed help in recruiting or inventory control, she knew that Mr. Fontaine was a good person to help out with that, that it was an issue that she

would like to bring to the Mayor's attention. Council Members Holm, Garcia, Brown, Lovell and Green absent.

Mayor White stated to Mr. Norman that it may be related to another memo that he sent out to the director about meter reading; that if they were short of inventory and that was a bottleneck then the specific question that he would ask was, who by name was responsible for maintaining that inventory, was it a fact that they had less inventory than they needed and what were the employment or career consequences or the EPI consequences for running out, so if somebody could report back to him he would appreciate that, that it was a very friendly inquiry but it was a very specific inquiry that involved a person's name. Council Members Holm, Garcia, Lovell and Green absent.

Council Member Clutterbuck stated that she wanted to thank Mayor White for hosting the committee as a whole to discuss the Metro issue and the issues of the high pressure water line, that during that particular meeting an issue came up and a question about the location of the gas lines and the effect of a possible failure in the high pressure water line on the gas line and also the effects of stray current, if any, on the gas line and they may recall that Mr. Sam Akers, of Akers Metals on Richmond, came in and was gravely concerned about it, that she had received from Metro a listing and an outline of where each of those gas lines were, they had not, to her understanding, done any studies on it and had not responded to their concerns about or constituent concerns, and certainly going forward with the consent agreement, as they were negotiating it between Metro and the City of Houston, they needed to know what the issues were existing and how to mitigate them should there be a failure and how to assign a fine causality. Council Members Sullivan, Holm, Garcia, Lovell and Green absent.

Mayor White stated that he got that last remark and appreciated it. Council Members Sullivan, Holm, Garcia, Lovell and Green absent.

Council Member Noriega stated that the Houston Arboretum and Nature Center was hosting their Annual Arbor Day celebration on Saturday, January 19, 2008 from 10:00 a.m. to 4:00 p.m., they were going to be giving away trees and it was an all day event with a lot of great activities to celebrate green; that the Freeman Library in Clear Lake, which was one of their City and County collaborations, was having a No Cost Science Fair Coaching, it was for students to bring in their Science Fair projects or get ideas or to get assistance in finishing their Science Fair projects, that it would be on Saturday, January 12, 2008, from 10:00 a.m. to 4:00 p.m.; that Metro was opening their North Corridor Office, they were having an open house from 1:00 p.m. to 4:00 p.m. on Saturday, that Ms. Linda Trevino, Stake Holder Affairs Representative, was going to be there and was going to be available to talk to small business owners or neighborhood people that had concerns about some of the changes that were going to be occurring with the lines going through, that it would be at 2613 Fulton, if anybody had questions they could call Metro at 713-739-4000 and ask for Ms. Trevino. Council Members Johnson, Sullivan, Holm, Garcia, Brown and Green absent.

Council Member Noriega stated that she wanted to congratulate the 43 Houston area students who had reached the semi finals of the Coca Cola Scholars Program, that it was one of the largest corporate sponsored achievement based scholarship programs of it's kind in the United States, that there were about 2,000 students across the Country that were competing for \$3 million in scholarships and they had 43 in Houston. Council Members Johnson, Sullivan, Holm, Garcia, Brown and Green absent.

Council Member Adams stated that she wanted to congratulate the Greater Houston Pop Warner Southwest Region under the direction of Mr. Lawrence Chamberlain, League President, for the National Tumbling Champions, they won the National Championship in Florida this year, they won the Pop 1 Division 2 Midget, the Southside Cowboys, that she also wanted

to congratulate the third in the National Title 1 Division 1 Midgets, the Garden Villa Giants, they were under the leadership of Mr. Chamberlain and the other coaches in the Sunnyside and Garden Villas area. Council Members Johnson, Sullivan, Holm, Garcia, Brown and Green absent.

Council Member Adams stated that she wanted to remind the citizens of Houston that after a bumpy start the Houston Tree Waste Recycling Pilot Program seemed to be meeting it's goals in terms of making the City greener and saving tax dollars, that under the pilot program, which ran from October 2007 to September 2008, the City was collecting junk waste in January, May and September 2008 in 67 neighborhoods in the southwest and northwest part of Houston, that for those who did not know what the goals were the program was to divert the tree waste from the landfills and by doing so they would save landfill space and also the City of Houston Department would also be able to turn that tree waste into mulch, that she was glad to say that being a previous Solid Waste employee she had the opportunity of serving on that committee to make sure the program got off to a good start. Council Members Johnson, Holm, Garcia, Brown and Green absent.

Council Member Adams stated that for the citizens of District D the CIP meeting for this year would be held on February 5, 2008 at the Houston Community College, Willie Lee Gay Hall and possibly there would be a second location. Council Members Johnson, Holm, Garcia, Brown and Green absent.

Council Member Adams stated that she wanted to thank Mr. Donald Perkins and Mr. Stanley Ikpo, for their continued efforts in educating the communities about the Capitol Improvement Program and the Super Neighborhood Action Plans; that last night she had the opportunity to attend three civic club meetings, the Sunnyside Civic Club, the Crestmont and Alameda Plaza Civic Club and wanted to thank them for inviting her out; that she looked forward to working with them. Council Members Johnson, Holm, Garcia, Brown and Green absent.

Council Member Adams stated that this coming Saturday, the Honeywell Foundation would be hosting a Diversity Recycling Event and any citizen who lived in the surrounding area or District D was invited to come out and bring any type of recycling product or item to the Fiesta Store located at South Main and South Post Oak, that their reward would be a free diversity calendar, that the calendar would feature pictures that were taken by children that participated in the Y.W.C.A. Program, that also they would be given a \$5 gas card. Council Members Johnson, Holm, Garcia, Brown and Green absent.

Council Member Adams stated that she wanted to thank Mr. Issa Dadoush for helping to resolve the spacing issues at Fire Station 46. Council Members Johnson, Holm, Garcia, Brown and Green absent.

Mayor White stated that bearing on something that Council Member Clutterbuck stated, that at some point whether it be HGAC or in their body, that he was informed by some interested stakeholder that Metro had come out with a proposed procurement for some the preliminary engineering for a commuter rail line that would go from south Fannin along the UP Right-of-way with one stop at Westbury, so right where the toll road intersection was above there was some space and this would be moving pretty fast, that they just might want to follow that because they were proceeding faster than government's pace, that it would stop at Missouri City because there was not consensus within Fort Bend County whether they wanted it or not, that the citizens wanted it but they wanted fewer freight trains and they thought they could negotiate that somehow but he did not know, it was up to them; that somebody at some point might want to be informed or have a hearing on it because he thought it would be pretty interesting; that somebody may even want to have a neighborhood hearing on the particular issue. Council Members Johnson, Holm, Garcia, Brown, Noriega and Green absent.

Council Member Jones stated that she wanted to thank Mayor White for appointing her Chair to the Housing and Community Development Committee. Council Members Johnson, Holm, Garcia, Brown, Noriega and Green absent.

Council Member Jones stated that as to the discussion they had earlier about the signage issue, she was not unwilling to speak with anyone, but she did believe there was a real reason for having various levels of government to the extent they could work with the Federal government to get federal dollars she was happy to do it if that was what the constituents wanted. Council Members Johnson, Holm, Garcia, Brown, Lovell, Noriega and Green absent.

Council Member Jones stated that she wanted to recognize Kappa Alpha Psi Fraternity, they just had their Founders Day, they were founded January 5, 1911, that she participated in some of their festivities. Council Members Johnson, Holm, Garcia, Brown, Lovell, Noriega and Green absent.

Council Member Jones stated that she wanted to hit on HIV/AIDS awareness and prevention, that was very important and was devastating the community, that they had an obligation to help everyone and a lot of times HIV/AIDS was contracted because people did not know, so to the extent that Mayor White was working to include everyone they needed to learn and work with people so they could get rid of that. Council Members Lawrence, Johnson, Holm, Garcia, Lovell, Noriega and Green absent.

Council Member Jones stated that also very important to constituents, that again it was a part of bringing every one into the village, was re-entry, because some people make mistakes and they pay for their mistakes and they as a society need not be as judgmental as they some times were. Council Members Lawrence, Johnson, Holm, Garcia, Lovell, Noriega and Green absent.

Council Member Jones stated that she actually gets up and works out in the mornings, that she thought wellness was very important. Council Members Lawrence, Johnson, Holm, Garcia, Lovell, Noriega and Green absent.

Council Member Jones stated that she wanted to talk about the greening of Houston, that she had a friend who lived on First Street in Austin, they had wonderful green initiatives and incentives, that she actually sells electricity back to the City of Austin on occasion and her highest electric bill had been like \$4.50, so to those who think that green was not real, think about how much they were paying for electricity now, that she would love for the environment to be better and for the City of Houston to move forward and she was happy to do all that she could to move in that direction. Council Members Johnson, Holm, Garcia, Lovell, Noriega and Green absent.

Council Member Rodriguez stated that he and the District I team had the opportunity to attend two townhall meetings in his district, one in the Songwood area, the northeast part of the district and in the Hobby area, the southeast part of the district, that both areas were in close proximity to natural waterways, bayous and creeks and a major concern at both meetings was that there was a perception or concern that there was a lack of coordination between local government agencies, meaning the City, County, Flood Control District, TxDOT and the railroad on who maintained the right-of-way, or what entities maintained the right-of-ways near the local bodies of water in terms of maintenance and trash being collected and not allowing for proper drainage, so Congressman Green and Commissioner Garcia were both at the meetings and they talked a little bit about working together to come up with a better plan as to who actually maintains the right-of-ways and how they could get that information out to their constituents, that he knew the County and City had maps and some of the concerns were that they were calling 3-

1-1 and they were referring it to the proper agency but there was some miscommunication as to who maintained the right-of-way so nothing was being done; that he was talking to Mr. Fontaine earlier and would like to work with the administration on coming up with a plan, that he thought it would help all of the District Council Members; that logically people were going to call the City of Houston and these bodies of water did not have any signs or notices that say for service to please contact an agency, so he wanted to work on coming up with a plan, that he thought it would make life a lot easier for their constituents. Council Members Johnson, Holm, Garcia, Noriega and Green absent.

Mayor White asked if they were the larger open ditches, and Council Member Rodriguez stated yes, Berry Creek, Hunting Bayou, etc. that the City had some of the right-of-way but most of it was for the County, that there were certain segments that they were responsible for. Council Members Johnson, Holm, Garcia, Noriega and Green absent.

Council Member Sullivan stated that he would like to follow up on Kingwood Drive and Northpark, the traffic and mobility study was done by Parsons Engineering, that it was completed in December 2004, that during his campaign he discussed a lot of the suggestions and recommendations in that report with citizens in the community and there was a lot of interest in that so he was going to be working on that in the next few weeks and he would like to report back to the Mayor; that on the south end of the district in the Clear Lake area, even as recent as last night, he was hearing complaints about traffic signalization and problems with mobility, that it was around the entire City and region, that he would like to speak with someone in the Mayor's administration about the chance of doing a similar type of study or at least exploring that opportunity. Council Members Johnson, Holm, Garcia, Noriega and Green absent.

Council Member Sullivan stated that in Clear Lake the City of Houston was stepping in and taking over garbage collection for about 4,000 homes, that they were taking it over from a private community association who was involved in a legal issue, that he wanted to compliment the administration and the Solid Waste Department on what he had seen first hand, open communication, mailings, maps, inserts into the community newsletter, meetings both in the district and in Houston, that it had been outstanding and he thought it was going to be very smooth, the transition, that the City would be delivering trash cans next week by a contractor, that he was going to be on one truck the first day just to be out in the public, that when they start trash collection on February 4, 2008, he had told his office that he wanted to be out there both days, February 4 thru 5, working with the Solid Waste Department, riding on a truck and see how they were doing first hand, that he anticipated that it would be nothing but smooth and successful based on what he had seen from Solid Waste at this point. Council Members Johnson, Holm, Garcia, Noriega and Green absent.

Mayor White stated that on Kingwood and Northpark, he would give him some issues that may help them work through the citizens better, that he had asked his predecessor to make sure she got community feedback on the widening issue, that it may sound good until they go to the civic meeting and he thought she may have heard from the citizens what they thought about it; that if there were other things along the Kingwood corridor and in that connection one very complicated piece of unfinished business, and he would say to Mr. Fiederlein and Mr. Mesa, in that TIRZ 10, there should be some funds that were just not being utilized that they needed to work with the developer on to free up, that it could be used for improvements, why just have money sitting in the bank, that it was in their interest to because they were developing property near the lake; that to do some improvements on the mobility if they could get a briefing, it was very complicated but it made sense and it should be done; that on Northpark it was his recollection that it was in the County, and Council Member Sullivan stated that the western portion, just off of Highway 59 was in the County, but they had a large segment of it in the City, and Mayor White stated that they would be happy to do something with the County

Commissioner and he was asking for his help to make sure they came up with a common plan of what they wanted to do because he thought the study covered both within and outside the city limits, and Council Member Sullivan stated that he would ask Mayor White to tell him who to communicate with on that, and Mayor White stated that maybe Mr. Norman could on the issue of what a current status was, and there was a point to contact and he may give him somebody else in Public Works, that on the availability of the TIRZ funding it would be Mr. Robert Fiederlein and Mr. Tom Mesa. Council Members Johnson, Holm, Garcia, Noriega and Green absent.

Council Member Lovell stated that she wanted to offer condolences to the family Ms. Joan Erlich, who died this week in San Francisco, that she was the head of the EEOC in Houston for a very long time and had a real impact on the City, that she was a great friend. Council Members Johnson, Holm, Garcia, Noriega and Green absent.

Council Member Lovell stated that she wanted to thank Mayor White for appointing her as the Chair of the Transportation, Infrastructure and Aviation Committee, that they planned on meeting a lot; that she was all for development and was excited that they were going to overlay new neighborhoods into their existing neighborhoods but the real challenge would be not the height of the building or even the amount of people that were going to live in that area, that the challenge would be how they manage the traffic in that area, that she thought it was really their responsibility, how they manage the mobility so that the new development was successful and people would want to move there. Council Members Johnson, Clutterbuck, Holm, Garcia, Noriega and Green absent.

Council Member Lawrence stated that she wanted to say thank you to 3-1-1, that she just got an email and they had 415,190 calls, for District A alone, to 3-1-1 last year, that came out to exactly 35,000 a month, that it was an unbelievable amount of calls that 3-1-1 was taking for them so they were very appreciative of that. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Noriega and Green absent.

Council Member Lawrence stated that their CIP meeting would again be at Spring Woods High School, Monday, October 11, 2008 at 6:30 p.m. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Noriega and Green absent. (Note: It was determined by the City Secretary that the date was February 11, 2008)

Council Member Lawrence stated that she got an email and would ask her colleagues to donate \$10 to the SPARK Park Program, that it helped neighborhoods out so much with the parks, that she did not know what the time period was but she would donate \$10, that whoever got the most money, eight organizations were going to get \$50,000 of \$10 or more donations, so please help the SPARK parks. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Noriega and Green absent.

Council Member Lawrence stated that she wanted to thank Mayor White for reappointing her as Chair of the Regulation, Development and Neighborhood Protection, that in the next month they would be having two very important meetings, that on February 4, 2008 at 1:00 p.m. they would be talking about the high density ordinance again and then on January 17, 2008 at 2:00 p.m. they would be talking about potential changes in the Energy Code, that for those who heard the lady come up who was doing the business out of her van, the Legal Department had already provided them with a little change that would address the Occupancy Permit for her situation. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Noriega and Green absent.

Council Member Lawrence stated that Council Member Rodriguez brought up a little about ditches and maps, that she hoped they could get, she had been trying to get that for over

three years, it was a major problem for people to look up. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Noriega and Green absent.

Council Member Lawrence stated that yesterday many of them tried to sing happy birthday to Council Member Holm, that the wish though was very well intended; that who they did not say happy birthday to was Elvis Presley, it was also his birthday. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Noriega and Green absent.

Council Member Lawrence stated that on the Green Building Program she heard two Council Members respond on that, and out in District A the idea right now was to have the biggest green building built in the United States, that BP would be building that building so she would get them information as it comes along, that it was going to be quite a building, they had met with them a number of times and had met with the constituents about every six weeks, that BP had been nice enough to have meetings in their facility and work with the constituents out there. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Noriega and Green absent.

Mayor White stated to Ms. Stein that he would ask the Planning Department why they could not integrate those right-of-ways on drainages and the drains themselves on the new geo mapping capability, that Marlene had been building that capability up from where it was to where it was now, that a lot had been done in the last 18 months and they ought to have that on there, that he had been told, and Mr. Norman perhaps could check, that there were a number of what they called orphaned ditches when he came to office that nobody claimed ownership to, not the City or County, and that now he understood there were no more orphaned ditches; that he thought now that the ownership had been meted out between the County, the Flood Control District and the City of Houston, but if that was now right to let him know and see what information that Council Member Lawrence and others could get on that, that it ought to all be on an online database, and Council Member Lawrence stated that Mr. Eric Darden had been wonderful on the orphan ditches and things like that. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Noriega and Green absent.

There being no further business before Council, the City Council adjourned at 11:32 a.m. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Noriega and Green absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary