

City Council Chamber, City Hall, Tuesday, July 22, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 22, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, 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; Ms. Debra Dillard, Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Marty Stein, Agenda Director and Ms. Stella Ortega, Mayor's Office, present. Council Member Jarvis Johnson absent on personal business. Council Member Anne Clutterbuck out of the city on personal business.

At 2:12 p.m. Mayor White called the meeting to order and stated that Council Member Brown would begin presentations. Council Members Lawrence, Adams, Sullivan, Holm, Garcia, Rodriguez, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that this was another special day in City Council as they honored a great, young Houstonian, Frasier Thompson III, better known as Trae, and invited him to the podium. Council Member Brown stated that today they were honoring him for being a great humanitarian and all were very appreciative and inspired by his work with families of those incarcerated, getting an anti gang message out and giving time and love to children of incarcerated parents; and presented him a Proclamation proclaiming today as "Trae Day" in Houston, Texas. Council Member Brown invited others with the presentation to the podium and stated Ms. Rosie Ruiz with the Mayor's Office did a great job, she was dedicated to working with ex-offenders and getting them back into the mainstream; and a spokesperson for No More Victims, Inc., stated that the program was designed specifically for children of incarcerated parents and they had over 700 in it at this time; that Trae came out with other rap artists and in their recent graduation this year they had 41 seniors and 41 graduates. Trae stated that he appreciated all the recognition, it was truly a blessing, today he felt like a kid and that didn't happen often, but he was trying to help change the outcome of futures and he would try and be that "big brother" and guide them; that many wanted to give up, but if you kept the faith, knowing God would always be with you, you would be alright; that he was having a big block party "the Houston Family Reunion" for the kids and he got moonwalks, trains, horses and celebrities, he called in favors to give people motivation and make them happy. Council Members Adams, Rodriguez, Lovell and Noriega absent.

Council Members applauded and thanked Trae for all he did and for making Houston proud; and also thanked Ms. Ruiz for her good works. Council Members Adams, Rodriguez, Lovell and Noriega absent.

Two of the youth in the group "No More Victims, Inc.", presented Trae a Certificate of Appreciation for staying with them and keeping his word and presented Ms. Ruiz a Certificate of Appreciation for helping open doors for them and giving them a reason to smile. Council Members Rodriguez and Lovell absent.

Council Member Holm invited Mr. Al Davis to the podium and stated that today they were celebrating a founder and hero of this city; that this year marked the 150<sup>th</sup> anniversary of Edward Mandell House, widely known as Colonel House, he was born in Houston in 1858 and was instrumental in election of four governors and served as an advisor to President Woodrow Wilson and among many other things helped shape the course of history following WWII and was instrumental in shaping Houston; and presented a Proclamation to Mr. Davis proclaiming today as "Edward Mandell House Sesquicentennial Day" in Houston, Texas. Council Members Rodriguez and Jones absent.

Mayor White stated that few people knew, but probably the most influential Texan until fairly recent history was Colonel House, during the time President Wilson had a stroke and was incapacitated Colonel House ran the country and that was something for a little town like Houston back in those days; and Mr. Davis thanked all for the recognition of such a Houstonian and he accepted the Proclamation on behalf of Colonel House's grandson, who was present when they dedicated the historical marker for his Great Grandfather who was Mayor of Houston in 1862, Thomas William House. Council Members Rodriguez and Jones absent.

At 2:36 p.m. Council Member Green led all in the prayer and pledge. Council Member Jones absent.

At 2:36 p.m. the City Secretary called the roll. Council Member Johnson absent on personal business. Council Member Clutterbuck out of the city on personal business.

Council Members Garcia and Khan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Clutterbuck out of the city on personal business. MOTION ADOPTED.

Council Member Jones stated that on a point of personal privilege she wanted to recognize a group of young ladies and their mentor, "Project SUCCESS" along with Patricia Williams who started the program and it was a two week summer program for 10th, 11th and 12th graders and Success stood for Students Using Culture, Creativity, Education, Strengthening Success; and she thanked them for doing positive things in the community and asked they stand to be recognized. Council Member Lovell absent.

Council Member Green stated that on a point of personal privilege he wanted to recognize another group of young individuals, the Management Leadership Team from Rice University, students from all high schools learning leadership skills; and asked them to stand to be recognized. Council Member Lovell absent.

At 2:39 p.m. the City Secretary began calling the public speakers. Council Member Lovell absent.

Mr. Travis McGee, 4800 Pederson, Houston, Texas 77033 (832-488-7709) appeared and stated that he was present to address concerns about the flood plain and to make sure their voices were heard; that the million dollar project began 19 years ago and the overall purpose was to put it within the bayous banks, but since it came into the neighborhoods; that they talked to the Harris County Flood Control and was told it would be remapped, but they wanted to make sure it would be remapped. Council Member Lovell absent.

Council Member Adams stated that she had a status on complaints he had brought forward and someone would bring that to show him at this time. Council Member Lovell absent.

Council Member Holm stated that on a point of personal privilege as elected officials they shared constituency and Rep. Bohac was in the Chamber today and thanked him for being present. Council Member Lovell absent.

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77025 (713-240-2472) appeared and stated that he was present regarding Agenda Item 61 regarding misclassification of workers; that the Harris County AFL-CIO was in favor of the ordinance as it would make misclassification of employees as independent contractors a penal offense and grounds for disbarment of city contracts; that he understood there was an amendment to exclude engineers and architects and they had no problem with that; and urged adoption of the ordinance.

Council Member Garcia thanked Mr. Shaw for his leadership.

Ms. Katherine Roberts, P. O. Box 130726, Houston, Texas 77219 appeared and stated that she was cofounder of the Rutherford Yates Museum who was consultant to the Coalition of Pastoral Leaders in the Freedmen's Town Historic District and present to thank all for the creation of the Landmark Designation Program, it had been a great vehicle in helping to save historic structures and they looked forward to final approval of 1404 Victor, a house owned by the Yates Museum which would become a barber shop museum and to the St. James United Methodist Church a 141 year old church which had been used to teach reading and writing to freed slaves. Council Member Garcia absent.

Mayor White thanked Ms. Roberts for what she did and stated that they were making some progress and they needed to get the Bethel Church; and Ms. Roberts stated that she would like to recognize Ms. Debra Sloan their historic researcher and Rev. Andrew Stewart from St. James Historic Church and his mother Lily Stewart who was the church historian and asked them to stand to be recognized. Council Member Garcia absent.

Council Member Brown stated that she was certainly one of those wonderful and dedicated caring leaders and all appreciated her; and the historic landmark ordinance Council enacted about one year ago was really working and it was a great thing; and also there were historic cemeteries needing to be saved. Council Members Adams and Garcia absent.

Mr. Joe Serna, 2600 Hamilton, Houston, Texas 77002 (210-416-8028) appeared and stated that he too was in support of the classification worker ordinance; that they applauded the city for taking a proactive approach to a potentially big problem, the ordinance would not stop honest contractors who did use 1099s but would stop those trying to cheat the system; and urged a yes vote on the item. Council Members Adams, Garcia and Brown absent.

Mr. Jim Blackburn, 4709 Austin, Houston, Texas 77004 (713-524-1012) had reserved time to speak but was not present when his name was called. Council Members Adams, Garcia and Brown absent.

Ms. Margaret Jenkins, 10751 Dulcimer, Houston, Texas 77051 (713-738-7128) appeared and stated that she was present regarding the floodway plane and asking that they not forget the older persons, to not make it a hardship on them when they did their planning. Council Members Adams, Garcia and Brown absent.

Council Member Noriega stated the ordinance would be more appropriate now for owners who had their property longer; and Ms. Jenkins stated that she had her home 38 years and never was there water in it. Council Members Adams and Garcia absent.

Upon questions by Council Member Jones, Ms. Jenkins stated that she was concerned about the property as she would hate to leave a burden with her children and grandchildren and she wanted to make sure they were protected. Council Member Garcia absent.

Mr. John Kleiber, 6121 Stuebner Airline, Houston, Texas 77091 (713-692-8888) appeared and stated that he was present as a representative of the Floodway Coalition of Houston relative to comments of the FCOH on the city's proposed amendments to Chapter 19, they reserved comment on changes until review of the ordinance was final and it remained their position that as existing structure and vacant land were integral to the ordinance language they must be clearly defined in the codified ordinance; that modified market value to the definition prior to the October 2006 revision was clearly stated the value would be established prior to any damage from any catastrophe and the current definition was regressive loading owners of older and more modest structures with an undue penalty and they would like market value defined to

include replacement value of the structure at the time the application for permit for repair was made in order to reflect the actual value prior to the damage or improvement; that they understood the following language from 19-43d(4) would also be inserted in 1943 c4, if the applicant could not provide the onsite or offsite mitigation requirement by item 3 of the subsection the applicant may request the city to provide mitigation for the development upon payment of the cost of mitigation established by City Council; as agreed Thursday July 17, 2008, stakeholders meeting 19-43(c) please insert at the beginning of the paragraph the following words, "for applicants that intend to increase their horizontal footprint" so the conveyance analysis and mitigation was required only if the footprint increased; Section 19-23(g) should be amended to reflect the following intent, the City Council may decide to approve or deny any permit, as agreed July 17, 2008, stakeholders meeting an applicant who satisfied all performance standards and requirements of 19-19, 19-43, the applicant was entitled to a permit, change "engineer may" to "engineer shall", 19-43(c) and (d) and there was no rational basis to deny a variance process for vacant land, the process may be allowed; that the FCOH reluctantly withdrew the argument regarding FEMA minimum elevation standards and accepted the city's proposal to provide an elevation certificate to provide the measurement of the bottom of the lowest horizontal structural member; provide an arbitration clause in the appeal process similar to the one provided by the Texas State Law and Appeals of ad valorem tax truants; after much discussion it became apparent that Exhibit A did not include the offsite mitigation fees as represented, but was rather a schedule for the development fees, the mitigation fee schedule must be provided; and they reserved comment on changes until review of the final ordinance. Council Member Garcia absent.

Council Member Khan thanked Mr. Kleiber for his part in the progress at the stakeholder meetings and stated that his input was extremely valuable and Benjamin Hernandez could visit with him; and Mr. Kleiber stated that Benjamin handed him several documents, one from his office and one relating to Agenda Item 65, but he had a small amount of time to review it, but was pleased to see some things on there and felt it was a positive step. Council Member Garcia absent.

Council Member Jones thanked Mr. Kleiber for what he did, but to Council Member Khan she would like a copy of what was provided to Mr. Kleiber and copies of his amendments; and Council Member Khan stated that he believed the Agenda Director had sent to all offices proposed amendments he planned to make tomorrow and after reviewing and if they needed any explanation he would be available and Andy Icken and Mark would also be available to make sure they received all they needed. Council Members Garcia and Rodriguez absent.

Ms. Janice Vandyke Walden, 220 W. 34th, Houston, Texas 77018 (281-923-9600) appeared and stated that she was a resident of Garden Oaks and grew up on Buffalo Bayou and while she did not live in the floodway zone her children attended a school within that zone and considerations they would be voting on were of daily concern to her; that she spoke with Council Member Lawrence regarding her concerns and came to express them today, the floodway zones would expand as densities in Houston increased and flood control projects could not keep up with the amount of building outside the flood zones; that the decision made tomorrow would affect everyone in Houston and surrounding counties and this plan would throw them back 50 years and only benefited the individual property owner and allowed tax revenue to the city while the rest of Houston paid the price when flooding occurred and they needed more creative solutions and incentives, they needed open spaces, greenbelts and the true cost of amending building restrictions had not been measured and before tomorrow's decision there should be an environmental impact study; and she could not support the provisions as they now were and hoped Council would stand by current codes for everyone's protection. Council Members Garcia, Rodriguez and Lovell absent.

Mayor White stated that he thanked her for articulating concerns of many who knew what

was now being done could not keep being done. Council Members Garcia, Rodriguez and Lovell absent.

Ms. Sandra Hines, 4425 Alvin, Houston, Texas 77051 (713-731-9806) had reserved time to speak but was not present when her name was called. Council Members Garcia, Rodriguez and Lovell absent.

Ms. Toni King, 435 FM 1092 #286, Stafford, Texas 77477 (77477 (281-830-3896) appeared, presented brochures and stated that she worked with people on Medicare and she needed help in getting the word out to those Council represented; that people had a hard time understanding benefits by Medicare written in a book by attorneys and most just put it on a shelf, but she put the book into simple terms in a book called the "Medicare Survival Guide" and she would be holding townhall meetings to show how they could benefit from Medicare and could be contacted at 877-334-toni or [www.medicare Survival Guide.com](http://www.medicare Survival Guide.com). Council Members Rodriguez, Lovell and Jones absent.

Council Member Noriega stated that she visited with Ms. King in her office and was told several things she was not aware of, one being if you did not move immediately on your benefits you would be reduced in what you received the rest of your life, there were crucial deadlines; that they were going to try and put together opportunities for seniors to listen to some of her suggestions and if anyone had senior groups they wanted to help show them how to survive with this; and Ms. King stated that between November 15th through March 31st was open enrolment for Medicare. Council Members Rodriguez and Lovell absent.

Mayor White stated that they did something before the prescription drug benefit went into place at the George R. Brown two years ago; and upon questions, Ms. King stated that Medicare and Social Security..., people called Medicare and would get someone who just graduated from high school answering questions and it was a mess. Council Members Rodriguez and Green absent.

Council Member Holm stated that she thanked Ms. King for putting the book together and was glad to have the brochure. Council Members Rodriguez and Green absent.

Council Member Jones stated that she loved proactive people and was glad those most in need could get some help and she would read it and would probably get a copy; and Ms. King stated that this was all out of her money and time. Council Members Garcia, Rodriguez and Green absent.

Mayor White stated that what he would like to do, she had a service, and he would suggest and to Mr. Fontaine he would like him to compare notes and come up with a timetable and Ms. Marks and her interns and those who helped with policy here, if they could come up with the marriage of about four or five questions and answers where she found there was the most misunderstanding; that they needed quality control and come up with questions and answers and have her help and then in the citizens net and in water bills, not about the book but questions and answers, one page, so they would work with her on that; and Ms. King stated that she would appreciate that; and Mayor White stated that they were not promoting anyone selling anything, but she could help them with the most asked questions. Council Members Adams, Garcia, Rodriguez and Green absent.

Mr. Norris Taibel, 4142 W. North Hampton, Houston, Texas 77098 (281-630-2200) appeared and stated that he was in a parking lot with his motor running when he heard a bang on his window and looked to see a man in a soiled white t-shirt and baseball cap and after cracking the window he told him to move and he asked the man by what authority was he asking him to move and he looked at him smugly and walked away; that his wife came out of

the store and as he started to pull out the man jumped in front of him and after stopping the man placed a ticket under his windshield wiper; that he went to court to dispute the parking in a handicap zone and they would not hear his side of the story and now was asking for a day in court where they would hear his side of the story; that the man seemed to be quite empowered and needed to show no identification; that HPD told him there were people writing tickets but wore green vest with parking enforcement written on the back and he had nothing on like that, he was not here because of the money but to prevent future such incidents and asked the program be looked into. Council Members Adams, Holm, Rodriguez and Green absent.

Mr. David Gautreaux, 15950 2nd Street, Channelview, Texas 77530 (281-452-3760) appeared, presented information to Council Members and stated that he was present on a permit issue, customers bought a home through their company and purchased property in Houston, they were told they could place a manufactured home and commenced to do so, but after purchasing all and working on the permit process they were told modular homes could be placed in the city limits and manufactured homes could be if placed in a park, they continued to press the issue and were told by Permitting if they were to get proper state seals on plans for the homes they would issue a permit for the home; that they supplied pictures of the neighborhood and homes there and picture of the home that would be placed there and felt it would be upgrading the property and surrounding area, it had hardy panel siding, etc., and the lady had cancer and would need to spend time at the Medical Center and that was why they purchased the particular property and they were asking Council to assist them in the permitting, it did meet state requirements. Council Members Adams, Holm and Green absent.

Upon questions by Council Member Jones, Mr. Gautreaux stated that there was a title done and it did not state whether or not a mobile home could be placed there, but the land seller and realtor said it could and that was why it was purchased. Council Members Adams, Holm and Green absent.

Upon questions by Council Member Khan, Mr. Gautreaux stated that the city said a modular home but not a mobile home could be placed, the basic difference was electrical and plumbing, the structure and chases of the home were the same; that the property was only a couple hundred feet within the city limit and because the home was already built they could not get a third party company to stamp it with the state seal to allow it to be placed. Council Members Adams, Holm and Green absent.

Council Member Khan stated that he would like to know if there was any precedence of doing anything like this; and Mayor White stated that he would have Mr. Norman visit with him and then get a report back. Council Members Holm and Green absent.

Upon questions by Council Member Noriega, Mr. Gautreaux stated that Kentshire was the street and north of Tidwell, off Mesa Road off Highway 90; and upon further questions, Mayor White stated that it would be Council Member Johnson's district if that was the correct location; and Mr. Norman was present to speak with him. Council Members Holm and Green absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated that it was a bird, a plane, no it was superman, mild mannered reporter Clark Kent, White House, Oval Office, President George Walker Bush; and continued expressing his personal opinions until his time expired. Council Members Holm, Noriega and Green absent.

Mr. Matt Wurth, 4823 Caris, Houston, Texas 77091 (713-862-8520) appeared and stated that he owned a bicycle shop on 18th Street and was a member of the board of Bike Houston, a local bicycle advocacy group, many more bikes were being sold and the city needed to be ready for more on the street; that there was a bicycle coordinator position available in Public Works and was vacant almost two years now and he would like that position filled, it was important to

plan in bicycles as a part of the transportation mix and he knew of a couple good people who had applied. Council Members Holm and Green absent.

Council Member Garcia stated that when the Mayor began working on flex hours with downtown employers he proposed encouraging flexibility in dress codes and maybe time for folks to shower, but now with gas prices this decision of bikes was more out of necessity; and Mr. Wurth stated that his customers wanted more paths and more road signage and that was the job of the bicycle coordinator. Council Members Holm, Lovell and Green absent.

Council Member Brown stated that he would echo that and this was opportunity to talk of making Houston a more bike friendly city and the on street bikeways were poorly maintained in many cases; that he was hired to do the Heritage Corridor West Bikeway in 1994 and had been working on the project 14 years and it was still not under construction, they had terrible difficulties with TxDOT, but they did need to get going on it. Council Members Holm, Lovell, Noriega and Green absent.

Council Member Jones stated that she agreed with all Mr. Wurth said and would reconsider the MKT being a way to link many places; and Mr. Wurth stated they had been waiting on that for a while, the project had been on the books 12 years and that was why there needed to be a coordinator at the city to birddog all the projects. Council Members Khan, Holm, Lovell, Noriega and Green absent.

Upon questions by Council Member Rodriguez, Mr. Wurth stated that a qualified applicant, Dan Raines, was a bicycle coordinator for the Houston/Galveston Area Council and he recently left and applied for this position and he felt he would be a great candidate. Council Members Khan, Holm, Lovell, Noriega and Green absent.

Mayor White stated that this was posted in October 2007 and the difference between posting and hiring was lost on various levels of government, they had a criteria and advocates who rode bicycles were a dime a dozen, but people who could figure out and understand TxDOT regulations and design standards, etc., but on June 8, 2008, they increased the salary and now four had been interviewed and he thought they were close to making a decision; that there was a group from the Quality of life Coalition and Director Marcotte both reported back to him and he knew intersections still needed to be done and they acquired the MKT right-of-way for \$2.6 million and would start linking, some deadlines had slipped with TxDOT and to Mr. Norman and Mr. Michel if there was something they could do about the projected letting date and construction schedule on about six or seven projects, if someone could get that information to this gentleman and people in the bike community and on the on road paths they did need a good coordinator, in Council Member Holm's district they had markings; and Mr. Wurth stated that the road was resurfaced and the bike lane the city paid for was eliminated and sometimes the street was resurfaced and only half way into the bike lane and then it was uneven and unsafe and someone needed to keep an eye out; and Mayor White stated that he got the point he was making, he told them it was a mistake, it was ridiculous to resurface and create a ride where someone would get hurt; that METRO had bike racks on buses and they were rarely used and now they were put back and the usage was way up; and Mr. Norman could let him know, it was not acceptable to him this position was posted in October and not filled. Council Members Khan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Garcia thanked Mr. Wurth for coming and stated that he was suspicious when there were 700 miles of geography and one person in charge of the area and he wondered if Matt and Bike Houston could serve as an underground volunteer base to help inventory where paths were deteriorating; and Mr. Wurth stated that several members did take pictures and e-mail Public Works. Council Members Khan, Holm, Rodriguez, Lovell, Noriega

and Green absent. (NO QUORUM PRESENT)

Mr. Venny Sanchez, 9215 Airline Drive, Houston, Texas 77037 (832-576-3355) appeared, displayed pictures and stated that the pictures were of exercise machines he made, he redesigned them and they now had more resistance; that obesity was on the rise and this would get people in shape. Council Members Khan, Holm, Noriega and Green absent.

Council Member Garcia thanked Mr. Sanchez for coming and stated that it seemed he had good ideas and urged he sit with an organization, Score, who were business executives, he exemplified what a Houstonian was and he wished him luck and success. Council Members Khan, Holm, Noriega and Green absent.

Miss Justine Manyose, 1418 Bayou Oaks Vista Drive, 77019 (713-652-3803) appeared, presented information and stated that she was present to speak about library services; that she thanked all who helped to make the new Houston public library because it helped her read more, but she was present to speak about how she was laughed at by the librarian in the teen area because she was reading and three boys were playing Wi and being loud so she asked the librarian if she could ask them to lower their voices, but instead they just laughed at her and said they couldn't and she would have to go to another part of the library if she wanted to read in quiet and that was when she went to the stairs and called her Mom and started to cry as she said they had laughed at her and her Mom said to stay in the teen area; that she did not like the thought of going to another part of the library because she felt safer in the teen area where only teens were allowed; that she would also ask for more comfortable chairs so people could read in peace, they had comfortable chairs for the game area, but not the reading area; and her Mom called and spoke with Mr. VanCamp about the situation and the problem was cleared at the end of the day, but she thought they should also have posters right when you enter the teen area to let kids know what the guidelines were, also some electrical plugs in the teen area did not work, she plugged in a laptop and it would not work and the librarian said there was nothing he could do, but another librarian found some plugs did work and those needed to be repaired; and she did thank all who helped with the library and the teen area. Council Members Khan, Holm and Green absent.

Mayor White stated that he was not sure if a representative with the Library was present and he did hope notes were being taken to have the plugs checked, etc., and Council Member Garcia stated that Greg Simpson with the Library was present; and Ms. Stein stated the plugs were fixed. Council Members Khan, Holm and Green absent.

Council Member Garcia thanked Justine for coming and for articulately sharing what was done well and where improvement was needed and apologized for her experience; Council Member Garcia stated that he would not expect that and he hoped in the future the library attendant would better serve her; that he was blown away by her presentation and if more would be like her services would be better and she did not just stand up for herself but for others who probably did not stand up for themselves and encouraged her to continue reading and her advocacy; and Greg, the gentleman standing in the back follow-up on all she laid out. Council Members Lawrence, Khan, Holm and Green absent.

Council Member Noriega stated that she had an 11 year old son and they went to the teen area and they would not let her go, it was important to remember libraries were for reading and they did an amazing job appealing to kids who did not value reading as much as she, but they should not lose site of the primary purpose, reading; and she was very impressed of how poised she was and of how impressed her mother must be at her coming to speak before Council. Council Members Lawrence, Khan, Holm, Rodriguez and Green absent.

Council Member Jones stated that she had made her day, she was very impressed with

her poise and to Mayor White her family was at the Southwest Multi Service Center and the library was full and people were playing games, looking for jobs, etc., one of her son's favorite places was the library; that she was glad she brought it to their attention that chairs were needed for reading which was a very necessary skill; that she was very impressed with her and she had a right not to be bullied and suggested next time she spoke with an adult and was told something like that she should get their name so if she needed to report they would know who to go to. Council Members Lawrence, Khan, Holm, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Mark Smith, P. O. Box 896, Bellaire, Texas 77402-0896 (713-867-5998) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Khan, Holm, Garcia, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Randy Sample, 12945 South Post Oak #200, Houston, Texas 77045 (83-890-7164) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Khan, Holm, Garcia, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Sharon Parish, 821 Green Meadow, Houston, Texas 77091 (832-893-8102) appeared and stated that she was present as she was wrongfully terminated from the City of Houston and she had pictures; that she was in the golf course cleaning up, she was working in Solid Waste at the time and they were in a golf course they should not have been in; that she backed into a vehicle from where she was parked, the guy parked behind her after she was already backing up, the guy with her was supposed to get out and back her up but he never got out and she was the one terminated; that they were told to go there by another supervisor to clean up, but they should not have been doing it and she had pictures to show; that safety never came out and she never took a drug test and those were requirements and she only had 2 and a half weeks before she had a year with the city, she was on probation, but some were there less time than her and had 3 or 4 accidents and they were still there, this was her first accident and they were there because a supervisor was doing a favor for a friend and it was not fair and should be looked into; that also in her pictures it showed workers picking up heavy trash when they had cherry pickers to do it; and they had her previously do a job she was not getting paid for and when she said something they moved her, she was also sexually harassed. Council Members Lawrence, Khan, Holm, Garcia, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that she was within her rights to come down and understand what the city had a probationary period for; that he was looking through some of the record and noticed there had been two written reprimands and three verbal reprimands and he wondered what the first one involving a safety violation was and those were apart from this accident; and Ms. Parish stated that she only had one accident and it was the one mentioned and no one came out, she knew of no other reprimands; and Mayor White stated that he was just sharing information in the record; and Ms. Parish stated that she had not signed anything and didn't know anything about that. Council Members Lawrence, Khan, Holm, Garcia, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that if people did similar things they should be treated similar and she heard others had accidents and still had a job and would like information on that; and upon questions, Ms. Parish stated that she looked and it was clear and she started to back up and the guy pulled up and parked and then she bumped him and he said he did not see she was backing up and the guy that was supposed to get out to back her up did not get out and nothing happened to him either, plus the supervisor sent them somewhere they should not be and it was being covered up because no one was sent out and that happened in March and they just now terminated her; and Council Member Jones stated to Mayor White that she just wanted to be equitable when something was done. Council Members Lawrence, Khan, Holm,

Garcia, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that she was a former employee of Solid Waste and they did have to abide by policies; that Ms. Darlene Williams was present with Solid Waste, but she did applaud what they did, she saw they gave people second chances and she would like her to speak with Darlene; and upon questions, Ms. Parish stated the pictures were from March; and Council Member Adams stated that they were picking up heavy trash with yard waste trucks and that was a concern, they were physically picking up with their hands when they had cherry pickers and appropriate vehicles, a compassion of hers was not to put employees at risk. Council Members Lawrence, Khan, Holm, Garcia, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Arthur Middleton, 4506 Galesburg, Houston, Texas 77051 (713-733-0867) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Khan, Holm, Garcia, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Louis Wu, 1921 Woodbury, Houston, Texas 77030 (713-797-1922) appeared, presented information and stated that he was present representing the Devonshire Community Association comprised of 72 town home owners and regarding the repair of curbs along both sides of the 6800 block of Staffordshire Street between Holcombe Boulevard and Woodbury; that they previously addressed this before 311 services and to Council Member Adams office and they were told curbs were the homeowners responsibility and he wished to appeal that judgment, this was not just for streets to look good but it was a safety concern; and Mr. Norman left him a message it was examined and not deemed to be a safety issue and he was present to ask for a public hearing and resolution. Council Members Lawrence, Sullivan, Khan, Holm, Garcia, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that this was a problem he addressed with a super neighborhood group last night where the City of Houston historically did not repair many damaged curbs and in Council Member Lawrence's area there were curbs in the esplanades and the reason they made it the responsibility of the landowner was because there was a limited amount of dollars and if they were going to repair curbs all over town that would be a lot of money being taken out of something; and upon questions, Mr. Wu stated that he thought the issue was the city did feel the landowner should take care of the property and not keep asking for help, but today his goal was for the city attorney to say it was not their responsibility; and Mayor White stated to Mr. Norman and to Council Members he would ask for some judgment; and Council Member Lawrence did have a committee; that he knew if they started doing some curb repair, he had a thing too about treating neighborhoods equally and he was against the squeaky wheel idea in management; that so far it was his inclination to back up the judgment of the people in Public Works on the issue of if it was a real safety hazard because they looked at this all over the city and he thought before they started cutting projects they would ask abutting landowners. Council Members Lawrence, Sullivan, Khan, Holm, Garcia, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that in front of her house sometimes she could not get into her drive because the street belonged to the public and they could park there and her guest had no place to park so then why would the city as her or anyone to pay for a curb they did not even control, she would be happy to pay if she could control the curb and she was curious to know why it was like this; and Mayor White stated that there was an ordinance in Chapter 40, Article III, Section 40-84 which was first adopted in 1968 and amended in 1990 which established the responsibility on the part of the abutting owner and allowed that owner to make repairs and there were various reasons for not being able to say it was their exclusive parking space and he thought the reason that was done was because of a desire to operate within the budget and spend the most money on those things for the most good to the most people and if they did

repair curbs there would be a whole lot of money taken out of something else; and to have private individuals basically buy portions of the street for their use he would say would have an inequitable impact; and there were certain very specific immunity issues which involved responsibilities for accidents caused by maintenance of public right-of-ways; and Mr. Heilman stated that he was very correct, the city as a governmental entity had immunity in all cases unless it was waived by the Texas Tort Claims Act; with regard to conditions of real property which this would be considered premise defect, the claimant would have to establish certain things to pierce the governmental immunity waiver and it depended on facts of each case. Council Members Lawrence, Sullivan, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that her office received many complaints on curb repair and knew the fees would be enormous; and upon questions, Mr. Wu stated that people who had money could afford to repair their curbs, but in the Wards it could be worse; that from his standpoint he was appointed to come to talk to Council on the issue and he was not present as a person of equal basis, but because he was asked by 72 people, certainly they could afford to repair but they were asking the city to do it; and Council Member Adams stated that she supported the Mayor's response to support the ordinance and if homeowners wanted to come together and repair curbs from the homeowner association they could go through the permitting process and Mr. Norman was present if he had any questions. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he supported what Mr. Wu said, he thought he paid enough in tax dollars and the city should come up with a way to fix curbs and sidewalks; and he thought a hearing should be called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Brown stated that Mr. Wu's photos showed a broken curb and that aggravated further deterioration of the curb and he would support having an analysis and would make it a curb and sidewalk fund; that West University was now responsible for all their curbs and sidewalks, they took the responsibility on themselves and relieved the homeowners and another would be for the city to repair their property and then put a lien on it for that cost; and upon questions, Mr. Wu stated that he would have to ask those he represented if they would do that. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she would ditto Council Member Rodriguez and most of what Council Member Brown said, but if you paid money you should have an ownership interest and get to control it. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Darryl Samuels, 3825 Dacoma, Houston, Texas 77092 (713-870-2459) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Ron McFarlane, 11013 Fuqua, Houston, Texas 77089 (713-269-7726) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Louis Murray, 15950 2nd Street, Channelview, Texas 77530 (281-452-3516) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Lonn Vasquez, 1704 Weber, Houston, Texas 77007 (713-864-5667) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Sullivan, Khan, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. David Beale, 316 W. 15<sup>th</sup>, Houston, Texas 77008 (713-863-0404) appeared and stated that he volunteered to help preserve Houston's historic neighborhoods and there was now an outstanding proposal to make it more difficult for builders to demolish historic buildings and build incompatible buildings in those historic districts; that builders in the Houston Heights opposed the change because it would make it more difficult for them and he understood they hired a lobbyist; that several years ago in the Westmoreland Historic District there were four or five lots and a builder had a plan to build an incompatible town house project and the neighborhood asked they not do it, the builder then went before the Houston Archeological and Historic Commission and his application was denied and the builder could have waited 60 days and built anyway but he did not, he decided if it was not appropriate to the district he would not build it and that was Bob Perry of Perry Homes; that several months later another builder came in with a plan for a compatible town house project and built it; that he took two lessons from the story, first, you can make a lot of money in Houston without demolishing historic buildings or building incompatible buildings and if there was a building project there was a builder to work with the rules and those in the Houston Heights did not need demolition for development; and he also did appreciate what appeared to be Bob Perry's attitude for historic preservation. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Mr. Beale for all the work he did in the Heights and all over, in making sure history was preserved; that they were moving forward with more ways to protect and preserve and felt very sure there would be more ordinances or policies come into place to protect. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she was a friend to historic preservation. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Rocky Jackson, 1701 Upland #79, Houston, Texas 77043 (no phone) had reserved time to speak but was not present when her name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Robert Gilbert, 2929 Buffalo Speedway #408, Houston, Texas 77098 (713-256-3160) appeared and stated that he had come to suggest the Mayor and Council investigate the possibility of putting the city workforce on a four day workweek and if 50,000 of the employees followed that they would not burn the 5 million gallons of gasoline which would have been used going 5 days a week; that it would require flexibility, cooperation and thinking outside the box. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that actually they did flex hours in many departments

and did off site work schedules. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she was a proponent of alternative schedules both for energy savings and also for family issues and she appreciated him coming. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that was done in her office also and anything suggested to help the city save money was worth looking into; and Mr. Gilbert stated that he would be glad to assist if anyone was interested; and Council Member Jones stated that she would like to speak with him in her office. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Louella Kelly, 5959 Belneath, Houston, Texas 77033 (713-731-4779) appeared and stated that her property had been placed in the floodway and she had been in her home 37 years and never flooded; that she was also concerned about insurance, since she was put into the flood plan they were wanting three times the amount of insurance and she needed help. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that the item was on the Agenda tomorrow, they recognized the problem and hopefully some of the problems would be rectified with changes and allow them to build where they were; and Ms. Kelly stated that she was not asking about improvement, she was asking about her property not being in the flood way; and Vice Mayor Pro Tem Lovell stated that FEMA did the maps, the city did not do them but had to abide by them, but they could change things they did themselves and they would vote on it tomorrow. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that Ms. Kelly's question had nothing to do with building, but insurance money and upon questions, Ms. Kelly stated that she was a senior and on a fixed income; that her flood insurance was \$233 a year and now they were asking \$785 and she did not have the money. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Gloria Godfrey, 5951 Beldart, Houston, Texas 77033 (713-733-3690) appeared and stated that she was also speaking on the flood way insurance, she had been in her house 34 years and was told about the grandfather plan, if you had flood insurance it would not go up if you were moved into the flood plain and her insurance has gone from \$198 to \$598 and she did not understand what was going on, what happened with being grandfathered; that also some across the street from her were not in the flood plain and some in it spoke to someone and were now out and they just were trying to find a way to maintain. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that their flood insurance was one thing and the city ordinance allowing them to build, etc., was another but both were driven off new mapping techniques where they flew over and redid where everything was and new maps were drawn as

to where water went, every time something was built it changed where water went and some houses which never flooded were now in an area where the water would move differently and the insurance changed accordingly; and she felt her Council Member would work with them to see if they could get assistance or what could be done. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Mr. Norman was present and would be happy to speak with them and walk them through the process. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. George Johnson, 6515 Sloan, Houston, Texas 77087 (713-643-1689) appeared and stated that he had 46 years of being culturally challenged and wanted to share a moment of his frustration; that on July 8, 2008, he inadvertently failed to appear for a traffic court appearance and contacted them on July 10<sup>th</sup> and conceded to accept the fine which he was refused a payment schedule and he said it was an act of concession because on February 5, 2008, at the preliminary hearing the officer or witness failed to appear and at the June 10, 2008, 9:00 a.m. hearing being indigent he filed a motion to dismiss citing failure of the witness to appear and later that afternoon the witness appeared and he said he had no legal responsibility as accused and the prosecutor urged the court to disallow the argument of legal responsibility before the jury which the court appeased and he then requested assistance of counsel and was told his time of prosecution did not qualify for guarantee of representation; that he filed an appeal and it was dismissed and today he was asking here had he been a victim of government and not a benefactor of democracy. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated there was no one present from the Municipal Courts today who could help him so she would refer him to the Citizens Assistance Office and they would help get him with the appropriate people or answer his questions; and Mr. Johnson stated that in the meantime there was a warrant for his arrest; and Vice Mayor Pro Tem Lovell stated that she could not assist him and again would refer him to Citizens Assistance and Mr. Williams was present with HPD to speak with him regarding the warrant. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Virginia Valentine, 15823 Rosethorn, Cypress, Texas 77429 (713-880-4333) appeared and stated that she was interested in getting with any organization to set up a school uniform and school supply drive for underprivileged students within the Houston School District; that she was aware of other organizations but it never hurt to have more and she would suggest having an old school bus and allow people to walk on and leave their items and make it fun; and she would also like a citywide community drive for items to help individuals, maybe all go in on a garage sale and keep 80% and give 20% to others for utilities or medication, etc. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that it was a great idea and she thanked her for thinking of children, it was expensive; that today she met with HOPE the union for employees and they were looking for public service projects and she would give her name and address to them and see if they would like this type project. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Kenneth Daniels, 5602 Selinsky, Houston, Texas 77048 (832-245-7600) appeared and stated that he had a lot of issues through the years and called Quanel X and Rodney Ellis and Jesse Jackson and at least an assistant of Mr. Jackson answered the call but he could not help him; that his complaint was on a hospital across from St. Joseph, he was locked up there at 1404 St. Joseph Parkway on the 6<sup>th</sup> and while he was there he had no soap, deodorant, toothpaste, cut no hair, etc., and he wrote many grievances, the staff told him it was a nonprofit organization and St. Joseph provided such articles so when he was released he went across and spoke with the Father, the Chaplain, and he needed an investigation. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she thanked him for coming, but the city was not over the hospitals and could do no investigations; that Harris County was over the hospital district. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Rudy Sutherland, 2202 Poco Drive, Missouri City, Texas 77489 (713-893-0716) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he was the official U. S. President and was placing charges on Bill White; and continued expressing his personal opinions until his time expired. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 5:19 p.m. City Council recessed until 9:00 a.m., Wednesday, July 23, 2008. Council Member Johnson absent on personal business. Council Member Clutterbuck out of the city on personal business. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, July 23, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Anne Clutterbuck out of the city on personal business.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:27 a.m. Mayor White called the meeting to order and stated that the first item on the agenda was a public hearing. Council Members Johnson, Adams, Brown and Green absent.

#### **HEARINGS - 9:00 A.M.**

1. **PUBLIC HEARING** on a proposal for the City of Houston to annex certain territory adjacent to I-10 and in the vicinity of Barker Cypress and Park Row in Harris County, Texas - **DISTRICT A – LAWRENCE** – was called. Council Members Johnson, Adams, Brown and Green absent.

The City Secretary stated that no one had previously reserved time to appear but Mr. Noel R. Rainey, Vice President, Methodist Hospital, had indicated a desire to be heard and would call on him at the appropriate time; that Ms. Margaret Wallace, Planning Department, would make remarks concerning the hearing. Council Members Johnson, Adams, Brown and Green absent.

Ms. Wallace stated that on June 9, 2008, the City of Houston received a petition from the Methodist Hospital System of Houston requesting the general purpose annexation of a 73 acre tract of land generally located at the intersection of Barker Cypress and Interstate 10; that the property was currently undeveloped and there were no residents on the property; that at completion of the development plan the site would include a 185 bed hospital facility, four mid rise medical office buildings totaling 624,000 square feet, a two story utilities plant and two seven story parking garages; that the northern most 30 acres of the site would be developed as a commercial and retail development; that the project would be completed in phases, the first phase, which included the hospital, one 153,000 square foot office building, the central plant and the development of Park Row Street would be completed by the summer of 2010, the remaining phases would be completed within 10 years; that currently the Harris County Appraisal District valued the entire annexation tract at \$7.7 million, at the completion of Phase 1 the estimated taxable value of the improvements was \$25 million; that public safety services for the development were currently being provided by the Harris County Sheriff's Department and Emergency Services District No. 47; that upon completion those services would be provided by the City in accordance with the service plan, that in the case of fire suppression the first responder was Harris County Fire Department Station No. 90, less than 1.5 miles from the development; that the annexation will benefit the City in the following ways, the increased tax value based on estimates provided by Methodist Hospital, even though the hospital was in fact a non profit much of the area may be taxable as it is leased to private individuals, that they would also benefit from improved facility construction due to their more stringent standards established by the City's Code of Enforcement, procedures and improved drainage facilities due to the joint participation by Methodist in their in City neighbor, Texas Children's Hospital. Council Members Adams and Garcia absent.

Mr. Noel Rainey, Vice President, Real Estate, Methodist Hospital, appeared and stated that they were excited about the development of the fifth hospital campus to serve the citizens of the City and Harris County. Council Members Adams and Garcia absent.

Council Member Lawrence stated that she wanted to say thank you to Ms. Wallace for all the research that she had done and all the help talking about various items on the annexation and also to Mr. Andy Icken for the work and conversation they had; that looking at their CIP and looking at the service plan, that this was where she would like to see a little stronger service plan, that they knew there were 73 acres out there and knew they were going to build a hospital on 30 acres, that there was a little bit of concern and they had talked about office buildings that they would be receiving tax dollars, but there was not anything definite, it was all trust, that if they were going to act as business people they needed to have that in there as to what they expected the office buildings to be some percentage of tax dollars, some percentage of the development on the north side of Park Row, that to her this service plan, even saying to instance as far as signal lights, etc., that she had an area, HEB Bakery, the largest bakery in the State, they wanted a traffic light now and were going to have to pay for their own light, that in this service plan the City furnishes the light if it was needed, that she had an area on Bingle, huge oil companies, huge warehouses, they wanted a traffic light, that if that light were to exist they were going to have to pay for it, that their CIPs over the last 10 years, from 1999, looking at a chart showing all of their CIPs, looking at the cost of living, the cost of concrete, just building supplies in general, just how much it had cost them, that she trusted Methodist but wanted a little bit more in that service plan because each of them had capital improvement projects that they all wanted to go forward and every company and every entity in all of the City of Houston needed to be on equal ground; that they should have something for insurance that they were

going to get some tax dollars, that they could theoretically develop all 73 acres tax exempt the way the service plan was written. Council Member Garcia absent.

Mayor White stated that the purpose of this was a hearing, that he had not heard her concern until recently but would say to Methodist Hospital, Ms. Wallace and Mr. Icken that he thought that Council Member Lawrence's point was a very reasonable point, that he understood that this may not be the vehicle in order to time precisely what would be developed when but Council Member Lawrence was asking for some greater level of assurance that there would be a defined portion of the annexed area which was tax exempt and would not consume the whole area and he thought that was a very reasonable request. Council Members Adams and Garcia absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Members Adams and Garcia absent. MOTION 2008-0569 ADOPTED.

Council Member Holm stated that she wanted to acknowledge that August Williams was present in the Council Chamber, that he was working on his communications badge and would be monitoring the session, that he was accompanied by his dad, John Williams; that August was well on his way to becoming an Eagle Scout.

Council Member Brown stated that Houston was a very welcoming City whether people came as a result from a storm in New Orleans or from Brownsville, and wanted to introduce Adrian Ramos who had come from Brownsville to be away from Hurricane Dolly.

#### **MAYOR'S REPORT** - Update on Plan to End Chronic Homelessness in Houston

Mayor White stated that they may recall that under the leadership of Council Member Quan and many who devoted their time and services and incorporating information that was done with a census of the homeless within their community there was a report on chronic homelessness that was made some time ago and goals that they set trying to both turn around lives and save the public money in the long run, that chronic homelessness was very costly to the public.

Mayor White recognized former Council Member Gordon Quan and Mr. Anthony Love to speak about some of the progress they made to date and some of the things they needed to do.

Mr. Quan and Mr. Love reviewed a PowerPoint presentation titled "Strategic Plan to Address Homelessness Houston/Harris & Ft. Bend Counties", a copy of which is on file in the City Secretary's office for review.

Upon questions and discussion by Members of Council, Council Member Rodriguez stated that he appreciated their work and understood the issue but thought he would bring a different perspective, that he was talking for the neighborhoods in District I, that about 70% of the facilities were in his district and would say that as they continued their work and started working toward solutions that they look around the City for other locations, that they had a serious problem with some of the providers that they had, that he wanted some clarification, that for the past several months he had opposed the Magnolia Glen Facility, single room occupancy proposal, because his constituents did not support it, they had expressed their opposition and had met with Mr. Lord, the developer, and Mr. Hatcher and clearly stated that they did not support the proposed facility because they had bad neighbors, bad soup kitchens, bad ministries that were not taking care of their business, that they may be providing services inside the facility but it was outside and they did see an influx of homeless people that hung around

the neighborhoods, that aggressively panhandled, disturbed and also caused crime in the neighborhoods, that District I could not be the dumping ground, that it had to be everybody's burden not just the burden of their homeowners, that on several occasions he had conversations with the Mayor's staff, Mr. Michael Moore, and they had assured him that it was a dead issue because the District Council Member did not support it and there was not buy in, as Mr. Love said, from the neighborhood, so he would like a commitment that the Magnolia Glen project would not move forward and that it was a dead issue. Council Members Lovell and Green absent.

Mayor White stated that as they knew both Council Member Rodriguez and his predecessor in the district expressed the opposition of the Eastwood Community and he would encourage both Members within that neighborhood and the people involved in the project to talk and identify specifically what some of the objectives of the neighborhood were; that Council Member Rodriguez had been a very strong voice of his district in opposing and bringing to light and saying the plain truth about some of the soup kitchen approaches, but part of their job as leaders was to help people distinguish between the problem and the solution to the problem, a soup kitchen and something that could house women who lived on the streets or veterans who would have assistance and would not be wandering in and out by foot was different than for example one place in the southeast where people were living under a bridge that they had to do police sweeps because of the crime that they caused, that was not the same thing and he would encourage the people who were in Eastwood on the other side of Cullen and the railroad tracks from this and the reason why, and he would be blunt, it did not tend to die was because the advocates of the project, with some support of Harris County, had identified the range of cost from \$70,000 to \$100,000 depending on the location, so they had people looking for more than a year when he said they were not going to do any more of these \$80,000 to \$90,000 SROs, why could they not find a pretty nice motel, wherever it may be, so long as people could get to work, that it would be good to be on transit because they wanted people to be able to have a job, that was part of human dignity, so this particular unit was identified, a former Ramada or Holiday Inn at about \$2,600 per unit and he hoped that there could be some dialog between people in the neighborhood about what their objective was and moreover he thought that the people who Council Member Rodriguez represented who were very irritated by the fact that there were probably at least one or two soup kitchens, that he personally had the conversations, person to person, with two churches, at least one in this district, to try to get people to understand the impact on the neighborhood of something that feed people on Tuesday's and Thursday's, that it was all a matter of degree, that he would just encourage both the homeless advocates to listen to those who wanted to protect neighborhoods from places that become a magnet for homelessness and would encourage those within the neighborhood to listen to those who wanted to develop facilities that would be residential in nature with services provided that would be good neighbors and not bad neighbors. Council Members Lovell and Green absent.

At 11:07a.m., after a lengthy discussion, Mayor White stated that they would move to the consent agenda. Council Member Brown absent.

### **CONSENT AGENDA NUMBERS 2 through 58**

#### **MISCELLANEOUS** - NUMBERS 2 and 3

2. REQUEST from Mayor for confirmation of the appointment of **MR. HAROON R. SHAIKH**, to Position Three of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for a term to expire August 31, 2010 - had been pulled from the Agenda by the Administration, and was not considered. Council Member Brown absent.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF THE HOUSTON DOWNTOWN MANAGEMENT DISTRICT:**

- Position Eight - **MS. GENORA KENDRICK BOYKINS**, appointment, for a term to expire 6/1/2009
- Position Sixteen - **MS. EDNA L. RAMOS**, reappointment, for a term to expire 6/1/2010
- Position Seventeen - **MS. SHEREA A. MCKENZIE**, reappointment, for a term to expire 6/1/2010
- Position Eighteen - **MS. GIGI HUANG**, reappointment, for a term to expire 6/1/2010
- Position Nineteen - **MR. DONALD J. HENDERSON**, reappointment, for a term to expire 6/1/2010
- Position Twenty - **MS. JACQUELINE C. TRAYWICK**, appointment, for a term to expire 6/1/2010
- Position Twenty-One - **MR. JERRY THOMPSON**, appointment, for a term to expire 6/1/2010
- Position Twenty-Two - **MR. GARY W. WARWICK**, reappointment, for a term to expire 6/1/2010
- Position Twenty-Three - **MR. KENNY MEYER**, reappointment, for a term to expire 6/1/2010
- Position Twenty-Five - **MS. IRMA G. GALVAN**, reappointment, for a term to expire 6/1/2011
- Position Twenty-Six - **MS. JERI A. BALLARD**, reappointment, for a term to expire 6/1/2011
- Position Twenty-Seven - **MR. ROLAND MALDONADO**, appointment, for a term to expire 6/1/2011
- Position Twenty-Eight - **MR. THOMAS (J. T.) CHENG**, reappointment, for a term to expire 6/1/2011
- Position Twenty-Nine - **MS. PATRICIA B. LODEN**, reappointment, for a term to expire 6/1/2011
- Position Thirty - **MR. FRANK G. STAATS**, reappointment, for a term to expire 6/1/2011

– was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Member Brown absent. MOTION 2008-0570 ADOPTED.

**DAMAGES** - NUMBER 7

7. RECOMMENDATION from City Attorney for settlement of lawsuit styled **AMANDA WILLIAMS** vs. City of Houston; in the 221st District Court, Montgomery County, Texas; Cause No. 05-03-02176-CV - \$110,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Member Brown absent. MOTION 2008-0571 ADOPTED.

**ACCEPT WORK** - NUMBERS 8 through 17

8. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$271,855.40 and acceptance of work on contract with **KOCH CORPORATION** for Sound Reduction Program Phase 3 at George Bush Intercontinental Airport/Houston

(IAH), Project No. 617C, WBS A-000476-0004-4-01 - 12.85% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0572 ADOPTED.

9. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$978,148.15 and acceptance of work on contract with **BOYER, INC** for Meyerland Park and Reeves Park, WBS F-0504C8-0001-4, F-0504C7-0001-4 - 4.06% over the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0573 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$549,814.58 and acceptance of work on contract with **JERDON ENTERPRISES, L.P.**, for Safe Sidewalk Program H1 Work Order Project; WBS N-00610A-00H1-4 - 22.76% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - KHAN; G - HOLM and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0574 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$750,263.91 and acceptance of work on contract with **TIKON GROUP, INC** for Safe Sidewalk Program T8 Project, WBS N-00610A-00T8-4 - 0.12% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; E - SULLIVAN; G - HOLM and H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0575 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,749,239.69 and acceptance of work on contract with **C & C SERVICES** for Water Line Replacement in Cambridge Village, WBS S-000035-00B6-4 - 4.95% over the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0576 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,802,646.51 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in the Nance Area Subdivision, WBS S-000035-00C9-4 - 3.69% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0577 ADOPTED.
16. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,920,382.60 and acceptance of work on contract with **C & C SERVICES** for Water Line Replacement in the Stratton Place Area, WBS S-000035-00D8-4 3.90% under the original contract amount - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All

voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0578 ADOPTED.

17. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,217,421.99 and acceptance of work on contract with **BOYER, INC** for Supervisory Control & Data Acquisition (SCADA) and Security at Various Groundwater Production Facilities, WBS S-000522-0007-4 - 9.74% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0579 ADOPTED.

Note: Item Numbers 18 and 18A were considered later in the meeting as the City Secretary had announced, in error, that the items had been removed from the Consent Agenda for separate consideration.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 19 through 23

19. **SMITH-MOBLEY, INC** for Securing Services for Multi-family Buildings and Swimming Pools for Police Department - \$101,920.00 and contingencies for a total amount not to exceed \$112,112.00 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0580 ADOPTED.
21. **TEXAS DEPARTMENT OF INFORMATION RESOURCES** for Dell® computer equipment and peripheral components through the City's Master Agreement for the Public Health Information Network (PHIN) Portal Project - \$117,342.13 - Grant Fund - had been pulled from the Agenda by the Administration, and was not considered.
22. **INFORMATION BUILDERS, INC** for Software Maintenance Services for the WebFOCUS® Pro Server and iWay Licenses for the Department of Public Works & Engineering - \$191,320.00 Building Inspection and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0581 ADOPTED.
23. **REMA OF TEXAS** for Automotive Tire and Tube Materials & Repair Services for Various Departments - \$448,100.00 - General and Fleet Management Funds – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0582 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 24 through 58

24. RESOLUTION designating certain properties within the City of Houston as historic landmarks:  
John B. Hines House - 2219 Brentwood Drive - **DISTRICT G - HOLM**  
Dr. Everett Seale House - 3408 Ella Lee Lane - **DISTRICT G - HOLM**  
– was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. RESOLUTION 2008-0020 ADOPTED.
25. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:  
Reid Memorial United Methodist Church - 5203 Fulton Street - **DISTRICT H - GARCIA**

R. E. Avery House - 504 Woodland Street - **DISTRICT H - GARCIA**  
St. James United Methodist Church - 1217 Wilson Street - **DISTRICT I - RODRIGUEZ**  
Building at 1404 Victor Street - **DISTRICT I - RODRIGUEZ**

– was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. RESOLUTION 2008-0021 ADOPTED.

27. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of three fire hydrant easements (Parcels SY7-082A, SY7-082B, SY7-082C) and a 10-foot-wide water line easement (Parcel SY7-082D); vacating and abandoning said easements to Tishman Speyer Archstone-Smith Memorial Heights I, L.P., abutting owner, in consideration of its conveyance to the City of a fire hydrant easement (Parcel KY7-248), all within the Memorial Heights, Section One Replat, John Austin Survey, A-1, Houston, Harris County, Texas, and owner's payment to the City of \$86,350.00 - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0633 ADOPTED.
28. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a waterline easement, a water meter easement, two fire hydrant easements, a utility easement and attendant aerial easement containing an aggregate of 7,245 square feet of land, more or less, Parcels SY5-033A, SY5-033B, SY5-033C, SY5-033D and SY5-033E; all five easements being out of Restricted Reserve "A", Continental 32 Fund Subdivision, Harris County, Texas; vacating and abandoning Parcels SY5-033A, SY5-033B, SY5-033C, SY5-033D and SY5-033E to Home Depot U.S.A. Inc., abutting owner in consideration of owner's dedication of one waterline easement, two fire hydrant easements and one utility easement containing an aggregate of 6,341 square feet of land, more or less, and payment of \$8,000.00 and other consideration to the City - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0634 ADOPTED.
29. ORDINANCE consenting to the addition of 294.67 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 132**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0635 ADOPTED.
30. ORDINANCE consenting to the addition of 20.698 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0636 ADOPTED.
31. ORDINANCE consenting to the addition of 44.8019 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 172**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0637 ADOPTED.
32. ORDINANCE consenting to the addition of 3.866 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0638 ADOPTED.
33. ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **AVIS RENT A CAR SYSTEM, LLC** for certain premises at William

P. Hobby Airport - **DISTRICT I – RODRIGUEZ** - had been pulled from the Agenda by the Administration, and was not considered.

34. ORDINANCE approving and authorizing Amendment No. 1 to Food and Beverage Concession Agreement by and between the City of Houston and **4 FAMILIES OF HOUSTON, Joint Venture** at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0639 ADOPTED.
35. ORDINANCE approving and authorizing Amendment No. 1 to News, Gifts and Specialty Retail Concession Agreement by and between the City of Houston and **HUDSON NEWS COMPANY** at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0640 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional City-wide Art Consulting Services on behalf of the General Services Department; providing a maximum contract amount - \$80,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0641 ADOPTED.
37. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an additional \$135,902.73 in Community Development Block Grant (“CDBG”) Funds for the administration of an Emergency Shelter Grants Program – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0642 ADOPTED.
41. ORDINANCE appropriating \$328,914.00 out of Equipment Acquisition Consolidated Fund for the purchase of Information Technology Equipment for the Houston Public Library – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0643 ADOPTED.
42. ORDINANCE approving and authorizing submission of a joint application for grant assistance from the Bureau of Justice Assistance to fund the FY2008 Edward Byrne Memorial Justice Assistance Grant Program and approving an Interlocal Agreement between the City of Houston and Harris County as joint applicants for such grant; declaring the City’s eligibility for such grant; authorizing the Mayor to act as the City’s representative in the application process; authorizing the Chief of the Houston Police Department, or Acting Chief, or any designated Assistant Chief of the Police Department, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the application - \$1,125,140.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0644 ADOPTED.
43. ORDINANCE approving and authorizing Public Safety Interoperable Communications (PSIC) Grant Subrecipient Agreement between the City of Houston and the **GOVERNOR’S DIVISION OF EMERGENCY MANAGEMENT (GDEM)**; declaring the City’s eligibility for such grant; authorizing the Director of the Mayor’s Office of Public Safety and Homeland Security to accept such grant funds, to request any needed grant adjustments, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$10,029,120.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0645 ADOPTED.

44. ORDINANCE appropriating \$555,386.00 out of Water & Sewer System Consolidated Construction Fund and \$627,694.00 out of Drainage Improvements Commercial Paper Series F Fund as an additional appropriation to an agreement between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY (METRO)** (approved by Ordinance No. 93-274) for the Downtown/ Midtown Transit Street Program - Travis Street from Pierce Street to Commerce Street, WBS R-000537-0032-4 and M-000672-0002-4; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund and the Drainage Improvements Commercial Paper Series F Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0646 ADOPTED.
45. ORDINANCE approving and authorizing Water Supply Contract between the City of Houston and the **NORTH FORT BEND WATER AUTHORITY** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0647 ADOPTED.
46. ORDINANCE approving and authorizing amendment to an Interlocal Cost Sharing Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of water, sanitary sewer and storm sewer lines to serve Section One of the Bayou Oaks at West Orem Subdivision - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0648 ADOPTED.
47. ORDINANCE approving and authorizing amendment to an Interlocal Cost Sharing Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of water, sanitary sewer and storm sewer lines to serve Section Two of the Bayou Oaks at West Orem Subdivision - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0649 ADOPTED.
49. ORDINANCE approving and authorizing Professional Materials Engineering Laboratory Contract between the City of Houston and **KENALL, INC** for Testing Laboratory Services – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0650 ADOPTED.
50. ORDINANCE appropriating \$119,584.00 out of Fire Consolidated Construction Fund; awarding construction contract to **EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P.** for Remediation and Underground Storage Tank Removal at Fire Station 56 and Fire Station 66, WBS C-000170-0011-4; 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 project management, construction oversight and contingencies relating to construction of facilities financed by Fire Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0651 ADOPTED.
51. ORDINANCE appropriating \$4,275,000.00 out of Drainage Improvement Commercial Paper Series F Fund, \$1,291,000.00 out of Water & Sewer System Consolidated Construction Fund, \$50,000.00 out of Community Development Block Grant Funds and allocating \$3,000,000.00 out of Community Development Block Grant Funding conditioned

upon receipt of funds from the U. S. Department of Housing and Urban Development for FY09; awarding contract to **TRIPLE B SERVICES, L.L.P.** for Trinity Houston Gardens Drainage Improvements, WBS M-000292-0001-4, R-000500-0065-4 and S-000500-0065-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, the Drainage Improvement Commercial Paper Series F Fund and the Community Development Block Grant Fund **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0652 ADOPTED.

52. ORDINANCE appropriating \$602,599.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **SPECIALIZED MAINTENANCE SERVICES, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, WBS R-000266-0124-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0653 ADOPTED.
53. ORDINANCE appropriating \$3,276,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Shepherd Park Terrace Area, WBS S-000035-00N5-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0654 ADOPTED.
55. ORDINANCE granting to **GONZALEZ TRUCKING COMPANY, a Texas Sole Proprietorship**, 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 - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0655 PASSED FIRST READING IN FULL.
56. ORDINANCE granting to **JOAQUINA TRUCKING, a Texas Sole Proprietorship**, 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 - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0656 PASSED FIRST READING IN FULL.
57. ORDINANCE granting to **REPIPE CONSTRUCTION LTD., a Texas Limited Partnership**, 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 - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0657 PASSED FIRST READING IN FULL.

58. ORDINANCE No. 2008-628, passed first reading July 9, 2008  
ORDINANCE granting to **MARTIN GARZA CLEAN UP SERVICE, A Texas Sole Proprietorship**, 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 - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0628 PASSED SECOND READING IN FULL.

Council Member Khan moved to suspend the rules to consider Item No. 65 out of order after Item No. 4, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Member Green absent. MOTION 2008-0583 ADOPTED.

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

**MISCELLANEOUS**

4. CONFIRMATION of the appointment or reappointment of the following to the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for three year terms to expire June 30, 2011:  
Position 10- **MR. ART MORALES**, appointment  
Position 11- **MR. RICHARD BADGER**, reappointment

- was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0584 ADOPTED.

Mayor White and Members of Council congratulated Mr. Morales and Mr. Badger and thanked them for their service to the City. Council Member Noriega absent.

65. WRITTEN Motion by Council Member Khan to amend Item 65A below:  
I move to amend Item 30 on the July 9, 2008 Agenda as follows:  
1. By amending **Section 2** of the proposed Ordinance to read as follows:  
“That Section 19-2 of the Code of Ordinances, Houston, Texas, is hereby amended by adding definitions of the terms *floodway conveyance offset volume* and *Lake Houston*, in the appropriate alphabetical order, that read as follows:  
‘*Floodway conveyance offset volume* shall mean the volume of material that must be excavated and removed from the special flood hazard area to provide an equivalent storage volume necessary to reduce loss of conveyance associated with development within the floodway.’  
‘*Lake Houston* shall mean, for purposes of this chapter, the shoreline of an area bounded on the south by the Lake Houston Dam, on the northwest by the West Lake Houston Parkway Bridge and on the northeast by an imaginary line running generally east to west that intersects the confluence of Luce Bayou and the East Fork of the San Jacinto River, and is more particularly described as beginning at a point located at 30° 2’ 31.67” N, 95° 7’ 12.09” W and running generally west to 30° 2’ 32.02” N, 95° 7’ 36.14”

W.’ ”

2. By amending **Section 4** of the proposed Ordinance to read as follows:  
“That Subsection (e) of Section 19-13 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:  
‘(e) The city planning commission shall not approve a final plat until the city engineer has approved the drainage plan for that site. If the proposed development requires mitigation pursuant to section 19-17 or section 19-43 of this Code, the final plat and deed shall identify the location and volume of the mitigation as a feature of the property. The obligation to have a mitigation feature shall run with all the land covered by the development permit. The owner of the land shall have the obligation to have and comply with the development permit unless that obligation is transferred to another person pursuant to rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code.’ ”
3. By amending **Section 5** of the proposed Ordinance to read as follows:  
“That Item (1) of Subsection (c) of Section 19-17 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:  
‘(1) Identifies an amount of fill associated with pier and beam construction that, although the amount may be approaching zero, is recognized by the city engineer as sufficiently important to be addressed, but for which mitigation is not required, in accordance with rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code; or’ ”
4. By amending **Section 8** of the proposed Ordinance to read as follows:  
“That Section 19-22 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding a new Subsection (f), which shall read as follows, and renumbering the remaining two Subsections accordingly:  
‘(f) The city engineer shall grant a variance for reconstruction of a structure damaged by fire, hail, wind or other event that is not flooding, if the applicant proposes to reconstruct on an existing foundation that is currently below the minimum flood protection elevation, and the reconstruction will not increase the footprint of the foundation.’ ”
5. By amending **Section 10** of the proposed Ordinance to read as follows:  
“That Section 19-43 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding new Subsections (c) and (d), renumbering the remaining two Subsections accordingly, and amending new Subsection (f), which shall read as follows:  
‘(c) The city engineer may issue a permit for development for an addition to, or for the repair, renovation, replacement or reconstruction of, a structure in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:  
  - (1) The bottom of its lowest horizontal structural member will be elevated at least 18 inches above the base flood level;
  - (2) The foundation system for the structure will be pier and beam construction;
  - (3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant’s site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c); and
  - (4) The applicant has paid all fees required by section 19-17(e) of this Code.  
‘(d) While the community acknowledges the increased risks associated with development on vacant land in the floodway, the city engineer may issue a permit for

such development in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The bottom of the lowest horizontal structural member of the structure will be elevated at least 18 inches above the base flood level;
- (2) The foundation system for the structure will be pier and beam construction;
- (3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant's site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c);
- (4) The applicant has paid all fees required by section 19-17(e) of this Code.

If the applicant cannot provide the on-site or off-site mitigation required by item (3) of this subsection, the applicant may request the city to provide mitigation for the development upon payment of the cost of the mitigation as established by the city council.

(e) The city engineer may issue a permit for development for the construction of a bridge or the repair or replacement of an existing bridge in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The cumulative effect of the proposed construction when combined with all existing development, and if a floodway has not been designated, all anticipated development, will result in a zero increase in flood levels at any point within the city during occurrence of the base flood; and
- (2) The bottom of the lowest horizontal structural member of the bridge, excluding the pilings or columns, will be elevated at least 18 inches above the base flood level. If the city engineer determines that construction to this elevation is not practical based upon the application of sound engineering principles to the proposed construction, the elevation geometry, the attendant roadway geometry, and the necessity for the bridge to be built or reconstructed in the proposed location, the city engineer may approve deviation from this standard.

(f) Whenever a permit is denied pursuant to section 19-43 (a), (b), (c) or (e) of this Code and the general appeals board finds and determines in writing that:

- (1) The improvement is insubstantial;
  - (2) This insubstantial construction will not increase flood levels during occurrence of the base flood; and
  - (3) This insubstantial improvement will not impede the flow of floodwaters,
- then the city engineer shall issue a permit only if all of the other applicable provisions of this chapter have been met by the applicant for the permit.' ”

6. By adding a new **Section 11A** to the proposed Ordinance, which shall read as follows:

“That Subsection (d) of Section 19-1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

(d) These rules and regulations shall be applicable throughout the city. The special flood hazard areas identified by the Federal Emergency Management Agency in the scientific and engineering report entitled, "The Flood Insurance Study for the City of Houston", dated June 18, 2007, with accompanying flood insurance rate maps and flood boundary-floodway maps, and any subsequent revisions or amendments thereto are hereby adopted by reference and declared to be a part of this chapter. The provisions of this chapter shall take precedence over any less restrictive conflicting laws, ordinances, codes, or official determinations. For purposes of this chapter, the city engineer shall

determine which of these conflicting laws are most restrictive and his decision in this regard shall be final.' ”

7. By adding a new **Section 11B** to the proposed Ordinance, which shall read as follows:

“That Subsection (d) of Section 19-23 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘(d) If the permittee fails to appear at the hearing at the date and time specified, the city engineer shall establish a case on behalf of the city that presents sufficient evidence, that unless it were otherwise rebutted, shows that grounds exist for revocation of the permit in question.’ ”

8. By adding a new **Section 11C** to the proposed Ordinance, which shall read as follows:

“That Subsection (g) of Section 19-23 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘(g) The denial of a permit or the revocation, suspension, or revision of a permit may be appealed to the city council upon the filing of a written application therefor with the city secretary within ten days after the board's written order is rendered. Although referred to as an appeal, the hearing before city council will be held in the same manner as the matter was heard by the board. Such an appeal of a revocation, suspension, or revision of a permit shall not operate to suspend the board's order thereupon.’ ” – (**TAGGED BY COUNCIL MEMBERS JOHNSON and NORIEGA**) – was presented.

Council Member Khan stated that at the last meeting they submitted some amendments to the changes to Chapter 19 and since then last Thursday, July 17, 2008, they had their stakeholders meeting, which was very well attended, and was attended by Council Members Jones and Brown and he did appreciate the leadership and meaningful input which those two Council Members provided in that meeting besides many others who provided input on the changes; that he had a written amendment to Item No. 65 which he had passed out and these were basically things which were needed to be clarified, they were not making any new additions or changes to the original amendments or the changes they proposed, it was just to clarify some things and he would be more than happy to go over it with them if they needed an explanation, that he would request everybody to pass the amendment to Item No. 65 and then the amendments and then the main item, No., 65a; that he thought a lot of people were looking forward to the day when the changes in Chapter 19 would be adopted, and offered the following written motion to amend Item No. 65:

“I move to amend Item 65 on the July 23, 2008, Agenda as follows:

1. By amending **Section 9** of the proposed Ordinance to read as follows:

“That Subsection (a) of Section 19-43 of the Code of Ordinances, Houston, Texas is hereby amended to read as follows:

(a) Except as may be otherwise provided in this chapter, no permit shall hereafter be issued for a development to be located in any floodway, or any special flood hazard area for which a floodway has not been designated, if that development provides for:

(1) Encroachment by the deposition of fill, or other similar construction, within the floodway, or the special flood hazard area if no floodway has been designated; or

(2) New construction, additions to existing structures, or substantial improvement of any structure within the floodway, or the special flood hazard area if no floodway has been designated. The general restriction stated

herein shall not apply to a repair or renovation that is not a substantial improvement.”

2. By amending **Section 10** of the proposed Ordinance to read as follows:

“That Section 19-43 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding new Subsections (c) and (d), renumbering the remaining two Subsections accordingly, and amending new Subsection (f), which shall read as follows:

‘(c) The city engineer shall issue a permit for development for an addition to, or for the replacement or substantial improvement of, a structure in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The bottom of its lowest horizontal structural member will be elevated at least 18 inches above the base flood level;
- (2) The foundation system for the structure will be pier and beam construction; and
- (3) The applicant has paid all fees required by section 19-17(e) of this Code.

If the city engineer cannot so determine, then the city engineer shall deny the permit.

(d) While the community acknowledges the increased risks associated with development on vacant land in the floodway, the city engineer shall issue a permit for such development in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The bottom of the lowest horizontal structural member of the structure will be elevated at least 18 inches above the base flood level;
- (2) The foundation system for the structure will be pier and beam construction;
- (3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant’s site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. If the applicant chooses to provide off-site mitigation, the applicant shall also comply with the requirements of section 19-17(c);
- (4) The applicant has paid all fees required by section 19-17(e) of this Code.

If the city engineer cannot so determine, then the city engineer shall deny the permit. If the applicant cannot provide the on-site or off-site mitigation required by item (3) of this subsection, the applicant may request the city to provide mitigation for the development upon payment of the cost of the mitigation as established by the city council.

(e) The city engineer shall issue a permit for development for the construction of a bridge or the repair or replacement of an existing bridge in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The cumulative effect of the proposed construction when combined with all existing development, and if a floodway has not been designated, all anticipated development, will result in a zero increase in flood levels at any point within the city during occurrence of the base flood; and
- (2) The bottom of the lowest horizontal structural member of the bridge, excluding the pilings or columns, will be elevated at least 18 inches above the base flood level. If the city engineer determines that construction to this elevation is not practical based upon the application of sound engineering principles to the proposed construction, the elevation geometry, the attendant roadway geometry, and the necessity for the bridge to be built or reconstructed in the proposed location, the city engineer may approve deviation from this standard.

If the city engineer cannot so determine, then the city engineer shall deny the permit.

(f) Whenever a permit is denied pursuant to section 19-43 (a), (b), (c) or (e) of this Code and the general appeals board finds and determines in writing that:

- (1) The improvement is insubstantial;
- (2) This insubstantial construction will not increase flood levels during occurrence of the base flood; and
- (3) This insubstantial improvement will not impede the flow of floodwaters,

then the city engineer shall issue a permit only if all of the other applicable provisions of this chapter have been met by the applicant for the permit.' "

After discussion by Council Members, Mayor White stated that he would say to Mr. Celli, and in turn Mr. Mesa and Mr. Smith, so that they were all communicating, it may be they had covered this at open Council at least three times within four and a half years, with three different HCD Directors, it may be that there was an onerous eight point process that they had to go through and he thought it would include both floodplain and floodway for some of the home repairs, however, as he correctly pointed out they had made a commitment and allocated funds and they had funds that were good to go in Houston Housing Finance Corporation and they also had some TIRZ funds that they could dedicate if there were eligible properties that they thought were appropriate and he was asking people, Mr. Celli in particular, who may be monitoring the meeting, to know that there were some of those available, similarly, this was another issue from the floodway, at the last HOPE meeting he had indicated that if HCD was to busy to do home repairs within the Houston HOPE neighborhoods, just because they did not have enough people or something, then there were other agencies such as Rebuild Houston who could do it, that they were not the only people in the home repair business and they were all working as a team.

After further discussion by Council Members, a vote was called on the written motion by Council Member Khan to amend Item No. 65. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Member Lovell absent. MOTION 2008-0585 ADOPTED.

A vote was called on Item No. 65 as amended. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Member Lovell absent. MOTION 2008-0586 ADOPTED.

Note: Motion 2008-0586 was adopted without Section 5 of Item 65 inasmuch as an amendment was adopted by Motion 2005-0585,

65a. ORDINANCE **AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to flood plain; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – **(This was Item 30 on Agenda of July 9, 2008, TAGGED BY COUNCIL MEMBER NORIEGA)** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. ORDINANCE 2008-0658 ADOPTED AS AMENDED.

Mayor White stated that he wanted to congratulate the Council Members and that Council Member Khan was a lawmaker.

Council Member Khan stated that Mayor White gave the directions, listened to the constituents and set the tone and he appreciated that Mayor White made the common sense decision of directing Public Works and all involved to bring the changes which were meaningful and necessary, that he wanted to thank Public Works and the Legal Department and all involved. Council Member Lovell absent.

Council Member Jones stated that she wanted to thank Mr. Andy Icken, that he came to her office and she shared with him that she would have problems voting on anything that was problematic legally and he got back to her and changed all the “may” to “shall”, which provided for predictability, which was what the stakeholders wanted, and she also requested 44CFR, Part 59, 60, 60.2 and 60.3 to help her get over some legal issues which affected the drafting of the ordinance and they got all of that to her and she did have to read it at the last minute and that helped close the loop with the stakeholders, that she wanted to thank Ms. McAbee, Legal Department, for getting those things to her office. Council Member Lovell absent.

5. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval of Goal for participation of Disadvantaged Business Enterprises in Department of Transportation/Federal Aviation Administration funded contracts from October 1, 2008 through September 30, 2009, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements - was presented, and tagged by Council Members Garcia and Johnson. Council Member Lovell absent.

Council Member Garcia stated that he wanted to delay the item a week so that they could take it to the MWBE Committee meeting on Monday at 10:00 a.m. in the Council Chamber, that there were some time constraints so they needed to get it on the agenda but they also wanted to give it some time to have discussion at committee. Council Member Lovell absent.

6. RECOMMENDATION from Director Finance Department for approval of proposed Equipment Acquisition Plan for FY2009 – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Member Lovell absent. MOTION 2008-0587 ADOPTED.

### **ACCEPT WORK**

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,603,175.53 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Distribution Rehabilitation and Renewal, (WA 10873-02) - 1.60% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Garcia. Council Member Lovell absent.

Council Member Jones stated that she wanted to note on Item Numbers 10, 13, 15 and 16 the contractors all exceeded the MWBE goals, especially on Item No. 10, the goal was 17% and they reached 75.9%, that she thought that was exceptional, that she wanted to commend all of the companies.

Council Member Adams stated that they always looked at contractors when they do not meet the MWBE goals, so she wanted to compliment D. L. Elliott, not only did they meet their goal, but exceeded it, that they finished on time and a little bit under budget so she wanted to thank them.

A vote was called on Item No. 10. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0588 ADOPTED.

13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,640,895.56 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00A9-4 - 1.32% over the original contract amount - was presented, moved by Council Member Khan, seconded by Council Member Garcia, and tagged by Council Member Lawrence.

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

20. **TEXAS ASSOCIATION OF LOCAL HEALTH OFFICIALS (TALHO)** for Professional Services for the Real-time Outbreak and Disease Surveillance (RODS) System - \$75,440.00 - Grant Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. MOTION 2008-0589 ADOPTED.

Council Member Garcia stated that he did a visit with Doctor Raul Arfat at the Health Department, that if they had not had the opportunity to go and visit his shop, the epidemic breakout section of the Health Department they did not know what they were missing, that he would urge the media to spend some ink and video on these folks, they were doing a phenomenal job in keeping the citizens safe, that he wanted to commend them and thank them for the good work that they do.

Council Member Adams stated that she wanted to commend them for their support in communities, and she wanted to commend Mr. Stephen Williams and his vision and looking at other ways to communicate with their communities.

Council Member Johnson stated that this was an item that came before the Human Services and Technology Committee and they were able to get the information, and he thought that early detection was certainly the key when it came to combating any type of public health emergencies, that Mr. Williams and his teams were certainly to be commended.

Mayor White stated that if no one objected the Chair would raise a point of order which had to do with the announcement made on the consideration of Item Numbers 18 and 18a, that if there was no objection the City Secretary would call Item Numbers 18 and 18a. Council Member Brown absent.

18. ORDINANCE appropriating \$431,682.80 out of Equipment Acquisition Consolidated Fund for Purchase of Mobile Data Terminals and Mobile Radios for the Fire Department – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on city business. Council Member Brown absent. ORDINANCE 2008-0659 ADOPTED.
  
- 18a. **MOTOROLA, INC** - \$770,769.40 and **KUSTOM SIGNALS, INC** - \$160,582.80 for Mobile Data Terminals, Mobile Radios and Radar Detectors through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Fire and Police Departments - General, Police Special Services, Fleet/Equipment Acquisition Internal Services and Equipment Acquisition Consolidated Funds - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Clutterbuck out of the city on city business. Council Member Brown absent. MOTION 2008-0590 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

26. ORDINANCE authorizing the issuance of City of Houston, Texas Taxable Pension Obligation Refunding Bonds, Series 2008; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and a Bond Purchase Agreement; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an official statement to be used in connection with the sale of the bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the bonds; and delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; authorizing payment for financial advisory services in connection with the issuance of the bonds; authorizing and approving the filing of validation proceedings pursuant to state law; making other findings and provisions relating to the subject and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on city business. Council Member Brown absent. ORDINANCE 2008-0660 ADOPTED.
38. ORDINANCE approving and authorizing first amended and restated Administrative Guidelines for the Single Family Home Repair Program - was presented, and tagged by Council Members Green and Johnson. Council Member Brown absent.

Council Member Green stated that he had a couple of questions, that he thought the revamping of the program was good, but he did have some questions regarding the limitations on the segments, that he needed to be able to articulate it to the people who were outside of the segments. Council Member Brown absent.

Council Member Adams stated that she would also tag Item No. 38 as well, that she wanted some additional information, that she would like to see what was going to happen to the existing list they had, if there was going to be a new list they were creating, to get some guidelines that when in place would be clearly defined so they could best communicate with the constituent, that if they could all get the clear understanding of how the two lists were going to work then they would be able to best communicate. Council Member Brown absent.

Mayor White stated that he agreed with that, that maybe a simple two or three pages and maybe some questions and answers; that it was not at all their intent that if anybody was on an existing list that they be slowed down, if Mr. Hadnot says that he was not capable, had run out of people, then they would add other providers, if the problem was that someone was too busy and could not get around to everybody then they would figure out some other organizations who could perhaps administer some of these funds. Council Member Brown absent.

Council Member Johnson stated that he had talked extensively with Mr. Celli in regard to these particular program and thought that what it did was expand the scope of the Home Repair Program and gave more opportunity for individuals who were living below the poverty line to now be qualified for the program, as well as the number of years or age that was associated with it, that he wanted to remove his tag on Item No. 38. Council Member Brown absent.

Mayor White stated that Item No. 38 had been tagged by Council Members Green and Adams. Council Member Brown absent.

39. ORDINANCE amending Ordinance No. 2007-1193 and appropriating an additional \$1,500,000.00 out of TIRZ Affordable Housing Fund 2409 to implement the City's Workforce Housing Downpayment Assistance Program by assisting persons earning from 80% to 110% of area median income to purchase new affordable housing in areas selected by the Mayor for revitalization – was presented. Council Member Brown absent.

After discussion by Council Members, a vote was called on Item No. 39. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Members Johnson and Brown absent. ORDINANCE 2008-0661 ADOPTED.

40. ORDINANCE approving and authorizing contract between the City and **KROLL LABORATORY SPECIALISTS, INC** for Alcohol and Controlled Substance Testing Services; providing a maximum contract amount - \$2,500,000.00 - Central Services Revolving Fund - was presented. Council Members Johnson and Brown absent.

Council Member Khan asked if there was a way to at least keep track and see how many they had last year and how many accidents they had this year based on employees; and Mayor White asked Mr. Hall to address Council Member Khan's questions about the accident testing.

Mr. Hall stated that they were required by the Department of Transportation and the State under its Commercial Drivers License Program to have in place testing programs, so this contract was intended to comply with both of those; that in addition to that they had a Mayor's Executive Order that mandated a drug testing program so they used all these conjunctively; that presently they were preparing for the Mayor an update of his Executive Order because there had been many changes in the DOT requirements since it was issued, so that was why they listed all three and that was what the contract was designed to comply with; that they tested based on the DOT regulations, which did not require testing after ever automobile accident, that was not what the regulations were, that obviously it could be costly; that Council Member Khan had raised an issue that he had numerous discussions with the Mayor about and that was how they track and evaluate and how they dealt with those who were negligently involved in automobile accidents and it ranged across the City, it was a very difficult problem for them to deal with because obviously, that if it was penal with regard to the departments they could be impairing their capacity to deliver services, that on the other hand there needed to be accountability, there was an administrative program in place now such that, not for those necessarily under \$25,000, he was going to speak to those, but where the department director sent to the Mayor the action that they took with the employee in that accident, that was not distributed widely but it went to the Mayor in their request for settlement of those cases so that there could be some accountability, that it was a difficult and continuing problem and one that the Mayor had asked that they continue to look at in ways to try to make people more accountable; that with regard to those under \$25,000 the City, unfortunately was involved in many minor incidents that resulted in claims against the City, from backing into folks trash cans, garage cans and flower beds and the Legal Department actually had sections that dealt with those issues, those were not handled as formerly as the ones above \$25,000 were obviously and if Council wanted more reporting on that, that the answer was yes, if they wanted more detailed reporting on that then certainly they could give that to them, that they did keep up with it, that it was first evaluated by the claims division and in some cases referred to litigation if that was necessary, and Council Member Khan stated that he was not looking for reports, that what he was looking for was if someone was looking at the trends of the accidents by City employees driving City vehicles, for example if they had X number average for the last five years and all of a sudden it was X minus some or X plus some, what was the reason, that yes they had to deal with problem employees just like they do with their kids if they were getting into accidents every time they gave them their car, they had to take action, that he was sure the appropriate actions were taken, that was all he was looking for, that maybe Human Resources could take a look or guide the departments in best practices because as long that people know that working for the City and driving City vehicles required a certain sense of responsibility toward the taxpayers was what he was looking for and Mr. Hall stated that he could not agree with him more. Council Members Johnson, Brown and Noriega absent.

Mayor White stated that he would make one comment, Mr. Hall and Mr. Fontaine, whose

staff, one person, did an excellent monthly operations report; number one they ought to have some compilation over some period of time in the past of the cost for the accidents assigned by cost center like department, that if they did not have it then make a mental note, and check the box, bad management if they did not have it already, but they could always improve, that was the point; that number two, maybe they ought to have a report at the directors meeting concerning the policies within each department, and it could begin with Public Works and HPD, concerning what was the policy concerning those employees with repetitive, with more than one accident for which there was a City cost, it would seem to him that where there was negligence and maybe related to some payments in that connection, that more than blank within blank years, there may be an exception, but there maybe a rule and that was certainly the case in private sector companies, they want to both encourage safety and discourage costs; that he thought those two steps, to get a report first internally for some of their larger departments, while Mr. Hall was testifying they had talked at some length of did they assign these or charge these costs to the budget of the departments, that he thought obviously there were some that they would or would not, for example they were having to pay any number of claims relating to police misconduct in the past and he was not sure they wanted to take police overtime today, that on the other hand he thought they were glad that the Police Department managed their Workman's Compensation better and got the benefit of that in their budget, that they were glad that the firefighters managed their sick time better, they had gotten much of the benefit of that in their budget, and as people were able to reduce the amount of accidents then they ought to be incentivized to do so. Council Members Johnson, Brown and Noriega absent.

Council Member Green moved to extend the City Council meeting beyond the scheduled noon recess, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Members Johnson, Brown and Noriega absent. MOTION 2008-0591 ADOPTED.

A vote was called on Item No. 40. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Members Johnson, Brown and Noriega absent. ORDINANCE 2008-0662 ADOPTED.

48. ORDINANCE amending Ordinance No. 2000-882 to increase the authority of the City's Purchasing Agent to issue purchase orders under contract between the City of Houston and **SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T TEXAS (SUCCESSOR TO SOUTHWESTERN BELL TELEPHONE, L.P.)** for Local Telephone and Data Services Citywide and approving and authorizing the third amendment to the same contract - \$4,500,000.00 Central Service Revolving Fund – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Members Johnson, Brown and Noriega absent. ORDINANCE 2008-0663 ADOPTED.

54. ORDINANCE appropriating \$4,988,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **HUFF & MITCHELL, INC** for Condition Assessment Support, WBS S-000901-0005-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; G - HOLM and I – RODRIGUEZ** – was presented, and tagged by Council Member Jones. Council Members Johnson, Brown and Noriega absent.

Council Member Holm stated that she would like to tag Item No. 54 and would like to get some good information, that she assumed it had to do with the ongoing discussion they had

in preparation of the Metro line and she would like to know if with the \$5 million for equipment to monitor the water line she assumed that they thought there could be some problems forthcoming and would it be more efficient if they had evaluated realigning or reconstructing that line and moving it rather than spend the money on a line that she thought was already 18 or 20 years old; that second, how often did they use the monitoring process; and third, if it was in connection with the project why Metro was not participating. Council Member Brown absent.

Council Member Jones stated that the surface water refill line seemed to coincide with Metro's rail line, so if the rail line was potentially moved if it coincided with that it seemed like it should go to where the new line was going to move if that indeed happens, so she would like some more information and some discussion from the administration about that. Council Member Brown absent.

Mayor White stated that they would get answers to those questions, that for those observing it was his information that Public Works thought it was a good idea regardless of the routing of the line. Council Member Brown absent.

### **NON CONSENT AGENDA** - NUMBER 59

#### **MISCELLANEOUS**

59. **MOTION TO SET A DATE** not less than seven (7) days from July 23, 2008 to receive nominations for Positions 9, 10 and 11 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for two year terms – was presented. Council Member Brown absent.

Council Member Garcia moved to set July 30, 2008 to receive nominations for Positions 9, 10 and 11 of the Houston Archaeological and Historical Commission Board of Directors, seconded by Council Member Khan. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Member Brown absent. MOTION 2008-0592 ADOPTED.

#### **MATTERS HELD** - NUMBERS 60 through 65A

60. WRITTEN Motion by Council Member Holm to amend Item 60A below as follows:  
I move to include in the ordinance that the Public Works Department and the General Services Department shall provide a monthly report to City Council Members of all appraisals performed – (**TAGGED BY COUNCIL MEMBER JONES**) - was presented. Council Member Brown absent.

After discussion by Council Members, Council Member Adams asked if a Houston City employee wanted to do appraisals and were certified to do it what was the process for the employee. Council Member Brown absent.

Mayor White stated that he would inquire because he wanted to know to, that he assumed they had to be a non employee according to law, and asked if Mr. Michel knew, and Mr. Michel stated that there were prohibitions against City employees contracting with the City but he would take a look at it and make sure, and Mayor White asked if the law required them to hire the appraisers as contractors as opposed to having some appraisers on staff, and Mr. Michel stated that he was not sure that there be any law with regard to the City it was a question of what the professional standards were for appraisers, but he would get the answer to that. Council Members Brown and Lovell absent.

A vote was called on Item No. 60. All voting aye. Nays none. Council Member

Clutterbuck out of the city on personal business. Council Members Brown and Lovell absent. MOTION 2008-0593 ADOPTED.

60a. **ORDINANCE AMENDING ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to appraisals for sales or leases of City Real Property; containing findings and other provision relating to the foregoing subject; providing for severability – **(This was Item 13 on Agenda of July 9, 2008, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Members Brown and Lovell absent.

Council Member Lawrence stated that they had certainly come a long way in the last five years of how they appraised property, they were very efficient now and were saving money, but she did not want to take Council Members completely out of the process and wanted to have that as an option for each Council Member that knew their district and knew the property in their district and offered the follow written motion to Item No. 60a:

“I move to amend agenda Item 60a by adding the below to Sec. 2-241(a):

The director of Public Works and Engineering and the director of General Services shall allow Council Members to submit the names of appraisers to be evaluated for inclusion in list of qualified appraisers.

New Sec. 2-241(a)

The director of Public Works and Engineering and the director of General Services shall allow Council Members to submit the names of appraisers to be evaluated for inclusion in list of qualified appraisers. The director of Public Works and Engineering and the director of General Services shall jointly develop and maintain policies and procedures (i) for obtaining and maintaining a list of qualified appraisers who have applied to receive appraisal engagements from the city, and (ii) for appraisals of city owned real estate. Appraisers with repeated performance violations including refusal of engagements, untimely delivery of appraisals, inadequate documentation, inadequately supported market values, and similar performance issues may be removed from the list of qualified appraisers for no less than one year or more than three years. Council Members Brown and Lovell absent.

Mayor White stated that they did not object to the motion to amend Item No. 60a and a vote was called. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Members Brown and Lovell absent. MOTION 2008-0594 ADOPTED.

A vote was called on Item No. 60a as amended. Council Member Sullivan voting no, balance voting aye. Council Member Clutterbuck out of the city on personal business. Council Members Brown and Lovell absent. ORDINANCE 2008-0664 ADOPTED AS AMENDED.

61. **ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Contractor Employee Classification; containing findings and other provisions relating to the foregoing subject; providing for severability; declaring certain conduct to be unlawful and providing for penalties – **(This was Item 14 on Agenda of July 9, 2008, TAGGED BY COUNCIL MEMBERS LAWRENCE, KHAN, GREEN and CLUTTERBUCK)** – was presented. Council Members Brown and Lovell absent.

Council Member Garcia offered the following written motion to amend Item No. 61 as follows:

“I move to amend Item 61 on the City Council agenda of July 23, 2008, by deleting Sec. 15-151 and replacing it as follows (underline new text):

**Sec. 15-151. Declaration of policy; Exclusions**

(a) It is the policy of the city to encourage fair competition for city contracts by requiring all contractors to comply with applicable employment laws, statutes and ordinances. It is policy to prevent any unfairness or inequity for contractors who comply with applicable employment laws.

(b) It is the policy of the city to place an affirmative duty on contractors to demonstrate compliance with all employment laws, statutes and ordinances.

(c) Contractors awarded contracts for professional services, as defined in § 2254.002 of the Texas Government Code, are excluded from the requirements of this Article. Council Members Brown and Lovell absent.

Council Member Khan asked when they were asking their contractors to provide contract labor paperwork, 1099s and SS4's, things like that, did they also require the people who did business with the City, contractors or any kind of services that they also keep a record about the employment eligibility status of the people working for them, and Mr. Michel stated that he did not know but would check on that, and Council Member Khan stated that he would suggest for the administration to consider when they gave a contract to anybody that they require them to make sure their employees are employment eligible in the Country to get the taxpayer dollars for their work . Council Member Rodriguez, Brown and Noriega absent.

Mayor White stated that he believed that they did have some language in their contracts, that the forms had a purpose saying that their contractors should comply with all applicable provisions of State and Federal law. Council Member Rodriguez, Brown and Noriega absent.

Council Member Green stated that he had some questions regarding enforcement, that with all due respect to Ms. Laws and the Affirmative Action Department, he thought some of the oversight of the contracts, the MWBE participation, leave a little bit to be desired and he did not know if this was not an overburdening of their department and in fact, in the Houston Chronicle, Ms. Laws said it was actually a tax matter and not jurisdiction for their department, which for him meant why was that department charged with the enforcement side if it was, one, not jurisdiction for them, and if the director had acknowledged that it was not, that it seemed that it would be low priority, so part of it was that he did not want to make contractors believe or make the public believe that they were enforcing a law that was really not a high priority, that with that said his biggest concern was that he thought this was a department that really could not or had shown that it could not take on to much more responsibility.

Mayor White stated that he thought pretty much these departments should be charged with doing what they charge them to do, that it should be on a prioritized basis so they may determine if it was complaint driven, that Council Member Green's point was that they ought to have somebody who was in a position to go and check the records, based on some criteria, and Mr. Hall stated that at least the intent of this provision was to provide at least something to check, that Council Member Garcia's aim was to have people not scam the City by listing the people as independent contractors when they were not so if there was not a requirement that they maintain 1099s in the file they would have no way to know, that they obviously did it on a prioritized basis the Mayor said but this was light weight in their compliance checking, that he was merely trying to establish a basis of when they did go check that stuff they could check this, that presently there exists nothing in the file that would give them any kind of definitive basis for

determining whether or not these people were independent contractors or not, and he was not suggesting that this form had exhausted, people obviously could file fraudulent forms like they did not but at least it was something for them to check to see if they had at least provided it to them. Council Members Brown and Noriega absent.

After further discussion a vote was called on Council Member Garcia's motion to amend Item No. 61. Council Members Sullivan and Green voting no, balance voting aye. Council Member Clutterbuck out of the city on personal business. Council Members Brown and Noriega absent. MOTION 2008-0595 ADOPTED.

A vote was called on Item No. 61 as amended. Council Members Sullivan and Green voting no, balance voting aye. Council Member Clutterbuck out of the city on personal business. Council Member Brown absent. ORDINANCE 2008-0665 ADOPTED AS AMENDED.

62. ORDINANCE appropriating \$165,000.00 out of Cable TV Fund 2401; approving and authorizing third amendment to contract between the City of Houston and **HOUSTON MEDIASOURCE** for a Public Access Television Channel; providing a maximum contract amount – **(This was Item 21 on Agenda of July 9, 2008, TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK)** – was presented. Council Member Brown absent.

Council Member Garcia moved to extend the date for Media Source by essentially 10 days by substituting "August 29, 2008" for "August 18, 2008" in Article II and in the letter attached to the agreement as Exhibit A, to give them a little more time to get laid for fiber optics and things of that nature, that it had been submitted in writing, seconded by Council Member Holm. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Members Johnson, Brown and Lovell absent. MOTION 2008-0596 ADOPTED.

A vote was called on Item No. 62 as amended. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Members Johnson, Brown and Lovell absent. ORDINANCE 2008-0666 ADOPTED AS AMENDED.

63. ORDINANCE amending Ordinance #2007-907 to increase the maximum contract amount for contracts between the City and **NORTH HOUSTON MOTORS, INC, UNIFIED AUTO WORKS, T & T MOTORS, CANNINO WEST, INC, FIESTA WRECKER SERVICE, NATIONAL AUTO COLLISION, INC, MILAM STREET AUTO STORAGE, INC, ALLIED COLLISION CENTER, KTL ENTERPRISES, INC, WESTSIDE WRECKER SERVICE, INC** and **CORPORATE AUTO SERVICES, INC** for the Safe Clear Major Freeway Towing Program - 1 Year - \$2,148,129.00 Police Special Services Fund (METRO) – **(This was Item 22 on Agenda of July 9, 2008, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. Council Members Johnson, Brown and Lovell absent.

After discussion by Council Members, a vote was called on Item No. 63. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Members Johnson, Brown, Lovell and Green absent. ORDINANCE 2008-0667 ADOPTED

64. ORDINANCE approving and authorizing contracts between the City of Houston and **MORRIS AND McDANIEL, INC** and **INDUSTRIAL/ORGANIZATIONAL SOLUTIONS, INC** for Assessment Process Center Services for the Houston Police Department; providing maximum contract amounts - 3 Years with two one-year options - \$830,280.00 - General Fund – **(This was Item 25 on Agenda of July 9, 2008, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city on personal business. Council Members Johnson, Brown,

Lovell and Green absent. ORDINANCE 2008-0668 ADOPTED

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Sullivan stated that he wanted to make a comment on something that the Chronicle reported Mayor White saying in the newspaper, that it quoted Mayor White saying that he respected District Council Members positions on issues, that he was paraphrasing a little, that directly affected their districts and he appreciated that philosophy from Mayor White, that not all Mayor's practiced that but as a District Council Member he wanted Mayor White to know that it was gratifying and appreciated by him and probably every District Council Member, regardless of the homeless issue, whatever that may be, that he thanked him for saying it publicly and then embracing it. Council Members Johnson, Holm, Brown and Green absent.

Council Member Sullivan stated that they had a crane accident last night in Kingwood, that the crane accident at the facility at Lyondale was in his district, and while his heart went out to everyone affected by the loss of life and injury he wanted the City Council not to rush to judgment, that it might be easy and popular to start inspecting cranes and that would solve the problem, but in his opinion nothing could be further from the truth, that he had a different perspective on the issue because he had over 30 year experience in the industrial field working around and with tower, mobile and crawler cranes and other heavy industrial machinery and equipment and every one of those pieces of equipment was different, then they had to throw in the operator, the helper, the assistant and the cargo, so he was going to encourage that they recognize that these accidents were rare and not the norm and it was his experience that the private sector had oversight on both the safety and safety on their procedures, equipment manufacturers had procedures for setting up the machines, job sites and prime contractors had their procedures and not to forget that the insurance companies had a great degree of control over the equipment, they were not going to underwrite or insure companies that were unsafe, and lastly he really viewed it as a federal OSHA issue, that if OSHA was not getting around often enough and inspecting cranes he thought that they needed to first ask their federal officials to use their resources to ask OSHA to do their job, but for them not to necessarily pick up the slack, that he thought the City of Houston had a role in the process and he urged his colleagues not to rush to judgment on the issue. Council Members Johnson, Khan, Holm, Brown, Noriega and Jones absent.

Council Member Sullivan stated that he wanted to thank Houston Fire Department Chief Tom Wheeler for letting him ride along this past weekend, that he wanted all Houstonians to know that if the firefighters were there they were going to be okay, these men and women were trained, experienced and prepared and they could take care of any emergency that came up. Council Members Johnson, Khan, Holm, Brown, Noriega and Jones absent.

Mayor White stated that he thought Council Member Sullivan's observation was consistent with the one's that he had made to those responsible for this within the City of Houston on cranes. Council Members Johnson, Khan, Holm, Brown, Noriega and Jones absent.

Council Member Lovell stated their thoughts and prayers went out to the family of Belle Ortega, who was shot and who was the first Hispanic woman police officer on the force, that she was in surgery again today and they would all keep her in their thoughts and prayers. Council Members Johnson, Holm, Brown, Noriega and Jones absent.

Council Member Lovell stated that she wanted to say thank you to Ryan Leach, who was her Chief of Staff who had left, that he had gotten his law degree and passed the bar while with her office and had decided to pursue a profession in the legal community so they wanted to wish him all the best and to thank him for what he contributed to her office. Council Members Johnson, Sullivan, Holm, Brown, Noriega and Jones absent.

Council Member Lovell stated that Council Member Rodriguez was named one of the five young Houstonians and she wanted to say congratulations to him, that it was well deserved. Council Members Johnson, Sullivan, Holm, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Lovell stated that when they were doing the consent agreement with Metro a lot of things were said and there was some criticism of Metro and that their Board did not listen or respond and were disengaged and she wanted to say particularly to Gerald Smith on the Metro Board, who after the consent agreement drove Fred Wilson through the neighborhood that he grew up in, the Washington Terrace Third Ward area, that he had gone to Yates and graduated from TSU, that it was nice to know that people did not forget their neighborhoods when they became successful, that he wanted to show Mr. Wilson what sort of impact would be with the light rail coming up Wheeler and to look at some other possibilities as was discussed, that they looked at some of those possibilities and she thought that at the Board meeting tomorrow they may present a different route that may not be so intrusive upon a neighborhood and may be a better way of doing it, that it may end up costing more and that was Metro's decision, not the City's, but she wanted to say to Gerald that she appreciated some one remembering their neighborhood and taking the initiative to go out and do something. Council Members Johnson, Sullivan, Holm, Brown, Green, Noriega and Jones absent. (No Quorum Present)

Council Member Lovell stated that she wanted to say congratulations to the Kyle Chapman Pony Baseball Team, which her son Robbie plays on, for winning the regional tournament this past weekend in Pasadena, that they now go to New Orleans this weekend to play in the Zone Tournament against teams from Louisiana, Florida, Alabama and some other Texas teams and if they prevail they will fly out on Wednesday to California to the World Series, that she wanted to congratulate them, the coaches and the parents. Council Members Johnson, Holm, Brown, Green, Noriega and Jones absent.

Council Member Lovell stated with the crane issue, she agreed that they should not rush to anything, that they were fortunate in the City, they were having a building boom when other cities were having problems and the fact that this did happen she knew that they all took it seriously and they should look at the way the cranes were inspected, whether it was the City, OSHA, the companies or whoever and she thought they ought to be very measured in the way they do it and not rush to anything; and as the same way with the tragedy at the apartment complex, which she knew they were all heartbroken over the loss of those children; that there had been a good idea that had come forth and if it would come through her committee she was ready to do it, that Council Member Khan using his engineering skills in a very good idea, that on the elevators that they had all over the City they required the building owners to do the inspections and send them to the City, that maybe they should explore the possibility of the apartments, that the owners were required to have a structural inspection on a regular schedule of which they then were responsible for those inspections and that they send those reports to the City so they could monitor what was going on in some of those apartments because the truth was they had older apartments, that it was something that she thought they ought to consider and look at, it could possibly be a very good solution to the problem they had with the older apartments. Council Members Johnson, Holm, Brown, Green, Noriega and Jones absent.

Mayor White stated that the idea, he had not heard it before but would encourage those responsible within the team to consider that kind of approach, that so long as they establish the professional certification and criteria, for liability reasons, that it may be a very practical way, that they had to access the cost and he was not advocating a particular approach but he thought, and to Mr. Icken, that particular idea, if there were some things that could be done

through self certification by independent professionals then they ought to take a look at that. Council Members Johnson, Holm, Brown, Green, Noriega and Jones absent.

Council Member Lawrence stated that she also wanted to say congratulations to her colleague, Council Member Rodriguez, that the award was given by the Houston Junior Chamber Foundation every year, so they were very honored to have Council Member Rodriguez on Council as one of the five young Houstonians being recognized, that it would be on July 29 2008 at the Wortham. Council Members Johnson, Holm, Brown, Green, Noriega and Jones absent.

Council Member Garcia stated that he to wanted to extend his congratulations to Council Member Rodriguez. Council Members Johnson, Sullivan, Holm, Brown, Green, Noriega and Jones absent.

Council Member Garcia stated that one of his constituents called his office because she was curious and concerned about a nice looking check that she got in the mail, that it was made out to her for over \$100,000 and had information about a great government backed program, that could she and her family benefit from extra income each month or a lump sum up front, that it was a free public service, to just call in and get her information package, that it sounded really good and what it turned out to be was if they filled out the application and sent it back it ended up being a reverse mortgage; that he wanted to thank Rhonda Sauter, on his staff, for looking out and calling in and inquiring what it was all about, that they should do what this constituent did and ask questions before they really get hooked into this stuff, that it sounded really good. Council Members Johnson, Sullivan, Holm, Brown, Noriega and Jones absent.

Mayor White stated that they ought to take a look at it and maybe word would get out that they would get their name posted on the internet if they sent these things to Houston because they may haul them to court on a preliminary junction hearing and ask what impression they were creating. Council Members Johnson, Sullivan, Holm, Brown, Noriega and Jones absent.

Council Member Garcia stated that on Saturday, from 10:00 a.m. to 12:00 p.m. there would be a block walk promoting the Mayor's Residential Energy Efficiency Program, that they needed all the volunteers they could get to help participate in the program. Council Members Johnson, Sullivan, Holm, Brown, Noriega and Jones absent.

Council Member Garcia stated that Belle Ortega was a pioneer and their hearts were broken that she was even caught up in the program after all the years she gave to the City putting her life directly in danger; that he wanted to thank the Eastside Station, those officers had not forgotten about Belle, that last year they worked with the stewardship of Captain Kern to build a ramp for her wheelchair. Council Members Johnson, Sullivan, Holm, Brown, Noriega and Jones absent.

Council Member Garcia stated that on July 29, 2008 the Universoul Circus would be coming to town, that it was the Nation's on African American produced and owned circus that would be returning to Houston for a 6 day engagement at Butler Stadium. Council Members Johnson, Sullivan, Holm, Brown, Noriega and Jones absent.

Council Member Khan stated that he wanted to talk about the accident at the Westwood Fountains Apartments, 9430 Concourse Road, where two boys, David Vasquez, 10 years old, and Michel Angel Robledo, 4 years old, lost their lives and Jose Castro, 9 years old, was seriously injured and hopefully he would recover, that he took the cue from Mayor White's statement that apartment owners should know that they had the principal and first responsibility for making sure that their apartments were safe; that he would request that Mayor White have somebody take a look at apartment owners, that they would never have enough money in the

budget to hire all the inspectors and professionals which were needed to inspect on a regular basis and efficient basis all the apartment complexes in town, that they had enough irresponsible owners and managers of these apartments, that they had over 2,200 apartment complexes in the City of Houston and a vast majority were owned and managed by some very responsible people, but they had some irresponsible owners and managers, they could be called slum lords and complexes which could be called slums, that he would request that they take a look at the apartment ordinance and make these people responsible for their property; that he thought they should have a hearing and he would be more than happy to work with them to make sure that meaningful action was taken. Council Members Lawrence, Johnson, Sullivan, Holm, Garcia, Noriega and Jones absent. (No Quorum Present)

Council Member Khan stated that he was overwhelmed when Mayor White had Dr. Debakey's body in the City Rotunda, that it was an appropriate way of sending off someone who was really a hero for humanity, and asked for a moment of silence for Dr. Debakey. Council Members Lawrence, Johnson, Sullivan, Holm, Garcia, Noriega and Jones absent. (No Quorum Present)

Council Member Green stated that he wanted them to keep in mind that there were homeless families out there were young kids and their parents were getting them ready to go to school and to that end they should not forget about those children, that his office had partnered with SEARCH and had set up donation boxes for school supplies and school uniforms, at the City Hall Annex on the first floor, that they would go to benefit SEARCH's Scattered Site Housing Program and their House of Tiny Treasures, that it was the only accredited child development center that exclusively met the needs of homeless children; that they could also contact SEARCH at 713-276-3083 or visit their website. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega and Jones absent. (No Quorum Present)

Council Member Green stated that the South Central Houston Community Health Center was gearing up for its annual immunization drive, the first drive would take place on August 1, 2008 from 8:00 a.m. to 12:00 p.m. at 8610 Martin Luther King Blvd. and the second one would take place on August 15, 2008 from 12:00 p.m. to 4:00 p.m. at 3315 Delano, that he thought it was the Third Ward Multi Service Center, that they had to bring the children's shot records in order to get the shots and to make sure they update the records when they enter school, if they had any questions they could contact 713-734-0199 or 713-831-9654.

Council Member Green stated that Dr. Debakey was a name he had grown up with since high school, that he attended what was known as the Debakey High School for Health Professionals and the first principal of that high school died about 4 months ago and the second principal just retired and was going to Katar to start a similar school, that in fact Dr. Charles Etta Disen would be here on August 5, 2008 and they would honor her; that he was probably the eighth graduating class from that school and Dr. Debakey was still very much involved in some of the day to day advising. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega and Jones absent. (No Quorum Present)

Council Member Green stated that as to reverse mortgages, a couple of years ago he thought when the federal government finally approved to allow that type of financial instrument they did some work on that in their office and Wells Fargo and some other major banks, and he was not a huge proponent of it and said it publicly and he got a plethora of banks wanting to educate him on reverse mortgages, which he guessed if that was a financial instrument that a family needed to take care of their responsibilities it was good for them, but one of the things they were able to find out was that there were particular warnings, that he did not see the check that Council Member Garcia had, but he did have some knowledge about that and thought they could really do some alters and thought legally many of these smaller companies, with the mortgage industry now, it was kind of the new thing, now that the bottom had fallen out of the

adjustable rate mortgages and some of the sub prime mortgages the new targets would be the elderly, people who already owned their properties and the thing was for them to alert on their end and they had been able to find that many of the companies were, he hated to say protected, but they were really traveling down a very thin line on their DTPA type warnings, so it was one of the things that if they did have people who would get these advertisements to let their offices know and let Council Member Garcia continue to know, because they would prey on elderly people, that a lot of them were signing up for the reverse mortgages under the auspices of getting their roofs fixed and that type of stuff and not even knowing they were getting the reverse mortgages and getting the repairs done on their house but they were not getting the margin and the equity, so that opened up a new scam, people were assisting them in getting the reverse mortgages, doing the repairs and work and then there was another \$50,000 or \$60,000 out there that could not be accounted for. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega and Jones absent. (No Quorum Present)

Mayor White asked if Council Member Green could have somebody track down a case of that, and he would note that on this particular information it said, for example, this was a free public service, that he thought it was a lie or misleading; and said to Mr. Michel that if Council Member Green could come up with one case, revisiting an issue that they had raised before, about the extent to which they had subpoena power, that he wished that somebody would help him get some of these people in front of a microphone having to put their hand and swear that it was a free public service. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Rodriguez, Noriega and Jones absent. (No Quorum Present)

Council Member Brown stated that he spent two wonderful visits to Discovery Green, the first was a distribution of the fluorescent light bulbs, that they had all these young people getting involved in making Houston a more environmentally friendly City and spreading the word to families throughout the neighborhoods; that the second was a performance by the American Federation for the Arts Youth Orchestra, 120 strong, on stage at the Green Amphitheater at Discovery Green; that he also attended the 38th Annual Airborne Law Enforcement Association Conference at the George R. Brown Convention Center and wanted to give recognition to Senior Officer Daniel Swartzbach, who headed up the new Airborne Patrol Unit, that he was also President of the Airborne Law Enforcement Association of the United States; that he attended a civic club meeting in East Houston and listened to the people in the Lakewood area and it troubled him; that as a prelude to that he was pleased to welcome Senator John Edwards to Houston, who was here working with ACORN on the Anti Poverty Program. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega Green and Jones absent. (No Quorum Present)

Council Member Green stated that today they spent an hour and a half talking about the homeless and he wished they could find a better word than the word homeless because it conjured all the wrong images of panhandlers on the street and they were human beings, some with families and kids; that someone told him the other day that there were actually 250,000 school age children who were dropouts and wondering the streets and they needed a program to recruit the children back into the public school system and convince them that was where the best opportunity lay. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Brown stated that getting back to Lakewood, it was just east of Settagast and it was a large neighborhood of contrast, on the one hand it had that horrible landfill that he wished they had been more effective of limiting the expansion of, it had toxic chemical spills, that the schools had a 70% drop out rate and there was rampant crime, dangerous unmaintained streets, a lot of burglary, prostitution and drugs, foreclosures, halfway houses, junk yards, truck yards were filling up the place, unemployment, unsupervised youth, absence of retail and probably the worst slums, except for a portion of the Third Ward, that he had seen in

Houston, that was one side of the coin, what were they going to do for this neighborhood, that on the other hand there were large areas of vacant beautiful wooded land, really gorgeous bayous and streams, meandering country like roads, old historic houses, farm houses, horses and riding trails, there was a wonderful park but it was not developed the way it should be but it was good, a number of churches, that Lakewood had been converted into a big religious center and people of many colors with a marvelous civic spirit; that he asked himself how could they help that neighborhood and finally it got him to thinking about the places in their City and the process of change, that the Lakewood neighborhood he would classify as a failing neighborhood and he would hope that they could come to their rescue. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that she had the opportunity to attend the memorial service for Dr. Debakey, that it was one of the best home going services that she had attended; that they would like to give their condolences to the Debakey family and to celebrate the life of Dr. Michael E. Debakey. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that Forbes Magazine recently ranked Montrose, in District D, as one of America's most fuel efficient neighborhood; that Montrose earned the title because of it's central location, residents drive an average of only 11,000 miles per year. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that the Houston Zoo would be reworking their free days, that the free days would now be Columbus Day, October 12, the day following Thanksgiving, New Years Day, Martin Luther King Jr. Day and Presidents Day; and also any Houston resident with a Lone Star card or who was active military would be able to get into the zoo free any day of the year. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that Universoul Circus would be coming to Butler Stadium on July 29, 2008; that they were getting ready to celebrate their 49th Delta Sigma Pheta Convention and would like to say hello to all her sorority sisters and looked forward to seeing them in Orlando. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that the City of Houston would now be recycling plastics one through five and number seven, that was every type of plastic other than Styrofoam cups, plastic bags and a few exceptions, for more information they could log onto the City of Houston Solid Waste Management website, that she would like to ask the Solid Waste Management Department that when information was being provided that was going to affect various districts throughout the City that the Council offices be notified so they would know how to communicate with their residents when questions were being asked. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that District D mailed out their newsletters called the District Details, it was all the things they had accomplished in District D in the last six months, if they would like the newsletter they could call their office at 832-393-3001 or email them at District D at cityofhouston.net and she would like to commend her staff for a job well done. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that she wanted to thank the US Vets for inviting her on Saturday to spend a day with a Vet and had an opportunity to present a proclamation. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that she wanted to highlight their community recycling partner, HEB, that HEB along with Keep Houston Beautiful and Keep Texas Beautiful and the City of Houston, since October 2007, since the new pilot program was highlighted there was 1,819 tons collected, that there were also some donations received, also Keep Pearland Beautiful, that now there were 23 stores in the City of Houston that currently participated in the recycling program; that a couple of weeks ago Ms. Feeble did a story about revisiting recycling in the City of Houston and did a timeline from 1986 to 2006, at the beginning there was only one curbside program and now there were over 8,660 programs in the City of Houston that currently participated in recycling, that she wanted to thank her for writing the article in the Houston Chronicle; that she had a long discussion with Lorraine Wulfe about some of their recycling initiatives and she was well aware of what was going on and she was really getting on board about recycling, that they always had to have an extra set of eyes out there when they talked about recycling and the information they had so when she read the article and looked at the City's website and looked at other things she came across a lot of inconsistencies so she would be forwarding those inconsistencies to the administration so they could look at what was written and compare it to what was on the website. Mayor White and Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (No Quorum Present)

Council Member Adams stated that as to Item No. 7, the accident, that she wanted to get a message out to the various departments who were driving their ambulances, fire trucks or solid waste trucks to slow down. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Rodriguez stated that he wanted to welcome the Kipp Intrepit Academy to District I, they invited him to the ribbon cutting, that the kids were excited that they found a new home in the Eastwood part of his district and made a commitment that they would do good in school if he kept the neighborhood safe. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Rodriguez stated that he wanted to say thank you to Fire Stations 26, 36, 40, 23, 20, 18, 29, 15, 55, 35 and the rehab truck at 8, that on his way home he was driving down Dixie and noticed that the fire station was empty and looked down the road and there was a two alarm fire going on, that he actually got to witness their firefighters in action and they did a tremendous job; that Fire Station No. 26 had gone to a fire earlier in the day, it was an apartment fire and when the owners came to look at what was happening the chief wanted to talk to the owners and it was one of the apartments they were having problems with and they left, they did not want to talk to the firefighters because they were going to have some serious questions as to why the conditions were so poor; that he did not know if they tracked them down but he said he would help track them down and would get the address to Terence Fontaine and have Neighborhood Protection go out there as well. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Rodriguez stated that he wanted to wish a speedy recovery to Officer Belle, that incident happened in his district and HPD had assured them that they were not going to rest until the suspects were apprehended and he thanked them for his commitment. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Rodriguez stated that he wanted to say thank you to Mr. Gerald Smith, a Metro Board Member, who had been a tremendous asset and a hands on board member working with the Wheeler Street residents and the Washington Terrace Civic Club, that they appreciated his willingness to go out there and provide an alternate solution. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Brown, Noriega, Green and Jones absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 1:42 p.m. Council Member Clutterbuck out of the city on personal business. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Brown, Noriega, Green and Jones absent. (No Quorum Present)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary