

City Council Chamber, City Hall, Tuesday, January 29, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 29, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director present. Council Member Jarvis Johnson absent.

At 1:58 p.m. Council Member Garcia called the meeting to order and stated that Mayor White would begin presentations. Council Members Lawrence, Clutterbuck, Adams, Holm, Lovell and Green absent.

Mayor White invited Mr. Herb Lipsman to the podium and stated that it was his pleasure to welcome someone who had done incredible service to the community, he had been pleasantly surprised by the work of the Mayor's Wellness Council which had now taken on a life of its own and now it was "Wellness Council" and it promoted individuals taking responsibility for healthy lifestyles and today he wanted to recognize the work done by Mr. Herb Lipsman and presented him a Proclamation for leading the effort as chair and dropping Houston's ranking from the fattest city in America and proclaimed today as "Herb Lipsman Day" in Houston, Texas. Mr. Lipsman thanked all for the recognition and stated that many people did not realize all the good work going on around the city, but there was an enormous groundswell of support in Houston to start taking better care of themselves and he was proud to have been involved. Council Members Lawrence, Clutterbuck, Adams, Holm, Brown and Green absent.

Council Member Rodriguez congratulated Mr. Lipsman on the recognition and stated that he looked forward to working with him in the same capacity as his predecessor, Council Member Alvarado, for a healthier and fit Houston. Council Members Clutterbuck, Adams, Holm, Brown and Green absent.

Council Member Jones stated that she felt it was important to recognize youth who did wonderful things in this city and invited those present with the Jack Yates High School Basketball Team to the podium and stated that many youth sold drugs, etc., and these youth came from the Third Ward and had seen it all, but had chosen to stay the course and in school; that over Christmas there was a basketball tournament yearly and it was called Houston Verses the Nation and it put the best Houston schools against those across the nation and Yates beat two schools over Christmas, Oakhill which was ranked number one in the country and St. Pat's ranked in the top ten in the country and Yates was ranked number one in the state; and presented them a Certificate of Recognition for all their work and extraordinary first place finish. Mr. Steel, Principal for Yates stated that this recognition was a privilege and they would never forget it; and presented Mayor White with a team cap and a member of the team presented Council Member Jones with a team cap. Council Members Clutterbuck, Holm, Brown and Green absent.

Council Members congratulated all on their excellent achievement; and Mayor White stated that he sat courtside at the games and there were some city employees among the parents; that the young men present had been blessed by coaching and to have a work ethic and physical skills and now it was important for them to stand up and let people know the most important score card was the report card which was an incredibly important part; and Houston teams generally did whip the best in the nation.

Council Member Khan stated that Houston had been recognized and there would be an award made by FEMA and he wanted to share information of the National Flood Insurance Program which had set a different rating system called Community Rating System and it was created to recognize and encourage communities to adopt and enforce floodplain management standards exceeding the minimum federal standards and the goal of the CRS Program was to reduce flood losses, facilitate accurate insurance rating and promote awareness of flood insurance and based on the CRS rating schedules communities were awarded a class rating from ten to one with one being the highest rating and all communities strived to move up to reduce premiums and he invited Mr. Jack Graham with FEMA, Mr. Mike Marcotte, Director of Public Works, and previous Council Member Ada Edwards, who had this under her leadership, to the podium.

Mr. Jack Graham thanked all for inviting him and stated that this was a great day for the City of Houston as the CRS rating system was a volunteer program for communities and the City of Houston entered this in 2001 and since participation had been very beneficial in reduction of policy premiums and a positive effect in the city's ability to obtain funding and grants for mitigation activities and Houston was verified a Class Six in October 2007 and as a Class Six community and going beyond the CRS minimum they were one of five communities in the State of Texas to have the rating and presented Mayor White with a CRS Plaque; and Mayor White thanked Mr. Graham for the plaque. Council Member Edwards acknowledged this work was a culmination of about 50 citizens working on this and also Ms. Tamara Jones and Mr. Mike Howard who were the core of the committee. Mr. Marcotte stated that this was a good thing and put Houston in elite company, they were the largest city in America to have achieved this level and they were not done; and a number of people played a role in Public Works, Emergency Management and other supporting departments and did not want to single out but would call attention to one employee who did shepherd them which was the Senior Assistant Director and city engineer Mr. Jack Sakolosky.

Council Member Lawrence stated that she would always remember Jack going to a neighborhood meeting with her where a developer put in eight feet of dirt before the ordinance and he got the developer to lower it back to the level before the eight feet and it all came off fine thanks to him. Council Members Clutterbuck, Brown and Noriega absent.

At 2:30 p.m. Council Member Rodriguez called on Pastor Obi Winkley of the Antioch Missionary Baptist Church who led all in prayer and Council Member Rodriguez led all in the pledge. Council Members Clutterbuck, Brown and Noriega absent.

At 2:31 p.m. the City Secretary called the roll. Council Member Johnson absent. Council Members Clutterbuck, Brown and Noriega absent.

Council Members Khan and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Johnson absent. Council Members Clutterbuck, Brown and Noriega absent. MOTION ADOPTED.

Mr. Jim Grace, 3823 Magnetta, Houston, Texas 77005 (713-306-5419) appeared, presented information and stated that he was a lawyer at Baker and Botts and represented Sentry Security Systems, LLC; that last week Mr. Jack DeMao, CEO of Sentry Security Systems spoke to Council at length on this and since he would not get full time today he came to speak; that many apprehensions people had about security fences were based upon misconceptions due to information not accurately gotten to the Council and he wanted to dispel those misconceptions, first, the fences were tested for safety to humans and that was what the IEC standard put into this ordinance did, it was a test by the International Electrotechnical Commission which since 1906 was the "Blue Ribbon" testing organization nationally for testing these type systems and if the fences were built to that standard they were certified safe for

humans; second, he passed out a report from Dr. John Webster, a professor at the University of Wisconsin, which gave a description of where the safety ranked and it was pretty safe; third, many asked that they minimize the affect this had on residential neighborhoods and after the meeting last week he and Mr. Dale Wortham got together and came up with a plan by which they would go along residential lot lines, where the fences would be installed a barrier fence would be placed which could not be seen through or pushed through, either wood or chain link with slats stuck in each weave of the fence and it would improve the site lines of the fences along residential neighborhoods; and finally, regarding other cities, in their information was experiences they had round the country and attached was the ordinances passed by Tampa and Kansas City. Council Member Brown absent.

Council Member Garcia stated that he thought they were finally at a point where much anxiety had been resolved and they could move forward, but his concern had been that, in using the FDA as an analogy, was to affirm through traditional and standard processes the UL did not have the product listed, but he did respect they had found common ground, especially to first responders; that last week his client said they did not go to UL because they were a small company and they were not that small and he would urge they pursue the UL listing; and Mr. Grace stated that it took very very large markets for the UL to get interested and speaking for his client he would love the market to get big enough for the UL to get interested enough to list it, but it was only about a \$14 million to \$15 million market and that was not big enough for the UL, but he felt they would be very happy with the IAC standard as a substitute. Council Members Brown and Lovell absent.

Council Member Lawrence stated that this was a committee item and they were reaching out to small businesses, to take the financial burden off those who could not afford to pay a watchman all night; and she thanked all Council Members for their questions which helped in this ordinance. Council Members Brown and Lovell absent.

Upon questions by Council Member Noriega, Mr. Grace stated this technology was UL approved for livestock because the market for animals was much larger than the market for humans, it was a different standard; that the fences the company sold were property of the company and they maintained and monitored and took care of it for the customer. Council Members Brown and Lovell absent.

Council Member Jones thanked Council Member Lawrence and all who answered her questions; that she had two concerns the danger which was alleviated and residential property devaluation which was alleviated and she thanked all for that process. Council Members Brown and Lovell absent.

Council Member Lawrence stated that Council Members had some concerns with sticking things through the fence and now there would be slats or a wood fence, it would give neighborhoods a better look as they would not see through to the business and no one would be able to get an object through to the fence; and this came about as a number of small companies came to her and said they were getting broken into and could not afford losing thousands of dollars in merchandise and then Sentry heard they were working on an ordinance and came. Council Members Clutterbuck, Holm, Brown and Lovell absent.

Upon questions by Council Member Noriega, Council Member Lawrence stated that what they talked about, the slats, etc., and the abutting residential property was in the new version; and Council Member Noriega stated that she looked forward to seeing it. Council Members Clutterbuck, Holm, Brown and Lovell absent.

Council Member Lawrence moved that the rules be suspended for the purpose of hearing Mr. Dale Wortham after Mr. Glen Davis, seconded by Council Member Khan. All voting aye.

Nays none. Council Member Johnson absent. Council Members Clutterbuck, Holm, Brown and Lovell absent. MOTION 2008-0076 ADOPTED.

Mr. Glen Davis, 8115 Bojack, Houston, Texas 77040 (713-828-4881) appeared and stated that he owned a company called Criminal Justice Guide and was present regarding the new news rack ordinance, his company had been in business about five years with four kiosks in the downtown area and all of which had their name and phone number on them and he was informed last week by Ms. Lauder of the Heights Tribune about the new ordinance, he was never informed by the city or invited to participate in meetings, they were small but provided valuable information to defendants to help guide them through the criminal justice process and he had copies of his publication for some Council Members; that he would ask Council for extended time for those who did not know to allow them to comply to the new rules and he asked for 90 days. Council Members Clutterbuck, Holm, Brown and Lovell absent.

Mayor White stated that he was listening to what he said and he would be briefed on some of the issues, much work went into this, but there were issues concerning transition, they wanted to be fair with an orderly transition which would not create a hardship on those caught by surprise; that he would consult with his colleagues and the Legal Department. Council Members Clutterbuck, Holm, Brown and Lovell absent.

Mr. Dale Wortham, 2506 Sutherland, Houston, Texas 77023 (281-840-2857) appeared and stated that today he was present speaking to the proposed ordinance allowing electric fences in commercial areas, the proposed language to erect a wooden barrier fence or chain link with wooden or plastic slats inserted into each weave was a reasonable compromise to the ordinance; that he thanked Mr. James Grace with Baker and Botts for his willingness to work toward an agreement which at the very minimum mitigated any unintended contact of the fence by the public at large and while the IBW and other electrical trade associations did not feel the product could be completely safe and should not be used to punish people for trespassing, if Council was determined to enact an ordinance allowing the fences the changes were acceptable, one note was he did not see anything in the ordinance requiring employee notification or training with regards to the fence, there needed to be education to employees who would be working where the fences were. Council Members Clutterbuck, Holm, Brown and Lovell absent.

Council Member Lawrence stated that by the gate would be a yellow stripe over the top and for firefighters there would be a key to turn it on and off and you could grab the fences and hold them, it was pulsating, and one of the men on the Electrical Board tried it out and it was no problem. Council Members Clutterbuck, Holm, Brown and Lovell absent.

Mr. Barry Resse, 2118 Westgate, Houston, Texas 77019 (713-429-1152) appeared and stated that he was asking the Council to intervene and stop the cruelty to animals underway at the city Bureau of Animal Control and Regulation (BARC), he accompanied his mother to drop off her adopted rescue terrier at the Avela Jensen facility for spaying and the experience was shocking and disturbing, it reeked and they hesitated in leaving the dog but were assured by staff she would be operated on that day, but later they learned to their horror and disbelief that the dog had not been spayed and it seemed she and the other dogs had not been fed, given water or exercised and that she would not be spayed until the next day and the poor dog was hysterical and his mother was heartbroken and on the verge of tears and as she tried to console the dog and retrieve her from the cage an employee rudely pushed her aside but they refused to leave; that the vet angrily said to them he was short of staff, none the less they insisted on taking the dog with them and left, but as a parting disappointment they watched an employee beat on a pen and scream at a dog and he would ask that before the media looked into finding someone accountable for this scandal they immediately clean house at BARC, specifically by providing necessary funds to properly operate a clean and cruel free facility and arrange the

Friends of BARC Group to operate or oversee the facility, they did a great job with Adopt a Pet Center in Highland Village where his mother found her pet and also allow people to have their own vet spay and neuter pets and then be partially reimbursed by the city, the bottom line was for taxpayers to be reassured that caring people were humanly treating stray animals and not sadist on the city's payroll. Mayor White, Council Members Clutterbuck, Holm, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Council Member Garcia thanked Mr. Reese for coming and providing good suggestions. Mayor White, Council Members Clutterbuck, Holm, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Council Member Rodriguez stated that Mr. Reese had been in contact with his office and working with them and they had asked for several responses from BARC as their plan of action, but to date had not received anything and he would ask that BARC work with them and Mr. Reese in getting this resolved. Mayor White, Council Members Clutterbuck, Holm, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that he had been made aware that the issue involving his mother was immediately looked into but it was not confirmed, but immediately looked into and his comments had raised eyebrows. Mayor White, Council Members Clutterbuck, Holm, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Ms. Katie Spencer, 8611 Quail Vista, Houston, Texas 77489 (281-344-4324) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Clutterbuck, Holm, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Mr. Rafel Coyle, 5511 Green Hill, Pearland, Texas 77581 (281-485-0320) appeared, presented information and stated that he was the CEO of Computer Processing Company, Inc., his speech and presentation was included in the information presented; that over three years ago they began development of a software application to aid in the management of the detailed activities utilizing grant and other fund sources, the software was named T.E.A.M.S. which was modeled after a software application he participated in the development of as a programmer in 1995 for Housing and Community Development and the program was named P.M.R.S. and was a DOS based solution used to manage grant appropriation funds for the HCDD until July 2006 when the City of Houston went live with its ERP solution named SAP AG; that T.E.A.M.S. introduced a number of enhancements to aid project managers and staff in carrying out their duties in a more efficient and transparent manner and typical reports which could not currently be produced by the HCDD staff and could be produced by their software in less than ten seconds and a few samples were included; that they wanted to demonstrate software, with most requests going unanswered, however, after meeting Mayor White at an event they were allowed to demo the software and received a favorable response from Mr. Dwayne Lewis as indicated by the document in the correspondence section, but no follow-up was provided and employees within HCDD were eager for a solution to meet their needs; that they were also not included in the list of vendors they assumed were to be called by the purchasing guidelines, this was not transparent. Mayor White, Council Members Clutterbuck, Holm, Brown, Lovell and Jones absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that he did visit with Mr. Coyle on this on several occasions; that he was making a great presentation and argument and he was not sure why he was not included in the call for proposals; and thanked him for coming. Mayor White, Council Members Lawrence, Clutterbuck, Holm, Rodriguez, Brown and Noriega absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he remembered talking about this issue to someone; and upon questions, Mr. Coyle stated that they had been excluded and it seemed to be deliberate, they were not allowed to demonstrate let alone participate in any activities within the department; that they had people at S.A.P. who were consultants and said they could meet their needs but yet they were unable to prove it for 18 months; that they (the company Mr. Coyle was with) had done the work and they were ready to implement and in the meantime money was being wasted and there was no accountability; that they had been deliberately excluded from participating in anything to help improve the I.T. infrastructure for that department and their program was specifically designed to help manage grants and HUD grants; that no other municipalities were using their program as yet. Mayor White, Council Members Lawrence, Clutterbuck, Rodriguez, Brown, Lovell and Noriega absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Green, Mr. Coyle stated that Housing and Community Development used a DOS based program which was produced in 1995 before Windows came out, the software ran for the department until 2006 although over time it was more limited because of the problems of running DOS software underneath Windows, one thing that happened was instead of 30 to 40 people using it they started putting spreadsheets together and have one person doing input and then when that person retired if you looked at the data you could see where it began to break down, things were not being attached to projects like they were supposed to, so they did not really know where expenditures were; that they had a significantly enhanced version of that software which ran on a Windows platform and used a client server database and was multiuser and included the ability to track documents or inspection reports which they said came up missing, etc., audits, etc., which came up missing; that when the city converted from AFMS to SAP the inner face broke; that they were listening to the SAP consultants who had a vested interest, they were not asking people like him for any input; that employees who saw the demo liked it and Mr. Lewis wrote them a favorable letter after looking at the software and the reaction from the audience and that was also included in his presentation. Mayor White, Council Members Lawrence, Clutterbuck, Rodriguez, Lovell and Noriega absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia thanked Mr. Coyle for coming and stated judging by his colleagues questions this continued to bring forth that there should be better dialogue between him and those he worked with. Mayor White, Council Members Lawrence, Clutterbuck, Rodriguez, Lovell and Noriega absent. Mayor Pro Tem Garcia presiding.

Ms. Patsy Young, 402 Spaniel, Houston, Texas 77013 (713-453-8135) appeared, presented information and stated that she was present requesting the city implement a feasibility study concerning the establishment and operation of a buy and bill municipal electricity department; that a real free market system offered products or services which differed from one another so consumers could pick what was best for them; that retail service providers they now had for electricity did not produce anything, did not transport anything and did not repair anything, they arranged with Center Point to use light poles, lines and transformers and to read meters, etc., that the city could buy electricity at wholesale prices and then sell it to citizens with a markup to cover department expenses; that they could contract with Center Point to read meters, do repairs and rent lines and poles and then citizens could get electricity cheaper; that was her modest proposal and her immodest proposal was for the City of Houston to set up a publically owned utility company which would be answerable to citizens just like in San Antonio and Austin, whereby they owned the generating plants as well as supplying citizens with electricity. Council Members Clutterbuck, Rodriguez and Noriega absent.

Mayor White stated that he had to take a call but someone was taking notes in the back and he would review what she said. Council Members Clutterbuck, Rodriguez and Noriega absent.

Council Member Brown stated that he thought all had thought of their electric rates compared to Austin and San Antonio who had their own utility companies and the fact that the middle men buying the power and then selling it retail, what were they doing and she asked the city be the middle man in her first proposal and he knew the Mayor had also thought about what they could do to get rates down; and Mayor White stated that this was what was being worked on, Mr. Dadoush and a consultant, Alton Hall, a lawyer on Regulatory Affairs, and retail electrical providers, they looked at the city's role as an aggregator, someone who could add up a number of customers, in particularly a group of customers that was poorly served, had fewer choices and as a result paid a much higher bill; that they may have always paid their bill on time, but their credit score was not where it should be and they were pursuing that in an appropriate time and Mr. Dadoush and those working on the project may be able to brief anyone interested, but there may be a useful role for the city that did not put the city treasury at risk and they had also considered the alternative that was just presented; and Ms. Young stated that she would like to point out that one-fifth of the annual operating budget in San Antonio came from their municipal utility department. Council Members Clutterbuck, Khan, Garcia, Rodriguez and Noriega absent.

Ms. Beryl Hogshead, 8030 Boone, Houston, Texas 77072 (713-782-4872) appeared, presented information in which she stated that she was asking the Council pass an ordinance so that it would make using a cell phone or any electronic device illegal while driving within an active school zone; that on November 13th a grandmother was walking her granddaughter to school at Alief Chancellor Elementary and a truck making a turn entered the parent-turn-around entrance and hit and threw them into the air; that the driver was distracted because he was talking on a cell phone and she was unable to return to work for two months. Council Members Clutterbuck, Khan, Garcia, Rodriguez and Noriega absent.

Upon questions by Council Member Lovell, Ms. Hogshead stated that it was November 13th and she wanted using a cell phone or any electronic device illegal while driving within an active school zone and it could be enforced by the crossing guards recording the license plate of offenders and make a report to HPD. Council Members Clutterbuck, Garcia and Noriega absent.

Council Member Khan stated that Ms. Hogshead brought up a serious problem; that people could be driving slowly but still be distracted with cell phones, etc., and he thought they should research other cities and see what could be done. Council Members Clutterbuck and Garcia absent.

Council Member Lawrence thanked Ms. Hogshead for coming and stated all had experiences with people on cell phones but some things Council could pass and her she would urge she get in touch with her state representative. Council Members Clutterbuck and Garcia absent.

Ms. Janice Gabriel, 5319 Hialeah Drive, Houston, Texas 77092 (713-682-5774) appeared and presented information in which she stated that a strong Neighborhood Protection Department reduced calls for service from police and was reminded of that by dedicated DRT officers David Eagan and Catherine Gentry; that there was a direct correlation between crime and abandoned buildings, they had to keep calling police out to an abandoned house where drug dealers continued to go and after the owner was made to clean up the premises and secure the property there were no more calls needed; that there were too few inspectors and increasing salaries and support for Neighborhood Protection would benefit all citizens and help HPD by reducing calls. Council Members Clutterbuck, Holm and Garcia absent.

Mayor White thanked Ms. Gabriel for coming and stated that he agreed on the importance of Neighborhood Protection. Council Members Clutterbuck, Holm and Garcia absent.

Council Member Lawrence stated that Ms. Gabriel and her husband were here complimenting inspectors and they were outside picking up trash seven days a week making their neighborhood better. Council Members Clutterbuck, Holm and Garcia absent.

Council Member Adams thanked Ms. Gabriel for calling her office and speaking with her on the issue and for complimenting employees and she agreed with all she said; that when inspectors were pulled away from projects for other areas then it left those areas unattended and she would like to see which policies could be in place when a group of inspectors were pulled away. Council Members Clutterbuck, Holm and Garcia absent.

Council Member Brown stated that Ms. Gabriel had good ideas and he had discussions with Neighborhood Protection and police officers and last year proposed the idea of a blight court so when there was an abandoned building and it did breed crime an officer could take a photo to blight court and a lien would be placed on the property and it would take much less time than what police officers had to go through now; and Ms. Gabriel stated that she would love that; and Council Member Brown stated that he would urge she become an advocate for it. Council Members Lawrence, Clutterbuck, Khan and Garcia absent.

Mr. Charles Gabriel, 5319 Hialeah Drive, Houston, Texas 77092 (713-682-5774) appeared and presented information in which he stated that he was present to show appreciation for Neighborhood Protection which made it possible for he and his wife to stay in their older neighborhood; that inspectors saw that junk vehicles were removed along with refrigerators, old tires, etc., and that high weeds were cut; and to show appreciation for Neighborhood Protection their civic club was having a party in May to honor them. Council Members Lawrence, Clutterbuck, Khan, Holm and Garcia absent.

Mayor White stated that he would second what Council Member Lawrence said, he and his wife were heroes. Council Members Lawrence, Clutterbuck, Khan, Holm and Garcia absent.

Council Member Jones thanked Mr. and Mrs. Gabriel for coming, it was nice to hear people say good things were being done; and encouraged he and his wife to continue to do what they did. Council Members Lawrence, Clutterbuck, Khan, Holm and Garcia absent.

Mayor White stated that something related to what Council Member Brown said and he would ask the representative from the City Attorney's Office to help him get a more formal response from their office; that they notified courts and did have procedures for looking at some of the repetitive violations where they had to cite people many times, but one thing done in other cities and he would not order it because it depended on budget and he wanted the input of the Legal Department, but he would say he did not understand this, if you had a lawyer with 100 to 150 case load of nuisance cases on single family residential, they could be set for trial, if people had property and did not maintain it, he was sick and tired of the city keeping up and boarding up properties paid for by the taxpayer instead of the owner; that they could get a judgment lien and that was foreclosable whereas citations were not, moreover, if the person was to face a jury trial he would think twice and that was what he would like to see and he would like an explanation as to why that could not be done because a Class C citation was like water off a ducks back. Council Members Clutterbuck, Holm and Jones absent.

Council Member Lovell stated that when people let their property go and the market value of the property was set then when people went and took care of the property there should be assigned a value to that and when the value reached the market value then it should be deeded to them; and Mayor White stated that this would be the second part, he would share information

and have a request for the Legal Department; that as he understood it first, he made sure he asked people to make sure they had a procedure for doing this, for having a third party or community group or neighbor being the holder of the lien, basically the city would contract with them and assign them interest in the lien, but he did not think they figured a way to make it a foreclosable lien as it would require a change in state law, but he did not see why they did not do this and he believed the Legal Department was asked approximately the same time they initiated the "Don't Trash Houston" campaign to prepare that kind of ordinance and if she and Council Member Johnson, who also expressed an interest, could work to get that before them and it probably did not even require an ordinance but an administrative procedure by which they could contract with a civic group to do it and he could not understand why that was not being done; and Council Member Lovell stated that she was sure she and Council Member Lawrence would love to work on it together; that at least when the person went to sell the property they would have to clean the lien out and they would be getting reimbursed, but she felt there should be a time on it, if they invested so many years then they did get the property and they would work on it together. Council Members Clutterbuck and Jones absent.

Mr. Gary Hensley, 2123 FM 1960 W. #240, Houston, Texas 77090 (713-705-1249) appeared and stated that he was present to try and shed a different light on navigating the city, making it easier for all; that his information came from a census bureau and they were not his numbers but today more than 79 million Americans were over the age of 50 and one in eight were over 65 years old, equivalent to 34.5 billion people and by 2030 the over 65 population would double; that he would like Houston to lead the country in the ease of navigation and things he felt needed improvement was many signs did not have street blocks and he felt the city, county and state should all work together; that when navigating and looking out for traffic and for streets and addresses, etc., you could not read small signs and he would like the signage increased in size. Council Members Clutterbuck and Brown absent.

Upon questions by Council Member Noriega, Mr. Hensley stated that many people needed directions and they were told go north, etc., but you did not know which way you were going and compass designs on the signs would help; and Council Member Noriega stated that she totally agreed with him and strip centers had no address and it was hard to figure out where you were going and she thanked him for coming. Mayor White, Council Members Clutterbuck, Holm, Rodriguez and Brown absent. Mayor Pro Tem Garcia presiding.

Council Member Lawrence stated that they did need to standardize signage and she thanked him for coming. Mayor White, Council Members Clutterbuck, Holm, Rodriguez and Brown absent. Mayor Pro Tem Garcia presiding.

Council Member Brown stated that he drove all over last night and it was ridiculous; that this was a no brainer and as a part of the certificate of occupancy if a shopping center remodeled, etc., then they should have a visible address; and also on freeways when you exit there should be signs saying which way to turn to get to what blocks; and upon questions, Mr. Hensley stated that ordinances for buildings were there but they were not enforced. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm and Brown absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that he looked forward to Council Member Brown providing some leadership and a work product to be discussed. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm and Brown absent. Mayor Pro Tem Garcia presiding.

Council Member Adams stated that if she was not mistaken this was according to the Code of Ordinances 10-213 and it talked about and defined and it was up to a \$500.00 fine and they did not want more put on inspectors, but during their normal routine work if they noticed homes without proper signage of address maybe they could place a warning they were in

violation and if they came back they could fine them. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm and Brown absent. Mayor Pro Tem Garcia presiding.

Ms. Joan Holmes, 6006 Dellfern, Houston, Texas 77035 (713-723-6643) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm and Brown absent. Mayor Pro Tem Garcia presiding.

Mr. Corie Wilson, 8300 Canyon, Houston, Texas 77051 (832-267-2111) appeared, presented information for the Mayor and Council Members and stated that he was an ex-employee of the City of Houston and present as he felt he was done wrong; that on June 12th he was in a rollover motor vehicle and broke his neck and was not supposed to walk again; that he was fired because they said he violated departmental codes and administrative codes; that on June 7th he walked out of his job because he told his supervisor he was not comfortable driving the truck they tried to put him in and he went home; that Mr. Hayes, who was then deputy director, called him at home, but he did not answer and the number showed up private; that the next day he said he called him and he was disappointed in him; and he told Mr. Hayes he was disappointed in himself, but he had to stand up for himself and he said he would follow directions and was placed back on his truck instead of the automation one he broke his neck in and that was good, but June 12th they told him to get back in the automation truck and he completed half the round and at 9:45 a.m. he was in a rollover because they made him get back in it and he felt he was wrongfully terminated and was asking his case be reviewed. Mayor White, Council Members Lawrence, Clutterbuck and Holm absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Adams, Mr. Wilson stated that he was a probationary employee and Mr. Hayes stated that the only one who could do anything for him would be the Mayor and that was why he was present; and one thing peculiar was police came to the scene and he was given no citation as he would have been if he was at fault; and Ms. Adams stated that a representative from Solid Waste was present and she could speak with him at this time and she would review it. Mayor White, Council Members Clutterbuck and Holm absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Jones, Mr. Wilson stated that specifically the reason for his termination was in the letter they had in front of them from the Solid Waste Department which stated that he should have maintained the appropriate speed to insure safety, he felt he was wrongfully terminated because he was not speeding and a witness on the police report would state that; and Council Member Jones stated that she would monitor what Council Member Adams did since she was his Council Member. Mayor White, Council Members Clutterbuck and Holm absent. Mayor Pro Tem Garcia presiding.

Ms. Olevia Randle, 6023 Beldart, Houston, Texas 77033 (713-733-2348) appeared and stated that she was president of Precinct 239 Neighborhood Civic Club and she was present regarding flood insurance; that last year Council passed an ordinance where so many houses were added to the flood plain and they received no information on it; that she had been paying \$200.00 a year for flood insurance but she never needed it and they had never been in the 100 plain program; that she spoke with FEMA who said their street was in the program and she spoke with Harris County who said to go to the city and they got maps which showed their street was not in the 100 year program, but they said for her to get out they had to pay \$400.00 or more for a surveyor to look at her house level and she did not know why she would have to pay when she was not in it and never flooded before, she had insurance because she wanted to and now the insurance would go way up. Mayor White, Council Members Clutterbuck and Holm absent. Mayor Pro Tem Garcia presiding.

Council Member Sullivan stated that while he could not promise the city could fix this problem she was someone he wanted to recognize for being active in her community and civic association and super neighborhood association and they did care about her; that hopefully someone at the table or in the Mayor's Office would get this and then get back to his office and he would get back with her. Mayor White, Council Members Clutterbuck, Holm and Noriega absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that all continued to work on this issue and were trying to balance many things. Mayor White, Council Members Clutterbuck, Holm and Noriega absent. Mayor Pro Tem Garcia presiding.

Council Member Lawrence stated that unless it changed if she had insurance and then her house was reclassified her insurance would stay the same and if she was now in the floodway and was not before the insurance would still continue to stay the same and the flood maps were drawn by the Harris County Flood Control and if it did change she should let her know and she would check. Mayor White, Council Members Clutterbuck, Rodriguez and Noriega absent. Mayor Pro Tem Garcia presiding.

Council Member Jones stated that since she spoke with her a few minutes ago she spoke with the Mayor's Office and it was her understanding the city was going back and revisiting the issue because of some of the unintended consequences on people so they could balance things and she would work with her and her District Council Member to try and come up with something equitable for her along with all citizens. Mayor White, Council Members Lawrence, Clutterbuck, Holm, Rodriguez and Noriega absent. Mayor Pro Tem Garcia presiding.

Council Member Khan stated that to Council this was clear, if they paid flood insurance prior to revision of the flood maps their insurance would not go up; that they did have her information and would look into it and someone would contact her because this was not just her many people would be affected by this and her premium should not go up and they would get her an answer. Council Members Lawrence, Clutterbuck, Holm and Noriega absent.

Mr. Ted Weisgal, 5527 Hummingbird, Houston, Texas 77096 (281-546-6793) appeared and stated that he purchased blue berries at Kroger and discovered two molded and went back and he and the manager examined packages and found the same problem and removed them and he was given a package free; that he was cofounder and co director of Leisure Learning Unlimited and for the past 28 years operated an honest business and when they had a dissatisfied student they had a generous refund policy; that when Council made a mistake it should be fixed and he was present regarding the new news rack ordinance; that he was not present at meetings which went to the development of the ordinance and now many publications with limited budgets would be eliminating their distribution downtown and so would he; that the ordinance was to go into effect February 1st unless something was done today. Council Members Lawrence, Clutterbuck, Holm, Garcia and Noriega absent.

Upon questions by Council Member Jones, Mr. Weisgal stated that he would like the ordinance rescinded and a new meeting with stakeholders present and get a win/win situation; that he thought the ordinance was too expensive and it could be fixed with the city purchasing uniform racks and letting them pay rent to the city; and Council Member Jones stated that she would like to meet with him and discuss specifically what he thought was wrong; and Mr. Weisgal stated that he had a list of people who attended the meeting and he was one of them but he and others on the list had not attended. Council Members Lawrence, Clutterbuck, Holm, Garcia, Lovell and Noriega absent.

Council Member Lawrence stated that the meeting he referred to was Quality of Life Committee and regretfully her suggestion for big units like other cities had failed, but she would

be interested in knowing where his racks were because some changes were four years out; and Mr. Weisgal stated that his racks were only downtown and he would be lugging them out in the next few days, but he would get in touch with her tomorrow. Council Members Lawrence, Clutterbuck, Holm, Garcia and Noriega absent.

Mr. Joe Nelson Iset, 1719 Live Oak, Houston, Texas 77002 (713-261-5903) appeared and stated that he was an urban farmer in the inner-city and farmed the Fifth and Third Ward for the last eight years; that he with the help of others were creating local farming in the inner-city and he started it on abandoned land in the Fifth Ward; that he lost that land when people bought it and now he was in the Third Ward; that he subleased and it was now a beautiful urban farm on about three acres; that he had two in the Fifth Ward. Council Members Lawrence, Holm, Garcia and Noriega absent.

Upon questions by Mayor White, Mr. Iset stated that the website was lastorganicoutpost.com and it had street addresses; that he has not bought the land he just did it and he was learning as he went; that they were community farms and people volunteered and were paid in greens; that he had a 501c3 but it needed to be kicked into gear; and Mayor White stated that it seemed if the country was run right then they should have someone like him, if not him, organizing other farmers who did this wherever they could spot vacant land throughout the city which could remain vacant for a while; and Terence and those watching along with Council he wanted help on this, he was not bashing the Legal Department but there was bound to be a way; and who would sue you for what and what would their defenses be; that secondly, Ms. Jewitt worked on this some and Mr. Turner, and then they had agricultural rules and regulations, but it seemed people like him should be hired, helped to find property and if any Council Members or senior staff had ideas he wanted to say lets make this happen or explain to this body why they can not. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Garcia and Noriega absent.

Council Member Jones stated Mr. Iset should get in touch with the SHAPE Community Center; and Mr. Iset stated that he participated in their coop; and Council Member Jones stated her grandmother had property in the inner-city not used and maybe they could work something out, but legally she saw the barriers; and Mayor White stated that he wanted to work through them and if she and others would help him and he was asking Legal to say how they could do this or why they perceived they could not and let him see if the barriers could be eradicated; and if it was the owner could sue for trespass then what would their defense be. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Garcia and Noriega absent.

Council Member Adams stated recently she brought up to Marty streets in the community which would never be designated but it was city property and maybe they could come up with a pilot and work with Mr. Nelson on how this same project could be done on city property; and Mayor White stated that he wanted feedback and it sounded like they may want someone who coordinated the activity of the city; and he liked what she said, if all they were going to do was watch the grass grow, etc., then he would just as soon say to a church if they took care of it and grew something they could keep what they grew; and to Terence they needed ideas and if they used tax abandoned lots ways to use them legal so they would not be kicked off and the way it could be done would be in consideration of x,y,z, the city would assign him their interest and contract with someone to maintain the lot and he wanted to be told why that was not legal, he thought they could do it. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Garcia and Noriega absent.

Council Member Lawrence stated that another idea was they had a discussion with Andy Icken on stub streets being made into parks and equally that right-of-way could be turned into a garden if it was not big enough for the park; and Mayor White stated to Ms. Stein that a memo was done by Mr. Litke during the last Administration to the Mayor proposing that and it set forth

procedures and he did not know why it wasn't done; and Council Member Lawrence stated that surveys were needed and it cost too much and it fell through, but now that was being changed and if a street was never going to go through then it could be turned into a park or garden and then Parks would not have to mow, etc., it was on the books and only needed amending; and Mayor White stated that she had it then. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Garcia and Noriega absent.

Council Member Adams stated that there were LARA lots and she wondered if one or two could be designated after going through the legal aspects; and Mayor White stated absolutely, that he believed and he could not remember who he assigned, to Terence he thought Mr. Turner should have a memo and maybe Mr. Tinnermon, but a park in Independence Heights, there were LARA lots in the floodplain and there could be contiguous lots and he felt it was a good amenity. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Garcia, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Rodriguez, Mr. Iset stated the garden he worked on since February was located at 1719 Live Oak in the Third Ward and the Emile Garden was one just started, but very large and a hands-on workshop, but that and his other garden was in the Fifth Ward. Council Members Lawrence, Sullivan, Holm, Garcia, Noriega and Green absent.

Ms. Jackaline Y. Hickman, 1600 Louisiana #509, Houston, Texas 77002 (713-987-4046) appeared and stated that she was a teacher from Louisiana, the projects, and her students were the gun packers, they had physical and mental disabilities, but they wanted her students to be guest performers for the governor; that she was now homeless two years and the government and church had come together to make homelessness a multimillion dollar business. Council Members Lawrence, Sullivan, Holm, Garcia, Noriega and Green absent.

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Sullivan, Holm, Garcia, Noriega and Green absent.

At 4:41 p.m. City Council recessed until 9:00 a.m., Wednesday, January 30, 2008. Council Member Johnson absent. Council Members Lawrence, Sullivan, Holm, Garcia, Noriega and Green absent.

The Houston City Council reconvened at 9:00 a.m. Wednesday, January 30, 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; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 9:29 a.m. Mayor White called the meeting to order. Council Members Sullivan and Green absent.

Council Member Clutterbuck moved to suspend the rules to consider the Monthly Financial Report and the Quarterly Investment Report out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Sullivan and Green absent. MOTION 2008-0077 ADOPTED.

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 and a Quarterly Investment Report by the City Controller – was presented. Council Members Sullivan and Green absent.

Mayor White recognized Ms. Annise Parker, City Controller and Ms. Michele Mitchell, Director of Finance and Administration. Council Members Sullivan and Green absent.

Ms. Parker stated that this was the Monthly Financial Report for the period ended December 31, 2007, that they in the Controller's office were now projecting an approximately balanced budget, that it represented about a \$4 million change from last month, that the projected revenues were up by about \$3.6 million and departmental spending was down by almost \$600,000; that the revenue increase was due in part to higher than expected sales tax receipts, the January check from the State Comptroller totaled \$39.3 million or about \$4 million more than the revenues for the same period a year ago, that the February total would include the holiday shopping season and would not be available for another week, but they would be watching that closely, that they were also noticing slightly higher than anticipated revenues from franchise fees, Solid Waste Hauler Fees and Decorative Lighting Fees paid to Public Works, that they discussed what Decorative Lighting Fees were a little bit yesterday; that their projection for General Fund Expenditures had decreased by a little more than half a million dollars from last month, that was due mainly to continued savings from changes in the management of vacation and sick time within the Fire Department, and as they indicated yesterday they thought they should be commended for being pro active in looking for ways to manage and reduce those costs, that in the Enterprise Funds, that it was laid out in the report but they did continue to see that it rained for a while and then it did not rain for a while and every time that happened they had an impact in the water/sewer, that they were currently lowering their projection for Water/Sewer Sales by just under \$3 million, that it was partially offset by an increase in water/sewer penalties of just under \$2 million, these were the late fees paid by customers who did not pay their bills by the due date, that effective September 1, 2007 the grace period for paying water/sewer bills was shortened to 20 days and as a result customers who were not considered late before, were and she believed also that the department was being much more aggressive in collecting those penalties and they were very glad to see that. Council Members Holm and Lovell absent.

Ms. Parker stated that moving to the Quarterly Investment Report, as of December 31, 2007 the City had approximately \$1.9 billion invested in their General Investment Pool, the character of the pool was that of a short term bond fund that held investments of a very high credit quality and their investment strategy was to match assets and liabilities for a time period of one year into the future and to exercise discretion over the balance of the funds, that compared to one year ago invested balances had increased by \$131 million, the change was attributable to healthy increases in the General Fund of about \$47 million and in the Aviation System of \$121 million, that the increases were partially offset by a decrease in the Combined Utility System of \$70 million, which was merely spending down of bond proceeds; that the last time she gave the report, which was three months ago, she spoke about the great deal of volatility in the financial markets and the problems with the major financial institutions due to sub prime mortgages and commercial paper, the stresses and volatility continue and she wanted again to assure Council that there had been no impacts on their investments and while the City did invest in mortgages and in commercial paper their investments were of a very high credit quality and they had not and did not expect to experience any losses from either types of investments, their mortgages were issued and guaranteed by Fannie Mae and Freddie Mac and they continue to monitor those closely and they were still rated Triple A by the major credit rating agencies; that their commercial paper holdings were in names that they should be familiar with, General Electric, Toyota and Chevron Texaco, although as a precaution they had stopped investing in commercial paper of broker dealers such as Citi Group and UBS, while they had retained acceptable credit ratings they had been put on negative credit outlook by the rating

agencies, so they were monitoring the situation and did not expect any fallout but wanted Council to be aware; there was another recent development, however, that may have an impact on the City and that was that many of the insurance companies that guaranteed payments of bonds were now being questioned as to their financial viability, that these insurance companies, such as AMBAC and MBIA invested in many of the subprime loans and that had diminished their capital to a point that they may have an inability to pay claims, that it could be an issue for the City of Houston because they did use insurers to guarantee the bonds that the City of Houston issues but it was perhaps more of an impact on the bonds in which they invest in the investment pool, that of the \$1.9 billion in securities that they had in their General Investment Pool, \$93 million were guaranteed by these insurance companies that were now being reviewed for downgrade by the rating agencies, that they believed that the insurance agencies would receive capital infusions and that discussion was ongoing and they did not expect to lose money on any of their investments on their bonds, they did do a test this week, they put one of the bonds up for sale, received competitive bids, and were able to make a small profit on the sale, so they would continue to monitor that, but Council needed to be aware that these were ongoing considerations and of course they did know that the FED reduced interest rates last Thursday by 75 basis points and there was an anticipation of a further reduction ahead; that just a final comment, that the general investments that they owned were rated Triple A or the equivalent and the investment pool itself was rated by S&P as being of Triple A credit quality so it was more of a notice to Council that they were on watch and that they wanted to aware, not a warning that they thought there was any problem coming; that included in the Monthly Report was also the SWAP Report, the detailed written SWAP Report was there and she was not going to go over it but there were several questions from Council Member Khan yesterday at the meeting and while her staff did not disagree with her answer they asked that she elaborate on it just a little bit, that the particular SWAP that Council Member Khan mentioned the reason they did the SWAPs was to obtain lower cost, long term, financing and the particular SWAP had they gone at market rates would have been a little over 5%, the SWAP allowed them an interest rate of a bit over 4%, so they were saving 100 basis points, that because of the volatility in the financial markets, and as they discussed at last month's meeting, their desire to change the vehicle they used for auction rate securities, they had actually been down in the 70 basis point range rather than the 100 basis points but they were still to the positive on the interest rate spread and they were doing it for cash flow purposes and they still believed that it was a good decision for the City of Houston, and that concluded her report. Council Members Holm and Lovell absent.

Ms. Mitchell stated that this was the Monthly Financial Report for December 31, 2007, that for the General Fund their projections since last month increased by \$2.6 million, mainly due to sales tax being up 10.9% for November receipts compared to the previous year, that as a result they increased their estimate by \$2.4 million; that they agree with most of the other revenue items covered by the Controller, that she could go into detail, that \$600,000 increase for other Franchise Fees, that miscellaneous other revenues increased by \$525,000 for Decorative Lighting, and projecting a decrease in Charge For Services of \$1.1 million to reflect a reclassification of monies received from the auto dealers; that their projection for the General Fund Expenditures decreased by \$556,000, it was mainly due to continued savings in overtime by the Fire Department, as a result of continued lowered absenteeism over the first half of the year, that she, as well as the Controller, wanted to commend them for the program they had instituted in order to bring the overtime cost down; that in the Enterprise Fund their projection for Aviation Operating Expenditures decreased by \$3 million due to a savings in services by \$1.6 million, \$844,000 in personnel, and \$623,000 in supplies, that they were projecting an increase of \$2 million in interest income due to higher interest rates; that their projection for Convention and Entertainment Operating Expenditures decreased by \$750,000 due to a reduction in electricity and janitorial services, that they had increased their projection for Operating Transfers by \$1 million for principal payment for pension obligation bond; that the electricity they mentioned yesterday was decreased due to consumption, however, Convention and

Entertainment believed that it was due to hedging various rates, that she was scheduling a meeting for next week with the GSD to go over the electricity model to determine if, not just C&E, but other departments would be able to be reduced due to the hedging rate variance and she would be able to get back with Council in a couple of weeks; that their projection for Water and Sewer Sales decreased by \$2.7 million due to higher than expected rainfall over the past couple of months and lower than anticipated water pumping, that this decrease was partially offset by an increase of \$1.9 million in penalties and an increase in interest income of \$450,000; that Operating Expenditures decreased by \$4.1 million due to a personnel projection being reduced to reflect staffing being lower than anticipated; that the Health Benefits Fund, their projection for the Operating Revenues decreased by \$3.8 million due to a decrease in projected number of participants, that the Operating Expenditures also decreased by \$2.3 million due to lower than HMO Contract rate and decreased number of participants; that their projection for Property and Casualty decreased by \$4.7 million due to a reduction of claims and judgments; that for the Special Revenue Funds, their projection for the Building Inspection Special Revenue Fund Operating Expenditures decreased by \$1.7 million due to contract implementation delays associated with the 3300 Main Street project; that their projection for Police Special Services Fund Operating Revenues increased by \$1.3 million due to a receipt of TIRZ Municipal Services Fees and expenditures decreased by \$2.1 million due to delay in the purchase of a helicopter, which was planned for FY08 and was anticipated to be purchased in 2009; that they were projecting a decrease of \$775,000 in Debt Service for the Technology Fee Fund as a result of not accepting the Integrated Case Management System in FY08; that for Katrina, FEMA had advised the City that professional services in the amount of \$1.8 million were denied, they had submitted an appeal and await that news from FEMA, that concluded her report, but there were some questions from Council yesterday, that Council Member Clutterbuck's questions regarding Health Benefits, the decrease was mainly due to the projected number of retirees, that there was no mandatory retirement age and more employees were staying working and not retiring, that for employees who did retire, 95% elected to participate in the benefit coverage, again the decrease in projected participation was due to employees in the workforce, that the average 2008 budget for retirees was 8,704, projected was 8,514, that the average budget for active employees was 19,650, projected was 19,965, so it was about 190 difference for the retirees and that was where the participant question she had; that they could do a survey as to why they were not joining the plan or their spouses had insurance but it was not something that they typically asked, that question, but they could do a survey and she would check with HR if Council Member Clutterbuck would like to do that; that for the Digital Services, they had the \$5 million in revenues that was due to a default in the EarthLink Contract, which was why they had it and they had not expended it yet, but there was a plan between IT and the Library regarding the transferring of \$3.5 million to implement the Digital Inclusion Program that had not been totally determined yet, that as soon as it was she could get back with them with more information, and that concluded her report. Council Members Garcia and Lovell absent.

Council Member Clutterbuck stated that the cost of health benefits had gone down because participation had gone down and she thought it would be important to understand and know what the reason for that was, that it might be good to survey through HR their employees to see if they taking advantage of the health care benefits that they offered and if not, why not; that they received \$5 million from the default of EarthLink but they expended some of that money already on other services and her question was what exactly were those other services, that she looked forward to receiving an explanation of how the remaining money was going to be distributed to the Library Department. Council Members Garcia and Lovell absent.

Mayor White stated that on number two, except for Ms. Robinson's salary and perhaps some reimbursement, there were very little costs associated with making the EarthLink contract, then he was saying to the Director of F&A and all involved that except for those he would have expected to be requested to sign off on any, except for those costs involved in obtaining the contract and there were some consulting costs, perhaps some outside legal fees, because the

Council Member was right, he had approved approximately, and they could go over it and he would encourage Council Member Johnson and his committee to go into detail, that it was a very exciting plan for approximately \$3.5 million, that was not to say that the other \$1.5 million or whatever was remainder after the costs would not be expended, that in other words he had not approved anything for the balance and they had not approved anything, that he would ask the committee to take a look at the plan and to critique the plan concerning what they wanted to do with that so that they could have some oversight of what they wanted to do in the very near future; and with respect to the second point, he would like to get a sense of that and would give some direction to F&A, that he understood the explanation, it also had to do with HR, that for police retirement they survey individuals when they were going to retire, the estimates that were prepared by the Health Benefits people within HR were based upon rules of thumb on retirement, that he did not like it, he thought it was sloppy, that he was not saying they ought to survey every 20,000 about when they were going to retire and he might not even say that employees were required to say that, sometimes that was a personal decision, but he thought there had been some tendency to have a conservative assumption, assuming more relatively retirements in the past, that he would like to tend to have a bias towards being more conservative so there was no big surprises but he thought if there was a wrong estimate then the person ought to try to get it better next time, that what he would be more concerned about, and would say it in public record, was auditing people, who did have other insurance by spouses, to make sure they were not subsidizing private companies, and they had done some of that and he had asked Ms. Alridge to do some further work on that, that the last time they did and said they would audit they found that the health benefits cost went down when people who had other employers that were covering their spouses under the terms of the contract shifted that to other employers, that they would respond to those questions by Council Member Clutterbuck. Council Members Garcia and Lovell absent.

Council Member Khan stated that he understood that HR did some kind of audit some years ago which identified some of the premiums they were paying for retirees who should not be on the retiree role so it save quite a bit of money, that he did not know when it was done but maybe something like it, that when people retired there was always a tendency if their spouse was covered they may not notify on time and they were paying premiums which they should not be paying so it may be worth looking at; that he noticed in the Combined Utility System they reduced Operating Expenditures due to lower personnel, 190 in FTE's, that he had seen in the last four years that there had been several departments that had reduced their FTE's because of several reasons, business like approach, zero based budgeting, that at some point, maybe at budget time, he thought it would be helpful to him if they could see where they were four years ago and where they were now in terms of FTE's, an overall picture, that they did get at every year's budget what were the departments FTE's but a little more trend like that would help, and also if they could know what were some of the causes, whether it was the SAP Program, or departments were doing zero based budgeting or whatever, so they would know for future administration's what were some of the things that worked, and Ms. Mitchell stated that she would get that for Council Member Khan.

Council Member Brown stated that he still had a question about Ms. Mitchell's 2.6 and the Controller's 3.6 difference, but wanted to mention about the health insurance, that he did not take the health insurance because it was cheaper for him to get it privately; that there were a lot of employees at the lower brackets who could not afford health insurance, that for instance, there was a woman who had three kids, was a single mom, made \$11.00 per hour and could not afford City of Houston Health Insurance, that he knew that was something they were working on, that she put her kids on the CHIP Program and was on Medicaid, that there was a segment of their employees who did not participate in their insurance and he did not know what they should do about that but he would like to get some more information about it. Council Member Garcia absent.

Mayor White stated that he would request information concerning Council Member Brown's insurance carrier because he was impressed; that they had learned a lot with the Medicare Programs they had, that he would not comment on who was eligible but on their Medicare Programs, where they had a good set of providers, they were talking maybe single digit dollars per month for the Medicare Program, and Ms. Mitchell stated that she did not know the exact amount but it was correct, single digits, and Mayor White stated that they did have one example for the single or single with dependents compared to some others and there were some people who may chose not to have insurance because they had other spending priorities but there was nothing near a better deal, and Ms. Mithcell stated that she did think they needed to do a survey and an audit and then they would be able to come up with some answers for them, that she would work on it.

Mayor White stated that the Director of F&A talked about a savings as a fact that there was not a payment being made to the vendor on the Municipal Courts computer system; and Ms. Mitchell stated that they were projecting a decreased expenditure; and Mayor White stated that there may be, on the other side of that ledger, unbudgeted increased litigation costs and if they had to mitigate by replacing the system with another system while the litigation continued then there may be, that some things may look like a savings but they may have associated costs with them and he wanted to make that clear in all their minds, then he would ask the City Controller, she had not done it recently, but they had taken her good counsel in the past, and asked Ms. Parker if she could describe for the City Council, which did have some new Council Members, the observations she had made in the past about the importance of their reducing the amount of public employee pensions each year that they borrow, that she made that point several times, and some point people for different agendas think that they were sort of flushed with money to do anything they want with it and those of them who had served on this body understood that in order to address what was a pension crisis they did some extraordinary things that involved both reducing the liabilities of future benefits and increasing the assets in the system, but some of that was done by borrowing and Ms. Parker said some things in the past about the fact that they needed to get off of that and for the reasons why and Mayor White asked Ms. Parker if she could just make that point. Council Member Holm absent.

Ms. Parker stated that as the Mayor pointed out she had expressed concern in the past over use of pension obligation bonds, which were entirely legal and appropriate under some circumstances, but they were paying current expenses with borrowed money and it was sort of like paying their house note with a credit card, at some point they were going to have to do something else and there had been some extraordinary steps taken by the City to bring the pension costs in line but they had to wean themselves away from the use of pension obligation bonds to meet their current obligations, and a reminder to Council, that there was the current amount they owed into the pension system for active employees now and then the amount that they had to put into the pension system to reduce their UAAL, their actuarial liability for the people who were already into the system and there were two different calculations and it was that meeting the current obligations with borrowed money was something that the City should not be doing in the long term.

Mayor White stated that for that reason he wanted to let Council Members know that the next budget that they consider would have some increases over the year for which they had accumulated surpluses and those increases included health benefits for their employees, that would increase more than they had in the last two years; that would include an increase in the compensation for their firefighters under a Collective Bargaining Agreement they approved; that those would include an increase that was a percentage of salary under a Police Collective Bargaining Contract; that they had been working and he would like to have an increase for the civilian employees, which they had been prepared to do for some time, which had been delayed by other people not by the City; and they were reducing the amount that they borrow to pay pension debt and they would be doing it fully on a current basis within, he thought, about two

fiscal years, so he thought it was about a \$20 million drop year to year, and he asked Ms. Parker if she remembered what the year to year drop was, and she stated that she would get that for him, and Mayor White stated that it was significant, that it was true that they had some more revenues but they also had some associated costs with those revenues that had already been committed, so they were not in bad financial condition, they were in sound financial condition, that was why the rating agencies upgraded it, but at the same time they could not both substantially expand and do all those things and substantially expand their police force and replace a radio system at over a \$100 million and do the drainage funding that they had indicated and do huge new things that were extraordinary in nature, that he just wanted to communicate that. Council Member Holm absent.

Council Member Clutterbuck moved to accept the Monthly Financial Report and the Quarterly Investment Report, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Sullivan and Green absent. MOTION 2008-0078 ADOPTED.

MAYOR'S REPORT - Sanitary Sewer Rehabilitation

Mayor White stated that they had substantially increased their investment in their waste water system and rehabilitation of the underground piping, that it was a good thing to do, if they thought that they did to much of it he wanted them to tell him, that the reason maybe that it was an easy thing to cut was that people would not be able to tell for a while if they let the sewage system go, if they did not maintain it enough, but then he and the water/sewer system needed their views and he was asking for people's views on was there a way that they should communicate to the public what they were doing so that they maintain support for a responsible long term problem, that there may be pressures in the future because they could always decide to cut it one year and they may not be able to tell that much unless a line breaks but they wanted to do what was responsible and he was concerned, was the Department of Public Works doing a good enough job communicating, if so how would they do that if they could. Council Members Holm and Lovell absent.

Mayor White recognized Mr. Michael Marcotte, Director of Public Works, for a presentation.

Mr. Marcotte reviewed a video presentation titled City of Houston Call System Rehabilitation Program, a copy of which is on file in the City Secretary's office for review.

Upon questions by Mayor White and Council Members, Mr. Marcotte stated that an overflow could come one of several ways, a pump station could malfunction such that waste would build in the pump station and it would overflow the wet well and made it's way into a bayou; that an overflow might be one that just came out into a street and then went down a storm drain and made it's way into a bayou; an overflow would be a situation where waste/water was making it's way not to the treatment system but in some quantity, small and not so small, into the receiving water course; that one would hope that they did not have intentional overflows, that back in the 1970's it was common practice to design systems such as there were overflow points, that most of the pipes that they see daylighting out into the bayous were storm drains, they were large outlets for storm drains, they would hope there was not any kind of a direct sewer overflow connection, that it could be a path of overflow by virtue of a sewer that bubbled up into the street and then makes it's way into the storm drain; that as a precursor to the program they did a long term look at all the sewers and then laid out a 10 year program, that obviously there was a dynamism to that analysis, over time they did need to be smart enough to react if things have changed, but that was their basic roadmap, the 10 year plan; that when they sliplined with the plastic, they were in effect replacing that pipe but they were not digging up that pipe they were placing a brand new full liner, that it was rehabilitation; that as to the grease,

one, they would redouble their efforts for cleaning in particular problem areas, and second, they were working very closely with the Health Department, they were meeting with them monthly to coordinate their efforts, that obviously one of the long term paybacks, they hope, of the fats, oil and grease approach was to take some of that grease out of the sewer system; that they do immediate response to sewer backups in houses, immediate, as quickly as humans could get out there and it was dirty and nasty work. Council Members Johnson, Garcia and Rodriguez absent.

Upon questions by Council Member Adams, Mr. Marcotte stated that in the Riverside Community it was a storm sewer that had collapsed, that they had worked to repair that rather significant collapse of a pretty large diameter storm drain, as was pointed out, in some of the inner city areas they were not 100% sure where some of their facilities were, their mapping was probably 85% to 90% complete, they did get surprises, that he would be happy to take a look in that specific neighborhood to see if they could update their maps in that area; that with regard to manhole covers, it had been an ongoing challenge of people removing manhole covers and he was a little reluctant to go on television and say to quit taking their manhole covers because they were valuable because it did not seem to be a very productive approach, but he would look at the specific one at Auburn and Highway 288, that they had looked at alternate materials for manhole covers, and would point out that the 130,000 number was only sewer manholes, that he had lots of other manholes on the other systems as well; that with regard to closing the loop on 3-1-1 calls, he thought that was a good one and they had been doing a lot of that in their storm drainage area of going back to the customer and making sure that they did what the customer asked them to do and they could do the same in waste/water. Council Members Johnson and Brown absent.

Mayor White asked Mr. Marcotte to let him know in very detail specific what materials that they had considered that would include polymers, an advanced composite materials with tensile strengths that were similar to a metal, what materials and what their physical characteristics were that would prevent their substitution, that he would very much appreciate that and if it had not been done in the level of detail then they could talk about it in a month after it had been, but he felt confident that there were some materials out there, that he was not saying that it was a good idea, but he felt confident that there were some substitutes. Council Members Johnson and Brown absent.

Council Member Clutterbuck stated that they did not know exactly what was underneath, they had no survey, so they require the homeowner to sign a waiver allowing the City of Houston employees onto their property to conduct the survey and see where the pipes were, that on Institute Lane in particular they were weary of the waiver and they had been discussing it and in the most recent meeting they had there was a commitment on the part of Public Works to go back to City Legal and try to get the waiver to be something that was more acceptable to the neighborhood and that would not waive the City's responsibility to restore property to it's previous condition or to compensate for any loss and she wanted to know where they were on that waiver; and second to the important point of other materials being out there, she had been informed that there were some people out there that used plastic piping and had a particular material that was used regularly in other municipalities and in other states and if they needed to address the process by which they approve materials then let them know if they could help with that. Council Members Johnson and Lovell absent.

Council Member Khan stated that many times they had seen that there was a residential subdivision and then an apartment complex next door and the sewage line was tied to that and there was not enough capacity and maybe it was causing some of the backflow and asked Mr. Marcotte how they handled that and were they using a sewage impact study in some fashion to approve projects before they allowed construction of complexes next to residential areas; that sometime he had seen an apartment complex whose sewer line was somehow connected to a

hospital line and that was causing some problems, not only the capacity, but the hospital's sewage was getting in there; and third, on the fats, oil and grease, did they have some plan already in place or were they requiring that the apartment complex, at the tie in place with the City sewer line, to put in a grease trap which could be maintained by the apartment complex, and Mr. Marcotte stated that for years the City had a program of issuing letters of availability for capacity into the waste water system for new development, so they did look at when someone came in and proposed to build a new multi family development or commercial development or even a single family housing development, to look at the adequacy of the sewer, that the good news was that the analysis of sewer conditions and flows in sewers was very quantitative in terms of how many people, how much sewage, a lot more quantitative than say the traffic situation, so they had been doing that for a number of years; that in terms of the common ties, some of that could occur in annexed areas, that their design standards that each property and each use was directly tied to the sewer system, they did not have that kind of potential for connection; that with regard to grease traps, that grease traps worked in restaurants because they focused on kitchen waste, which was a relatively small and definable quantity of stuff that needed to be removed, that the challenge in putting in grease traps say at the downstream point of a residential subdivision or an apartment complex was a huge volume of stuff that was coming out, all the washing machines, showers, toilet waste and the volume could be very challenging to deal with the grease trap, that was the technical challenge, that was the real world challenge of dealing with much larger volumes from those common discharge points. Council Members Clutterbuck, Holm, Noriega and Green absent.

Upon further discussion and questions by Council Members, Mr. Marcotte stated that certainly for the next ten years there would be a defined program, that as he said they would hope that as they moved to a fifty year product that they might see some payback on there, but he thought it was important for them to recognize that an infrastructure commitment was one that was probably year after year for the rest of their lives; that on the plastic issue, just so they were clear, the issue that Council Member Clutterbuck raised involved a plastic like material for storm drains, not for sanitary sewers, the dynamics were a little different there, one was that they were not dealing with the corrosion issue, they were dealing with some issues of having those under streets and having to hold up and there were some other conditions that they look at, they currently have ongoing a comprehensive review of their standards for storm drainage and storm drainage materials and hoped to bring that to completion in the next sixty days; that he wanted to recognize two key members of their staff who were present, Mr. James Millage and Mr. Joe Majdalani, that they both worked for Mr. Jeff Taylor. Council Members Clutterbuck, Holm, Lovell, Green and Jones absent.

Mayor White stated that they had done good work and thought creatively about things they could do to be a national leader, for example, if they wanted to get perhaps one or two universities involved in doing sort of an RFP or frankly getting a patent on a design, they had more petrochemical extrusion capacity, both the feed stock and the extrusion capacity, the fabrication capacity, in this market, than anywhere else, that weight was an issue, there could be silicon in the middle of it, but if it was that nobody manufactured in the volume that they needed for the manhole covers, fine, then talk to him about how they could approach the fabrication extrusion side of the petrochemical industry and he bet that somebody could get a patent if they could sign patent rights, that they were slow to react, the fact was that the metal prices had gone up a lot and there was going to be some substitutes for these things and if they were one of the early adopters that would be great and maybe they were, he did not know if they were using other materials rather than steel for these, but if they were not then take a look at it. Council Members Holm, Lovell, Green and Jones absent.

Mayor White recognized Council Member Garcia for a point of personal privilege.

Council Member Garcia stated that yesterday at public session he failed to ask for a

moment of silence for Mayor Louie Welch, who really did a lot for the City in some of the most difficult times, and asked for a moment of silence for Mayor Welch. Council Members Holm and Jones absent.

Council Member Lawrence stated that Mayor Welch was a great Mayor, that all his life he really loved people and loved to serve people and took great pride in the City and would be missed by many. Council Member Holm absent.

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

CONSENT AGENDA NUMBERS 1 through 28

MISCELLANEOUS - NUMBERS 1 and 2

1. CONFIRMATION of the appointment of the following to the **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY** for terms to expire two years from appointment date:

Position 6 - **DR. STEVE W. HALL, SR.**

Position 7 - **MR. RICHARD LEAL**

- was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent. MOTION 2008-0079 ADOPTED.

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the FY2008 Operations and Maintenance Budget for the **TRINITY RIVER AUTHORITY** \$3,401,840.00 - Enterprise Fund - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent. MOTION 2008-0080 ADOPTED.

Council Member Johnson recognized Dr. Hall who was present in the audience and asked that he stand and be recognized. Council Member Holm absent.

ACCEPT WORK – NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$512,999.84 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Flow Meters at Various Facilities, WBS S-000936-0008-4 - 5.19% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; F - KHAN and G – HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0081 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 7

7. **AMERICAN PARKS COMPANY** - \$412,805.40 and **LINDIG CONSTRUCTION & TRUCKING, INC** - \$124,852.00 for Surface Materials for Playgrounds and Jogging Trails for Parks & Recreation Department - \$548,630.00 minus a commission fee for Internet-based reverse auction services for a net award amount not to exceed \$537,657.40 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0082 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 9 through 28

9. ORDINANCE consenting to the addition of 273.2708 acres of land to **HARRIS COUNTY**

MUNICIPAL UTILITY DISTRICT NO. 421, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2008-0068 ADOPTED.

10. ORDINANCE consenting to the addition of 15.723 acres of land to **TERRANOVA WEST MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2008-0069 ADOPTED.
11. ORDINANCE establishing the north and south sides of the 1900 block of Kipling Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. ORDINANCE 2008-0070 ADOPTED.
12. ORDINANCE establishing the north and south sides of the 1900 block of Kipling Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. ORDINANCE 2008-0071 ADOPTED.
14. ORDINANCE approving and authorizing contract between the City and **TEXAS CHILDREN'S HOSPITAL** to assess the impact of the Rotavirus Vaccine; providing a maximum contract amount 1 Year with one-year renewal - \$600,000.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-0072 ADOPTED.
18. ORDINANCE approving and authorizing an amendment to an Interlocal Agreement between the City and the **TEXAS ENGINEERING EXTENSION SERVICE (TEEX)** to add Continuing Education Classes for Emergency Medical Training Services – was presented. All voting aye. Nays none. ORDINANCE 2008-0073 ADOPTED.
19. ORDINANCE approving and authorizing second amendment to contract between the City of Houston, the **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$200,000.00 and continue the program for the development of neighborhood parks on public school grounds under the Spark Program - **DISTRICTS B - JOHNSON; D - ADAMS; G - HOLM and H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2008-0074 ADOPTED.
21. ORDINANCE appropriating \$126,000.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing first amendment to Lot Purchase and Development Contract between the City, the Land Assemblage Redevelopment Authority (“LARA”) and Catholic Charities to develop an additional seven (7) lots in Independence Heights for sale to qualified purchasers as Affordable Single-Family Housing and providing \$10,000.00 in down payment assistance to each qualified purchaser - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2008-0075 ADOPTED.
23. ORDINANCE appropriating \$200,000.00 out of General Improvements Consolidated Construction Fund; \$100,000.00 out of Public Library Consolidated Construction Fund; \$175,000.00 out of Solid Waste Consolidated Construction Fund; \$50,000.00 out of Public Health Consolidated Construction Fund as an additional appropriation for project management services contract (approved by Ordinance No. 05-0390) between the City of Houston and **JACOBS FACILITIES, INC** for project management services (WBS D-000107, E-000143, L-000060, and H-000066); providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund; the Public Library Consolidated Construction Fund; the Solid Waste Consolidated Construction Fund; and the Public Health Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-0076 ADOPTED.

24. ORDINANCE appropriating \$7,825,000.00 out of Street & Bridge Consolidated Construction Fund for labor costs and other expenses related to In-House Capital Improvement Projects for the Rehabilitation of Concrete Pavement, WBS N-000655-0005-4 and N-000845-0007-4; declaring the Public Works and Engineering Department's intent to reimburse the General Fund for expenditures relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-0077 ADOPTED.
26. ORDINANCE appropriating \$1,433,729.35 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CARRERA CONSTRUCTION, INC** for FY08-Waterline Relocation and Replacement, WBS S-000035-0106-4; 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-0078 ADOPTED.
27. ORDINANCE No. 2008-48, passed second reading January 23, 2008
ORDINANCE granting to **CAPTAIN HOOK OF HOUSTON, LLC, a Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0048 ADOPTED FINAL READING IN FULL.
28. ORDINANCE No. 2008-49, passed second reading January 23, 2008
ORDINANCE granting to **LEGACEE INTERNATIONAL ENVIRONMENTAL SERVICES, INC d/b/a TEXAS WASTE CARRIERS, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0049 ADOPTED FINAL READING IN FULL.

Council Member Garcia moved to suspend the rules to consider Item Numbers 34, 32 and 31 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0083 ADOPTED.

34. ORDINANCE approving Amateur Sports Complex as a Public Works Project under the third amended and restated Series E Commercial Paper Ordinance and appropriating \$6,420,000.00 from Series E Commercial Paper Amateur Sports Complex Fund and approving, ratifying and authorizing the purchase and payment of land acquisition costs for the Real Estate Contract between Steven J. Gibson, Trustee, Seller ("Seller"), and the City of Houston, Texas, Purchaser (the "City"), for approximately 80 acres of unimproved land out of the James Hamilton Survey, Abstract 886 and J. W. Moody Survey, Abstract 548, Harris County, Texas, for a purchase price, with related expenses, of \$6,420,000.00 – **(This was Item 29 on Agenda of January 23, 2008, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and NORIEGA)** – was presented.

Upon questions and discussion by Council Members, Mayor White stated that the City of Houston, from time to time, had been selling surplus land and facilities, they had sold a lot, that the City Council had been managing the assets on a business like basis, that they were

extraordinary revenues, non recurring revenues, that they did not treat them as though they were available to spend on salaries, and that was a good business like practice if they were selling assets; that they put them in a separate line item, in what they call Debt Service model, that the Debt Service model says that at a certain property tax rate what could they afford to pay in capital improvements, out of the General Fund, and make Debt Service on what they had borrowed already and do additional capital expenditures, that it was updated from time to time based upon not the base tax rate, because they were not raising tax rates, but based on a tax rate that was essentially flat and changes in interest rate assumptions and there could be other changes that he would not go into but having to do with the timing of capital expenditures, etc., that Mr. Christy and others, they had all known that they had needs, they were a growing City so they also needed to think about the future and acquire land where they could provide services in the future as they were disposing of assets, so what they essentially had done was said that they had known that there would be some needs to provide more services to a growing public and to be real blunt, when they see these growing cash balances of the City on the balance sheet, part of that was the revenues from the sale of assets, but they had not been spending those revenues, instead they had been knowing that they were going to have to make investments when they sold an asset to do some other things; that an example of that would be that when Council Member Lawrence approached him about the short time table infused on the 11th Street Park, the process they went through was first, he wanted to ascertain that it was place where, according to objective criteria, they could need or use some park space, because there was an equitable consideration about these things; that second he wanted to make sure that they could do so without canceling a capital improvement that had been planned within the City budget and that they would challenge her that there be a private match and that the plan cost was reasonable, and then they said essentially that they knew at that time of a land disposition that they were going to do, but he told Ms. Johnson that he knew they were going to do the land disposition and they could reinvest it in creating more land for the City; that on the second point, the issue would be yes, but they did not have any specific plan, if they decided that they were not going to invest a dime in building any amateur sports facilities they might sell it to private groups in which case people would have to pay to use it and pay maybe higher than if it was a public facility, they have not decided what mix of amateur sport, that he knew that when they entered into the transaction, it may take a little longer, the Parks Board said they would raise a significant amount of the money to build out the complex, that he knew that they would like County Commissioners and Pearland to participate with them and maybe they wanted to reserve something for their own use, that he knew that yesterday a group of people, including Astro's player Lance Berkman, were interested in building at their expense baseball fields where they would have programs for people who would not have access, that they were concerned about sports activities for low income who could not join Baseball USA, that all of these he needed to vet with them, but they could not start any of this unless they had land and he was not going to buy land if it was going to be to expensive, so now they had relatively reasonably priced land.

Upon further discussion and questions, Mayor White stated that their debt capacity in any fund was generally determined by four things, number one, the revenues anticipated from property taxes; number two, the amount of their existing debt and the payments scheduled for that debt; number three, was the cash balances in the Debt Service Fund; and number four, was the interest rate outlook; that if there was more cash balance there was somewhat more capacity within that, that another way to put it was if they had somewhat more in a cash balance and one of their projections was a little of they had a little bit more cushion, so they had a little bit more capacity and what they had tired to do was being conservative, when they sell something he does not immediately call Mr. Issa Dadoush and say okay put another fire station in the capital budget because he knew they may need to acquire property later on and that could be a bit of a dialog, that he would give an illustration where Council Members Clutterbuck, Khan and Lovell would be working on, they had a little bit more debt capacity than they thought a year ago because they had somewhat higher appraised value, therefore they could afford to

invest more in drainage projects and one of the things that they would be talking about as a Council was how could they best make sure that they, and he would go back and forth with them, did they want essentially to dedicate a little bit of that to drainage so that it was not shorted in the future and that the drainage people could make long term plans on that; that they used less short term borrowing if they had greater cash, but he could not tell them exactly what that relation was, that he could not give them the formula, and then there was also a public law implication to it, but to be blunt he did not think they actually took out commercial paper that was project by project, so if he could get a more detailed and technical answer to them; that they only took out what they needed on commercial paper, that if he was wrong on that someone would correct him and he would correct everyone else, that in other words it would be wrong to say they were spending cash, but it would be right to say that they could borrow less; that maybe they could help them in the interim; that if they sold the property it would then go back into the account and that would be an increase in cash, so they would actually need to borrow less, probably, on other projects and that would increase their capacity within that account and then they would make a decision about what to do with that increased capacity. Council Member Sullivan absent.

Upon further discussion Mayor White stated that the City of Houston had been selling surplus property at high prices and now it was buying a lot more land that was closer to a freeway for a much cheaper price than they sold their surplus land, that they were trying to manage the City like a business, if they had something that was surplus and high priced, sell it, and if they had something where they needed to provide more needs for people, buy something bigger that was more suitable, for example, they had sold one and now they were selling another piece of a Public Works maintenance facility, in a place where the SWAT vehicle was stored over on Dallas, when they sold a portion of that they got a real high price, they were going to sell another portion of that and out of that money they would be able to have places that were equally useful for vehicle maintenance of Public Works and SWAT storage that were not that expensive and that gave them more money to provide more services to the public or facilities more convenient to the public without raising taxes, that was their philosophy. Council Member Sullivan absent.

A vote was called on Item No. 34. All voting aye. Nays none. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-0079 ADOPTED.

32. ORDINANCE approving and authorizing third amendment to contract (C51076) between the City of Houston and **REPUBLIC WASTE SERVICES OF TEXAS, LTD.**, to increase recyclable waste by reducing city waste currently sent to landfills - 7 Years - \$56,000,000.00 - General Fund – **(This was Item 18 on Agenda of January 23, 2008, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, GARCIA, KHAN and GREEN)** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-0080 ADOPTED.
31. ORDINANCE **AMENDING SECTION 312.3.3 OF THE CITY OF HOUSTON BUILDING CODE, CHAPTER 5 OF THE CITY OF HOUSTON ELECTRICAL CODE, and SECTION 28-10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Electric Fences – **(This was Item 15 on Agenda of January 23, 2008, TAGGED BY COUNCIL MEMBERS NORIEGA, BROWN, KHAN, GARCIA, JOHNSON, RODRIGUEZ, JONES and ADAMS)** - was presented. Council Member Sullivan absent.

Council Member Noriega offered the following written motion to amend Item No. 31:

“RE: Agenda Item No. 31 (01/30/2008)

I move to amend Item 31 by making the following change in Section 3 of the proposed Ordinance:

Amend Item (3) of Subsection (a) of Section 28-10 of the Code of Ordinances,

Houston, Texas, by adding a new sub item d to read as follows:

- d. Prohibited adjacent to any lot improved or restricted for residential use.”

Council Member Noriega stated that if they had residential property and next to them was commercial property they could not use an electric fence, if they were the edge of a subdivision, if they had residential property, they may not do it right next door. Council Members Sullivan and Lovell absent.

After discussion by Council Members, Council Member Khan stated that he had an amendment which he passed around but it would be offered if Council Member Noriega’s did not pass, but he did support her amendment also. Council Members Sullivan and Lovell absent.

After further discussion by Council Members, Council Member Lawrence stated that they checked with Legal on the word “lot improved”, from what she had heard Council Member Noriega say that what she was trying to offer with the amendment was deed restricted lots for residential use, but with the word improved it opened up a whole other can of worms and kind of a “loophole” that could make it for any lot that had a house on it, maybe that house was used for commercial or whatever, that she was very concerned about it and did not want to tag it because she knew the spirit that she was going with it but she had a major problem with the verbiage

Council Member Noriega stated that she would be willing to amend her amendment to strike the word “improved”, not because she thought some homeowners were less or more than others, but rather than go through a protracted fight she would amend her amendment in the interest of moving it on. Council Members Sullivan, Lovell and Green absent.

Mayor White stated that the proposal was to strike the words on the written amendment, “improved or” and if there was no objection by unanimous consent it was so ordered. Council Members Sullivan and Lovell absent.

Council Member Holm asked when it said restricted for residential use did it mean that there was a covenant on the property that restricted it or did someone just decide for the moment that it was restricted.

Mayor White asked Mr. Don Cheatham, Legal Department, to address Council Member Holm’s question, and Mr. Cheatham stated that the language was intended to protect both those residential properties that had deed restrictions for residential use only and those neighborhoods where there may be many houses but no deed restrictions, that his use of the word “improved” meant that there was a house on it, that if they strike the “improved or” from that he thought they took away the protection for un-deed restricted communities; and Mayor White asked why did they not just say “residential use”, and Mr. Cheatham stated that because of the fact that Houston had so many un restricted neighborhoods and they were mixed use he figured that every time they ran into that they were going to have a fight about what was residential, and Mayor White stated that he was talking about “lot”, that maybe they just made a mistake and maybe there was a good reason or maybe they just disagreed, that he was just asking why did they not say “to any residential lot”, and Mr. Cheatham stated that they could certainly say that, that would work. Council Members Sullivan and Lovell absent.

After further discussion by Council Members, Mr. Cheatham stated that they had several choices to accomplish what they were trying to do, that the recommendation to say “prohibited adjacent to any residential lot” certainly would get them there or “residential area”, either one would work, and Mayor White asked if “residential area” a defined term in Chapter 42, and Mr. Cheatham stated that as he recalled yes it was, that he could not quote it. Council Members Sullivan, Garcia and Lovell absent.

After further questions and discussion by Council Members, Mr. Cheatham stated that “residential area” or “residential lot”, he thought either one would get them there, that they were going to have areas where there were residences constructed and there were also vacant lots and no deed restrictions, and Mayor White stated that deed restrictions had nothing to do with what they were talking about, and Mr. Cheatham stated that he agreed. Council Members Sullivan, Brown and Lovell absent.

After further discussion by Council Members, Council Member Noriega moved to amend her amendment to say “prohibited adjacent to any residential lot”, seconded by Council Member Rodriguez. Council Member Garcia voting no, balance voting aye. Council Member Sullivan absent. MOTION TO AMEND CARRIED.

After further discussion by Council Members, Mayor White stated that currently if someone did move in and they were a residential lot and they adopted the amendment then there would be a violation of the ordinance because it was an operation, and Mr. Michel stated that he thought that was right, that the reference right now to electric fences was in the Building Code and it prohibited electric fences, that if they had a situation where they had commercial owners in a residential and between, upon the passage of that it would be prohibited, so to change that they would have to use language such as “installation” or something along those lines, and Mayor White stated in other words they would modify Council Member Noriega’s amendment, and if one wanted to modify it they would say “adjacent to residences at the time of the installation”, but as it was it referred to both installation and operation of the fences.

Council Member Green moved to suspend the rules to extend the meeting beyond the scheduled noon recess to complete the agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2008-0084 ADOPTED.

After further discussion by Council Members, Mayor White asked the proponent of the amendment would accept an amendment that said “at the time of installation” after her amendment, that the concern being if somebody moved in where there was a preexisting use would that be unfair to the person who had the preexisting use, and Council Member Noriega stated that this was an unusual situation, that normally there was a standard practice, as she understood and as she talked to the attorneys, that if something was in place when they pass an ordinance that they move forward, that in this case the fences were not legal right this minute, so it would be a useful addition to do what would normally be practice, which was if it was in place at the time that they passed the ordinance and they were allowing it then they would move forward and she would accept that. Council Member Sullivan absent.

Council Member Jones moved to amend Council Member Noriega’s amendment to add the words “at the time of installation” after the words “residential lot” at the end of Council Member Noriega’s amendment, seconded by Council Member Khan. All voting aye. Nays none. Council Member Sullivan absent. MOTION TO AMEND CARRIED.

After further discussion, Council Member Noriega stated that she would tell them that she was satisfied that the fence was safe, that she was not satisfied that it was the only fence option available from now on, and having said that she would withdraw her amendment. Council Member Sullivan absent. (See MOTION 2008-0085 – WITHDRAWN)

Mayor White asked if there was any objection to the withdrawal of the amendment and hearing none stated that it was so ordered. Council Member Sullivan absent.

Council Member Khan stated that based on the discussion that they had on Council

Member Noriega's amendment and based on the understanding that he had from Legal he did not have any objection if they wanted to change his amendment by taking out the "lot improved" and adding "at the time of installation", and moved to amend his amendment with "prohibited within 25 feet of any residential lot at the time of installation", seconded by Council Member Noriega. (Note: A complete copy of a proposed amendment by Council Member Khan was not provided to the City Secretary for the record.) Council Member Sullivan absent.

Mayor White stated that if there was no objection to Council Member Khan's motion to amend his amendment it was so ordered by unanimous consent. Council Member Sullivan absent.

Council Member Lawrence stated that she could not support Council Member Khan's amendment because so many businesses were only a 50 foot lot or a 75 foot lot and this would give them only 25 feet to have a business; that she would offer an amendment, that was a solid fence or one that had slats in it that a stick did not go in between and that took care of the safety issue which addressed what her colleagues, being safe for kids, really gets at, and submitted the following written motion: Council Member Sullivan absent.

"I move to amend Item 31 as follows:

Redline of Items (2), (3) and (8) of Subsection (a) of Section 28-10:

"(2) **Perimeter fence or wall:** No electrified fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet and not more than eight feet in height. The perimeter fence or wall shall be separated from the electrified fence by not less than one foot at its closest point, and by not more than five feet at its farthest point, except at gate openings, which shall be installed in conformance with the specifications set forth in Annex CC of IEC Standard 60335-2-76, as such standard exists upon .³ The area between the perimeter wall or fence and the electrified fence shall be kept completely clear of landscaping, shrubbery, other fences or any material of any kind. The lowest part of the perimeter fence or wall shall be constructed to follow the natural terrain to prevent penetration of such fence or wall at ground level. No part of a perimeter fence or wall shall be allowed to be in contact with an electrified fence by any means at any time. Perimeter fences adjacent to lots improved or restricted for residential use shall be either a wood privacy fence, a chain link fence with wood or plastic slats inserted into each weave of the fence, or an equivalent solid barrier fence.

(3) **Location:**

- a. Limited to commercial outdoor storage areas only.
- b. Prohibited within five feet of any public right-of-way or sidewalk, unless the barrier fence is a wood privacy fence, a chain link fence with wood or plastic slats inserted into each weave of the fence, or an equivalent solid barrier fence.
- c. Prohibited within 25 feet of any outdoor area utilized for the storage, use, or handling of hazardous materials as defined in the Fire Code.

(8) **Registration:** Prior to the installation or use of any electrified fence, the property owner or lessee of the property upon which such fencing will be installed or used shall submit a completed registration for such fencing to the fire department using the form promulgated for that purpose by the fire chief. The property

owner or lessee shall certify that the energizer of the fence complies with characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76, as such standard exists upon⁴. No fee shall be charged in connection with the registration required by this item.

Council Member Lawrence stated that they had made it very safe so no one would get a little bitty shock. Council Member Sullivan absent.

Council Member Khan stated that he would still like to propose his amendment to add the 25 foot restriction. Council Member Sullivan absent.

After further discussion by Council Members, Council Member Lovell moved to call the question, and Council Member Khan stated that he would withdraw his amendment. Council Member Sullivan absent.

Council Member Lawrence moved to change the last sentence of the first amendment to read, "Perimeter fence adjacent to residential lots at the time of installation of the electrical fence, shall be either a wood privacy fence, a chain link fence with wood or plastic slats inserted into each weave of the fence, or an equivalent solid barrier fence". Council Member Sullivan absent.

Mayor White asked if there was any objection to Council Member Lawrence's amendment to her amendment, if not, by unanimous consent it was so ordered.

A roll call vote was called on Council Member Lawrence's motion to amend Item No. 31.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting no
Council Member Lawrence voting aye	Council Member Rodriguez voting aye
Council Member Johnson voting aye	Council Member Brown voting no
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Adams voting no	Council Member Noriega voting no
Council Member Sullivan absent	Council Member Green voting aye
Council Member Khan voting no	Council Member Jones voting aye
Council Member Holm voting aye	MOTION 2008-0086 ADOPTED

A roll call vote was called on Item No. 31 as amended.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting no
Council Member Lawrence voting aye	Council Member Rodriguez voting aye
Council Member Johnson voting aye	Council Member Brown voting no
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Adams voting no	Council Member Noriega voting no
Council Member Sullivan absent	Council Member Green voting aye
Council Member Khan voting no	Council Member Jones voting aye
Council Member Holm voting aye	ORDINANCE 2008-0081 ADOPTED

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

3. RECOMMENDATION from Director Department of Public Works & Engineering for

approval of final contract amount of \$7,260,402.00 and acceptance of work contract with **ENVIRONMENTAL INFRASTRUCTURE GROUP, L.P.** for Upper Brays, Almeda Sims, and WCID No. 111 Wastewater Treatment Plants Improvements, WBS R-000265-0020-4 - 1.03% over the original contract amount - **DISTRICTS D - ADAMS; F - KHAN and G – HOLM** – was presented, and tagged by Council Members Jones, Rodriguez, Lawrence, Johnson, Holm, Green and Adams. Council Member Sullivan absent.

After discussion by Council Members, Mayor White stated that he would invite people to consider, probably through the committee structure and with a recommendation by Ms. Laws, that when they made inquiries about people it was not just an idle inquiry, that they ought to try to respond to the City of Houston or have some good reason why they were not and most good businesses did respond to inquiries from their customers, that he would also say to the City personnel that most effective customers, and he was sure they had a phone log as well as letters, do call as well as write, that people were fired and who knows what happened to them or people were dismissed, so they needed to make sure that there was some formality of communication, and finally, if Ms. Laws finds that somebody would not respond to the City despite diligent inquiries that they would not wait until an accept work to understand that somebody with more authority tries to get them on the line. Council Member Sullivan absent.

After further discussion by Council Members, Council Member Green stated that he would ask that the director or whomever was responsible for attesting to at least check out the information so that Council Members did not have to track down people, that they rely on the information given to them; that he was concerned about the monitoring; that it may even be a construction management issue as well; that there was a informal agreement that the Council Members rely on the fact that they were given truthful and complete and timely information, that he thought there were many issues going on and thought that as they began to move forward they needed to hold the directors of the departments accountable. Council Members Sullivan, Holm and Brown absent.

After further discussion by Council Members, Mayor White stated that he thought that in a committee the procedures under both their procedures and law, to preserve the integrity of the program, of what constituted good faith, he thought they needed to review in a committee meeting because it was very detailed. Council Member Sullivan absent.

Mayor White stated that Item No. 3 had been tagged. Council Member Sullivan absent.

Council Member Holm moved to suspend the rules to consider Item No. 17 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2008-0087 ADOPTED.

17. ORDINANCE amending Ordinance No. 2007-0744 relating to the fiscal affairs of the Upper Kirby Redevelopment Authority on behalf of Reinvestment Zone Number Nineteen, City of Houston, Texas, (Upper Kirby Zone); approving an amendment of the Fiscal Year 2008 Operating Budget and the Fiscal Years 2008-2013 Capital Improvement Budget for the Authority **DISTRICTS C - CLUTTERBUCK and G – HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2008-0082 ADOPTED.

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,234,142.96 and acceptance of work contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS), WBS R-002013-0013-4 - 4.90% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; F - KHAN and H – GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Sullivan absent. MOTION

2008-0088 ADOPTED.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,130,844.54 and acceptance of work on contract with **BOYER, INC** for Supervisory Control & Data Acquisition (SCADA) and Security at East Water Purification Plant, WBS S-000522-0006-4 - 6.04% under the original contract amount - **DISTRICT E – SULLIVAN** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. Council Member Sullivan absent.

Council Member Lawrence stated that she would tag Item No. 5, that she would like to get some information, that it was a lot related to Item No. 3, that they had a company that did not perform, why did they not perform, did they go out of business also, so there were a lot of questions, how long had they been in the MWBE Program, what qualified them to be in the program, that she would like to get back up, that when a company did not perform to let them know why.

RESOLUTIONS AND ORDINANCES

8. RESOLUTION ratifying and re-approving City of Houston Resolution 2007-46 authorizing City of Houston Industrial Development Corporation Senior Air Cargo Special Facility Revenue Refunding Bonds, Series 2008 and Senior Air Cargo Special Facility Revenue Bonds, Series 2008 (Cargo Acquisition Companies Obligated Group II); a financing agreement; a trust indenture; and other matters in connection therewith – was presented. All voting aye. Nays none. Council Members Sullivan and Holm absent. RESOLUTION 2008-0002 ADOPTED.
13. ORDINANCE approving and authorizing disbursement of up to \$3,750,000.00 received from the Texas Parks & Wildlife Commission, Texas Recreation and Parks Account, to acquire the title to that certain 5.000 acre tract of land, located in the J. Reinerman Survey, A-642, Harris County, Texas from the Houston Parks Board, a Texas non-profit corporation, doing business as “The Houston Parks Board, Inc.”, free and clear of all monetary liens; approving and ratifying a Texas Parks and Wildlife Department Account Agreement - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Sullivan and Holm absent. ORDINANCE 2008-0083 ADOPTED.
- 14-1. ORDINANCE approving and authorizing the City to release Four (4) lots owned by the Houston Housing Finance Corporation and located in the Fourth Ward from certain land use restrictions **DISTRICTS D - ADAMS and I – RODRIGUEZ** - was presented. Council Members Sullivan and Holm absent.

After discussion by Council Members, Item No. 14-1 was tagged by Council Members Adams, Rodriguez and Jones.

15. ORDINANCE approving and authorizing an agreement between the City of Houston and **FOURTH WARD REDEVELOPMENT AUTHORITY** for the Financing of Design and Construction of the West Webster Park - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Sullivan and Holm absent. ORDINANCE 2008-0084 ADOPTED.
16. ORDINANCE amending Ordinance No. 2007-0735 relating to the fiscal affairs of the Midtown Redevelopment Authority on behalf of Reinvestment Zone Number Two, City of Houston, Texas, (Midtown Zone); approving an amendment of the Fiscal Year 2008 Operating Budget for the Authority - **DISTRICTS D - ADAMS and I – RODRIGUEZ** – was presented. Council Member Sullivan absent.

Council Member Brown stated that he wondered why there was no allocation of affordable housing in the 2007 and 2008 budget, affordable housing set aside, that he could not find it anywhere, and Mayor White stated that amount was set aside by various formulas, that he had not read all the documentation but generally they did not include the set asides and the disposition of the set asides, they include under line item of revenues they net the set aside from revenues but the actual disposition of the set asides is a different story and was done by individual appropriation by this body and this was a special case, that in this case it differed from all the others, there had been one or more grants by the TIRZ, on a policy begun with the last administration, to acquire land in the Third Ward area, that they could get some documentation on it if Council Member Brown wanted, and Council Member Brown stated that there was a line item in there that just had zero, and Mayor White stated that they would get an answer to that. Council Members Sullivan and Holm absent.

A vote was called on Item No. 16. All voting aye. Nays none. Council Members Sullivan and Holm absent. ORDINANCE 2008-0085 ADOPTED.

20. ORDINANCE amending City of Houston Ordinance No. 2004-0685, passed on June 30, 2004, which approved and authorized the submission of the 2004 consolidated plan to the United States Department of Housing and Urban Development, including a grant application for the Home Investment Partnerships ("HOME") Program under the authority of Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended – was presented, and tagged by Council Members Green, Khan, Noriega, Adams and Garcia. Council Member Sullivan absent.
22. ORDINANCE appropriating \$245,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **LBG-GUYTON ASSOCIATES** for Design of the Rehabilitation of Water Wells at various locations, WBS S-000200-0016-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS B - JOHNSON; C - CLUTTERBUCK and E – SULLIVAN** - was presented. Council Members Sullivan, Holm and Noriega absent.

Council Member Lawrence stated that she had conversation with the director and she was real pleased with the work that was being done and how much the City was staying ahead of TCEQ in requirements but she had a problem with subsidence, especially in the northwest part of Houston, that subsidence had moved from the Port to Jersey Village in some places as much as 12 inches, the ground had shrunk, that they had a lot of problems, so her request was even though they needed to keep the wells as a backup, that was how it was explained to her, that they continue to work, the City was divided into three zones, two of them were 90% above ground and one of them was only 30% above ground, that yes they were meeting TCEQ requirements but this was something that she had asked the director to consider moving up in their budget so that they could go on, and they felt like a lot of the subsidence in northwest Houston had stopped but they did not know for a couple of years, that it was kind of an effect that they did not know, that there was a lot of work in that third zone that needed to happen and it was just a matter of having the money to do it, that she did not want to hear necessarily what TCEQ goals were because they were in a situation, that she wanted them to continue to move faster to get all of Houston in a good situation. Council Members Sullivan, Holm and Noriega absent.

A vote was called on Item No. 22. All voting aye. Nays none. Council Members Sullivan, Holm and Noriega absent. ORDINANCE 2008-0086 ADOPTED.

25. ORDINANCE appropriating \$1,800,000.00 out of Drainage Improvements Commercial Paper Series F, Fund; and allocating \$500,000.00 out of Storm Water Utility Fund, awarding contract to **TOTAL CONTRACTING, LTD.** for On-Call Drainage Construction (Work Order), WBS No. M-000126-0058-4; providing maximum contract amount; 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 Drainage Improvements Commercial Paper Series F, Fund and the Storm Water Utility Fund – was presented. Council Members Sullivan, Holm and Noriega absent.

After discussion a vote was called on Item No. 25. All voting aye. Nays none. Council Members Sullivan and Holm absent. ORDINANCE 2008-0087 ADOPTED.

NON CONSENT AGENDA - NUMBERS 29 and 30

MISCELLANEOUS

29. MOTION to set a date not less than seven (7) days from January 30, 2008, to receive nominations for Positions Five and Seven to the **ETHICS COMMITTEE** for two-year staggered terms – was presented. Council Members Sullivan and Holm absent.

Council Member Khan moved to set February 6, 2008 to receive nominations for Positions Five and Seven to the Ethics Committee, seconded by Council Member Garcia. Council Members Sullivan, Holm and Noriega absent.

Council Member Clutterbuck stated that for Position Seven she planned to renominate Mr. John Jay Douglas for the Ethics Committee. Council Members Sullivan, Holm and Noriega absent.

A vote was called on the motion to set a date to receive nominations. All voting aye. Nays none. Council Members Sullivan, Holm and Noriega absent. MOTION 2008-0089 ADOPTED.

30. **SET A HEARING DATE** relative to the nomination of Deloitte, LLP as an enterprise project of the Texas Enterprise Zone Program - **DISTRICT I – RODRIGUEZ - SUGGESTED HEARING DATE - WEDNESDAY - FEBRUARY 6, 2008 - 9:00 A.M.** – was presented. Council Members Sullivan, Holm and Noriega absent.

Council Member Green moved to not set February 6, 2008 as the date for a hearing relative to the nomination of Deloitte, LLP as an enterprise project of the Texas Enterprise Zone Program. Council Members Sullivan, Holm and Noriega absent.

Mayor White stated that the motion should be to refer it back to the administration.

Council Member Green moved to refer Item No. 30 back to the administration, seconded by Council Member Garcia. Council Members Sullivan, Holm and Noriega absent.

After further discussion Council Member Rodriguez asked for a point of clarification and asked what would it do if they delayed the hearing and how long would it be before it came back to Council, and how it would impact the first attempt, and Mayor White stated that there was a committee hearing on it and asked if that issue was raised; that he did not understand that it was a matter of choosing between one firm or a small business, that they did not want to do that, that they wanted to get as much State funds for Houston companies as they could, big, medium and small, and if there was a limit they wanted to know what the limit was but he did not

understand that was a choice, that on the other hand he wanted to satisfy his colleagues concern, that maybe he could try to find that information for him, that he hoped they would not do anything to cause somebody not to move to Houston; that if they were talking about taking taxpayer money and paying some business to move three blocks then he would like to know that, that he did not know whether that was the case, but if it was, then what a waste of taxpayer money at the State level; that Houston taxpayers had paid a lot of money into a fund in Austin, that the metropolitan area generates 25% of GDP of the State, 25% of the sales of the State, and there had been hundreds of millions of dollars that could go to schools and colleges and transportation, that was in a fund and checks were made out to businesses and somebody ought to audit where that money goes to; that he would like to see Mr. Mesa or somebody explain it. Council Members Sullivan, Holm, Garcia and Noriega absent.

After further discussion by Council Members, a roll call vote was called on Council Member Green's motion to refer Item No. 30 back to the administration.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Rodriguez voting no
Council Member Johnson absent	Council Member Brown voting aye
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Adams voting no	Council Member Noriega voting no
Council Member Sullivan absent	Council Member Green voting aye
Council Member Khan voting no	Council Member Jones absent.
Council Member Holm absent	MOTION 2008-0090 FAILED

Council Member Rodriguez moved to set February 6, 2008 as the date for a hearing relative to the nomination of Deloitte, LLP as an enterprise project of the Texas Enterprise Zone Program, seconded by Council Member Lovell. Council Members Johnson, Sullivan, Holm and Jones absent.

After discussion a vote was called on Council Member Rodriguez motion to set the hearing. Council Members Brown and Green voting no, balance voting aye. Council Members Johnson, Sullivan, Holm and Jones absent. MOTION 2008-0091 ADOPTED.

MATTERS HELD - NUMBERS 33 and 35

33. ORDINANCE appropriating \$7,000,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 5 to the contract for Professional Architectural/Engineering Services by and between the City of Houston and **LOCKWOOD, ANDREWS AND NEWNAM, INC** for Terminal Improvements at William P. Hobby Airport; Project 417E; WBS A-000141-0003-03-17 **DISTRICT I - RODRIGUEZ – (This was Item 20 on Agenda of January 23, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. All voting aye. Nays none. Council Members Johnson, Sullivan, Holm and Jones absent. ORDINANCE 2008-0088 ADOPTED.
35. ORDINANCE finding and declaring public convenience and necessity for the acquisition of Fee Simple Title or easements for rights-of-way in connection with the public improvement project known as the Mercury Drive Paving Project, Segment 4 (from Herman Brown Park to Wallisville Road), authorizing the acquisition of certain real property interests within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of Fee Simple or easements in, over, upon, under, and across 14 parcels of land situated in the Reels and Trobough Survey, Abstract No. 59, Harris County, Texas, and being more

specifically situated along and abutting the east or west lines of Oates Road between U.S. Highway 90 and Wallisville Road in Houston, Harris County, Texas - **DISTRICT I – RODRIGUEZ – (This was Item 32 on Agenda of January 23, 2008, POSTPONED BY MOTION #2008-75)** – was presented. Council Members Johnson, Sullivan and Holm absent.

After discussion Council Member Rodriguez moved to postpone Item No. 35 for one week, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson, Sullivan and Holm absent. MOTION 2008-0092 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Garcia stated that tonight at 6:00 p.m. at Jeff Davis High School he would be holding a Go Green Townhall and would invite everyone to come by and listen to not only what the City of Houston was doing but what other entities around the community were doing in this regard, that Council Member Adams would be co hosting the event and he wanted to thank her for joining him on it; that he had the opportunity to listen to Dr. Barton Smith of the University of Houston, a local economist, that he had previous conversations with him as he had been looking at respective initiatives through the MWBE Committee and he made a huge point about how poor their personal saving habits were as a society and Country, and he pointed out that if they did not improve how it could have adverse effects on government services and resources into the future, so in light of that and in light of Go Green he was adding fiscal conservation to the items that would be discussed this evening, that Unity Bank and others would be joining them tonight to talk about their respective products to help encourage families and individuals to increase their savings and improve on their saving habits. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm and Noriega absent.

Council Member Garcia stated that tomorrow evening would be his CIP townhall which would be held at West End Multi Service Center located at 170 Heights and he would encourage everyone to come by. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to give kudos to Dena Gray and the Omega House for their help in getting an assisted walking device for a person that was identified to him by Christina Jacques with the Hispanic Business Network, that someone had contacted the organization about a need for a walking device and after a couple of phone calls they ended up with Dena and the Omega House and they got that resident a much needed device to help them with their situation. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Garcia stated that the Super Bowl was this Sunday. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to thank everybody who attended the CIP meeting of District F that was held on Monday at the Southwest Multi Service Center; that they had a lot of young people who attended the meeting, that Gulfton United Minds Youth Group and Texans Together Program; that he wanted to thank all of the departments who were represented there; that the Texans Together group were inviting everybody for a meeting on Saturday, February 2, 2008 at 11:30 a.m. at Hennington Alief Regional Library, located at 7979 South Kirkwood, that they would be discussing the after school programs and a community directory, that if they had any questions they could call them at 713-782-8833. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Lovell and Noriega absent.

Council Member Khan stated that the new police station in District 18 continued to get tremendous appreciation from the constituents and the efforts made by the Houston Police Department under the leadership of Chief Harold Hurtt continued to be recognized by the community, that on Thursday, January 31, 2008, Chief Hurtt, along with the Public Affairs Division of HPD were inviting the members of the community and all the media representatives to meet with the HPD command staff, that they were calling it a "Off Duty Police Media Reception", that it would be held at the Arab American Community Center at 10555 Stancliff in southwest Houston, that the reception would give everybody an excellent opportunity to socialize and exchange ideas and build bridges of communication. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Lovell and Noriega absent.

Council Member Khan stated that yesterday he passed out a brochure on a movie called "Prince Among Slaves", that it was true story, that back in 1788 a young African prince was taken and bought as a slave and thrust into enslavement in a strange land, that there would be a premier showing of the movie at the University of Houston, Cullen Performance Hall, on Saturday, February 2, 2008, at 6:00 p.m. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Lovell and Noriega absent.

Council Member Green stated that on Saturday, February 2, 2008, the Conrad Johnson Foundation Annual Scholarship Gala would be held at the Hess Club located at 5430 Westheimer, that the reception would begin at 7:30 p.m. with the program and dinner starting at 8:00 p.m. for information they could call 713-854-6997. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Lovell and Noriega absent.

Council Member Green stated that the Houston Asset Building Coalition and the Earned Income Tax Credit Press Conference would be held tomorrow at 1:00 p.m. in the Mayor's conference room, that it was a great way to get the word out about individuals receiving the Earned Income Tax Credit and the Child Tax Credit, for information they could call 2-1-1 or 713-957-4357; that National Testing Day would be on March 8, 2008 high school students would have the opportunity to take free full length practice SAT, ACT, SAT subject tests or PSAT and would get a detailed score report highlighting their strengths and weaknesses, for more information they could call 800-273-8439, that it was free of charge; that the American Lung Association was hosting the 2008 Clean Air Challenge 5K Run and Walk on May 3, 2008 starting at Sabine and Bagby, the Bagby promenade along the Buffalo Bayou Trail, that the purpose of the challenge was to change people's knowledge, attitude and behavior as well as encourage each individual to make voluntary changes that would impact the air they all breathed, that proceeds from the event would help to support the American Lung Association education and research initiatives, for more information they could contact Ms. Jessica Ortega at 713-629-5828. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Green stated that he was very passionate about redevelopment all over the City, that it seemed that whenever they had new and exciting programs that really could revitalize the City and provide jobs it tended to come from the larger corporate side, that he knew for a fact that small businesses had been clamoring for help with the City and it seemed like they did not move unless some CEO from a downtown office building says it was a great idea, that although they were nominating Deloitte for the tax credits, it was brought to the City, that nobody told them that they were looking to do it and he thought that was where a huge disconnect was, that he knew that in the past he had brought new market tax credits and they had organizations that all they needed from them was to sponsor it and they had not moved, and these were places in people's districts that really were for community centers and unfortunately he now had to go back and say a corporation welfare to move a corporation three blocks was more important to the City than their community center, that they already missed the deadline, because the City did not act on, or to qualify them for new market tax credits, that he

thought they had to start looking seriously at the big picture, it was important, that there were lots of tax dollars and lots of programs that they do not avail themselves of and they needed to start taking them seriously, whether the person was Mary Smith, who lived off of Dowling Street, or whether it was Joe CEO who's office was on Bagby Street, that he thought they did not send a good message to the community if they say that although they were providing jobs and training people with disabilities, the very same things that the corporate recipients of these programs say that they were going to do, that he did not know what they were basing it on, he did not know what the criteria was, that it was just thrown upon them, and of course they would have a hearing and like many other hearings what happens was that they say their part and they do not have any public speakers and they move on and it passes, but he did think they needed to start taking people seriously, sometimes all they needed from the City was to sponsor them and nominate them and they had not done that. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mayor White stated that contrary to some impression he personally would listen to some facts and information that was presented before determining whether or not they ought to put the ordinance on the agenda, that after Council Member Green had visited with him about it and had spent some considerable amount of time on the new markets tax credit idea and were still doing so, that it was not as though before a couple of years ago the City was big time involved in this and there were some reasons for that having to do with the local match out of General Funds that Houston had not done, that typically it was used like Saint Louis Waterfront Revitalization would be an example of that, and then Congress did in the current administration and the former Congressional leadership did put the brakes on those appropriations, which did slow down some of their efforts in pursuing those, that he thought that one of the things that both Mr. Celli, and why they brought Mr. Mesa on board and gave him the economic development portfolio was exactly as Council Member Green said, that they needed somebody besides the various boards and commissions that had been in existence for some time, with nominees from the Council Members including the small business development corporation, who would do a more active job in trying to get some benefits, especially for those firms who needed them most, that he agreed with him, he did not think that big firms generally ought to get tax money, that he did want to represent the people within their City so if it was all going to big firms in Dallas he was not sure, that they could get a report to any appropriate committee on the current thinking of new markets tax credits, the role of commercial banks, their CDCs in securing those, it was a legitimate view, that he would say if there was some organization who had a grant proposal here that the City failed to act on on new markets tax credits he would like to be aware of that organization who made that specific application for that, and Council Member Green stated that it was Neighborhood Centers, and Mayor White stated that Neighborhood Centers wanted to coordinate an effort, whether or not somebody had a project that was eligible as opposed to somebody who wanted to explore the possibility, and they said yes, fine, explore the possibility, they could get into where the responsibility lay and who was supposed to do what, who wanted to do what, that he would just say that they all had been in these jobs for a while and they ought to listen at face value and there was also an issue where they say one none profit was the only one in the City, whether they were excluding another non profit and they were sensitive to that, in fact for the very reasons that he indicated, but they wanted to work on that and they wanted to work on it as aggressively as they could and had been adding resources and would appreciate people's specific suggestions because they could do better as a City, but he did want him to know that there had been some fair amount done in Washington and in Houston to explore at various times new markets tax credit and with some signal from the new Congress those efforts had been revived and they had discussed with particular non profits, were there specific projects that they thought met the program criteria that they ought to be sponsoring, that they had done that and knew that they had to work with non profits but were all ears. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to acknowledge his colleagues on City Council, particularly Council Members Adams and Jones, for the homework that they had done on a number of these issues and he thought in aggregate all of the attention to detail from their Council Members really improved the accountability that they owed their taxpayers and he thought it was a really healthy thing. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Brown stated that he was impressed with the Mayor's superb State of the City speech, that he spoke about the right balance between continuity and change, that was a very important issue for the City. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Brown stated that last weekend two prominent realtors pulled him aside, one who was showing for sale homes in the shadow of the Ashby High Rise in the Boulevard Oaks, that he said "buyers won't make a decision until the Ashby High Rise controversy is resolved" and he added that prices in Boulevard Oaks were definitely dropping, that was an unintended consequence of their inadequacy of some of their development regulations; that the other realtor said, "it's all about balance, Houston has been out of balance for too long", that was referring both to the Ashby High Rise and the pending loss of almost all of the trees on the widening of Kirby Drive, that it was important for all of them to realize that the controversies were the tip of a more significant issue; that one of them was a need for a really updated first class modern development code. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that Council Member Brown, the Chairman of Sustainable Development, would get something today and really hoped that he could help lead the City on the issue of the urban farms and urban gardens, that a lot of it did not need ordinances, what it needed were procedures that were used with the City and LARA; that during the meeting he had marked up and sent to a number of people the procedures that another City uses and maybe in four to six weeks Council Member Brown could hold a hearing on where they stood, that basically it was making land available to people, which they did now, that a lot of people wanted the City to pay them some pretty big bucks to farm, that he was not sure they wanted to take that out of other programs; that the second thing, and he had made notes to other people so that there was no ambiguity about it, if Neighborhood Centers wanted to do anything that would qualify for a new markets tax credit they were very much open to the suggestion, where they had not been as keen as to say to somebody in advance, they were the organization in the City through which other non profits must go in order to make these applications, that he was a little apprehensive about, maybe he should not be, but if any non profit organization wanted to make any grant application for any thing then let him know if somebody had sat on a grant application and they would move it, that he wanted them to communicate to their friends and the people they worked with. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to thank Mayor White for entertaining the idea of forming the garden programs in the community by using some of the LARA lots and she understood that they had already found some guidelines that Saint Paul, Minnesota had done and she understood that the Legal Department had some of the markup about it, so she thanked him for looking into how they could do it in the City of Houston to help benefit some of the non profit organizations that may fall in some of the underserved communities, that she thought it would be a great idea. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that as Council Member Green mentioned about working with the initiatives about "Going Green" and to remind the community about the townhall

meeting they were having tonight at Jeff Davis High School about the green initiative and why it was important to recycle in the City of Houston and publicly thank their partners who were assisting them with the townhall meeting. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to thank former Council Member Edwards and her initiative with Direct Energy and the General Services Department in partnering with the Sunnyside Community and the leaders out there about receiving 561 applications for weatherization and out of the 561 applications 340 received services, that she also wanted to thank Mr. Issa Dadoush and the volunteers for going beyond and the extra effort by going out into the community on Saturday at 9:00 a.m. in partnership with Reverend Nash and his church by block walking the Sunnyside Community to let them know about the wonderful program that Direct Energy would be doing to help weatherize those homes, for the senior citizens who would qualify for the particular weatherization. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to thank Council Members Brown and Sullivan for participating in the Sunnyside South Park meeting on Monday, that it was a great meeting and she wanted to thank those leaders for taking pride in the communities and seeing that they could develop a partnership when they did have some of District E that sat in the boundaries of District D that they could work together to help with those issues in the district. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she really enjoyed going out to the CIP meetings as an At Large Council Member, that it had allowed her to learn what the constituency wants, that she would like to thank Mr. Will Trevino, of her staff, who went to the CIP for District E, Ms. Michele Phillips, who went to the District F CIP meeting and she and her Chief of Staff, Pat McFarland, who went out to the District C CIP meeting, that she looked forward to working with the District Council Members to address constituent needs. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that she was thankful that the University of Houston Center for Public Policy had allowed two interns to work in her office, Shawn Tarbor and Mandy Shahall. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that the District I CIP meeting would be held on Thursday, February 7, 2008 at 6:30 p.m. at the E.B. Cape Center at 4501 Leeland, that he wanted to invite all District I residents to come out and join them. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that the District D CIP meeting would be held on Tuesday, February 5, 2008 at the Willie Lee Gay Hall at the Houston Community College Campus. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to thank her colleagues for the SPARK Parks, that two of the schools in District D would receive some of the SPARK Park money, Yates High School and Almeda Elementary School.

There being no further business before Council, the City Council adjourned at 2:40 p.m. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary