

The Regular Meeting of the Houston City Council scheduled for Tuesday, August 5, 2008 at 1:30 p.m. was cancelled because of anticipated bad weather.

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, August 6, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:36 a.m. Mayor White called the meeting to order and called on Council Member Clutterbuck for the prayer and pledge of allegiance. Council Member Johnson absent.

At 9:38 p.m. Mayor White requested the City Secretary to call the roll. Council Member Johnson absent.

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

Mayor White stated that they would have time available for any public speakers, who had signed up on Tuesday, next week, that if there were any individuals who had signed up to speak on an agenda item, who had signed up for yesterday or intended to come yesterday, to please stand, and no one was present. Council Member Johnson absent.

Mayor White further stated that they had a new program which tended to nurture, mentor, encourage and take advantage of a new generation of American leaders who were participating in the City Hall Fellows Program; that they had 10 City Hall Fellows who were college graduates who were selected in a highly competitive process, that they were undergoing their three week orientation and were going to be assigned by August 18, 2008 after different interviews; that the local coordinators were Arron Hughes and Nancy Brainard, and Mayor White asked that the coordinators and fellows stand and be recognized. Council Members Johnson, Holm and Lovell absent.

Council Members Clutterbuck and Garcia thanked the coordinators and fellows for their service to the City of Houston. Council Members Johnson, Holm and Lovell absent.

**MAYOR'S REPORT** - Mobility Response Team – (Not Presented)

**CONSENT AGENDA NUMBERS 1 through 36**

**MISCELLANEOUS** - NUMBERS 1 and 2

1. CONFIRMATION of the reappointment of the following to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for two year terms  
Position 9 - **MS. SHARRON BEALE LEAL**  
Position 10 - **DR. SURAIYA SALEEM**  
Position 11 - **MR. J. D. BARTELL**  
- was presented, moved by Council Member Khan, seconded by Council Member Lovell.  
All voting aye. Nays none. Council Members Johnson, Holm and Garcia absent.

MOTION 2008-0614 ADOPTED.

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Harris County Road Improvement District No. 1 Capital Improvement Budget - **DISTRICT E - SULLIVAN** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson, Holm and Garcia absent. MOTION 2008-0615 ADOPTED.

Mayor White requested anyone who had been appointed to stand and be recognized. Council Members Johnson, Holm and Garcia absent.

**ACCEPT WORK** - NUMBERS 6 and 8

6. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$443,389.00 and acceptance of work on contract with **F, W, WALTON, INC** for Roof Replacement at Gershan & Fleet Administration Buildings, WBS G-000066-0010-4 - 2.84% over the original contract amount - **DISTRICT H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Garcia absent. MOTION 2008-0616 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$563,756.50 and acceptance of work on contract with **JTR CONSTRUCTORS, INC** for Westway Wastewater Treatment Plant Improvements, WBS R-000265-0031-4 - 2.77% under the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Garcia absent. MOTION 2008-0617 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBER 11

11. **AMERICAN MAINTENANCE SUPPLIES, LLC** for Lawnmower and Edger Replacement Parts and Repair services for Parks & Recreation Department - \$856,450.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson Garcia absent. MOTION 2008-0618 ADOPTED.

**ORDINANCES** - NUMBERS 13 through 36

13. ORDINANCE authorizing publication of notice of intent to issue City of Houston, Texas, Tax and Revenue Certificates of Obligation, Series 2008B; authorizing the Finance Working Group to proceed with all matters related to the issuance and sale of such certificates; approving or declaring other matters incidental to the issuance and sale of such certificates; making various findings and provisions related thereto and declaring an emergency – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0686 ADOPTED.
16. ORDINANCE establishing the north and south sides of the 1000 block of Robbie Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0687 ADOPTED.

17. ORDINANCE establishing the north and south sides of the 1000 block of Robbie Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0688 ADOPTED.
18. ORDINANCE establishing the north and south sides of the 700 block of Euclid Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0689 ADOPTED.
19. ORDINANCE approving and authorizing agreement between the City of Houston and **REGENCY WALK, LLC** to provide a \$10,150,000.00 Performance-Based Loan of Federal "CDBG" Funds for costs to renovate apartments located at 10301 and 10400 Sandpiper, Houston, Texas, to house qualified low income residents - **DISTRICT C – CLUTTERBUCK** - had been pulled from the Agenda by the Administration, and was not considered. Council Members Johnson and Garcia absent.
20. ORDINANCE amending Ordinance No. 2005-667 to substitute a amended and restated declaration of land-use restrictions (restrictive covenants); approving and authorizing first amendment to grant agreement between the City of Houston and **TX LAKE HOUSTON POINTE APARTMENTS, L.P.** all to change the affordability, rent, lease, and tenant occupancy requirements and the City's remedies in the event of default of said agreements, in connection with the City's grant to pay for eligible land acquisition and/or construction costs for the Fairlake Cove Apartments located at the corner of FM1960 and Fairlake Drive, Houston, Texas, and authorizing the City's consent to a first amended and restated declaration of land-use restrictions (restrictive covenants) - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0690 ADOPTED.
24. ORDINANCE appropriating \$320,000.00 out of Equipment Acquisition Consolidated Fund and approving and authorizing Professional Services contract between the City of Houston and the **MITRE CORPORATION** to assess the City's Enterprise-Wide Integrated Wireless Network Plan; WBS X-685001-0001-3-03; providing funding for project management relating to the wireless network financed by the Equipment Acquisition Consolidated Fund – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0691 ADOPTED.
25. ORDINANCE appropriating \$14,000.00 out of Parks Consolidated Construction Fund; \$90,900.00 out of Solid Waste Consolidated Construction Fund; and \$50,000.00 out of Public Health Consolidated Construction Fund as an additional appropriation for Professional Architectural and Engineering Services for the Task Order Contract for Various City Departments, WBS L-000TOC-0001-3, H-000073-0001-3, F-000586-0001-3, under an existing contract with **ARCHI\*TECHNICS/3, INC** – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0692 ADOPTED.
27. ORDINANCE appropriating \$300,320.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Public Road At-Grade Crossing Agreements between the City of Houston and **UNION PACIFIC RAILROAD** at Armour Drive and Gazin Street for the Armour Drive Paving Project, WBS N-000733-0001-4; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT I – RODRIGUEZ** - had been pulled from the

Agenda by the Administration, and was not considered. Council Members Johnson and Garcia absent.

28. ORDINANCE appropriating \$993,960.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approving and authorizing second amendment to Professional Engineering Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Construction of Kirby Drive from West Airport to Sims Bayou and Mowery Road from Edwina to future Kirby Drive (approved by Ordinance No. 05-0430), WBS N-000594-0002-3 - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0693 ADOPTED.
29. ORDINANCE appropriating \$770,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CAMP DRESSER & MCKEE INC** for Engineering Services associated with the Design of the Supervisory Control and Data Acquisition System (SCADA) (approved by Ordinance No. 2002-0863), WBS S-000522-0003-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0694 ADOPTED.
31. ORDINANCE appropriating \$1,622,536.00 out of Street & Bridge Consolidated Construction Fund; awarding contract to **NBG CONSTRUCTORS, INC** for Memorial Bridge West Abutment Repairs, WBS N-00445N-0020-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0695 ADOPTED.
32. ORDINANCE appropriating \$3,923,666.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0116-4; 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 Members Johnson and Garcia absent. ORDINANCE 2008-0696 ADOPTED.
34. ORDINANCE No. 2008-0655, passed second reading July 30, 2008  
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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0655 ADOPTED THIRD AND FINAL READING IN FULL.
35. ORDINANCE No. 2008-0656, passed second reading July 30, 2008

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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0656 ADOPTED THIRD AND FINAL READING IN FULL.

36. ORDINANCE No. 2008-0657, passed second reading July 30, 2008  
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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Johnson and Garcia absent. ORDINANCE 2008-0657 ADOPTED THIRD AND FINAL READING IN FULL.

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

**DAMAGES**

3. RECOMMENDATION from City Attorney for settlement of lawsuit styled **DWAYNE JONES, Individually and as Father of LOGAN JONES, Deceased** v. City of Houston, Texas; in the 281st District Court, Harris County, Texas; Cause No. 2004-72870 - \$245,000.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Garcia. Council Member Johnson absent.

After discussion by Council Members, Council Member Khan asked if Public Works had a standard procedure on how to deal with culverts and grades on culverts or was it only complaint driven; and regarding the settlement he thought that initially the award was for a large amount and then the City appealed that and it ended in the reduction of the amount, and Mr. Michel stated that a motion for a new trial was granted. Council Members Johnson and Green absent.

After further discussion a vote was called on Item No. 3. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0619 ADOPTED.

**ACCEPT WORK**

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$2,336,681.44 and acceptance of work on contract with **3D/INTERNATIONAL, INC** for New Fire Station 105, WBS C-000166-0001-4 - .18% under the original contract amount **DISTRICT E - SULLIVAN** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0620 ADOPTED.
5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$104,710.00 and acceptance of work on contract with **PLAYPOWER LT FARMINGTON, INC** for Brookline Park, WBS F-000610-0001-4 - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0621 ADOPTED.

7. ORDINANCE appropriating \$18,396.02 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Construction contract with **CANNES ENTERPRISES, INC** for Safe Sidewalk Program T7 Project, WBS N-00610A-00T7-4, (approved by Ordinance No. 2003-1340) – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0697 ADOPTED.
- 7a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$354,282.62 and acceptance of work on contract with **CANNES ENTERPRISES, INC** for Safe Sidewalk Program T7 Project, WBS N-00610A-00T7-4 - 10.75% 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 Members Johnson and Green absent. MOTION 2008-0622 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,436,500.02 and acceptance of work on contract with **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Clinton Park, Settegast, and Sunnyside Areas, WBS S-000036-0009-4 - 3.60% under the original contract amount - **DISTRICTS B - JOHNSON; D - ADAMS and I – RODRIGUEZ** - was presented, and tagged by Council Member Brown. Council Members Johnson and Green absent.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,993,169.40 and acceptance of work on contract with **TROY CONSTRUCTION, LLP** for Replacement of 3 Aerial Crossings, Removal of 2 Aerial Crossings and Replacement of 550 Linear Feet of 24-inch Water Line along Sawyer from Union to Center, WBS S-000901-0002-4 - 2.87% under the original contract amount - **DISTRICTS D - ADAMS; E - SULLIVAN and H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0623 ADOPTED.

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

12. **TOTER, INCORPORATED** for Automated Refuse Containers (Two-Wheel Carts) from the Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Solid Waste Management Department - \$899,986.54 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Garcia. Council Members Johnson and Green absent.

After discussion by Council Member Brown, a vote was called on Item No. 12. All voting aye. Nays none. MOTION 2008-0624 ADOPTED.

#### **ORDINANCES**

14. ORDINANCE approving and authorizing contract between the City and **CAMBRIDGE INTEGRATED SERVICES GROUP, INC** for Third Party Administration of the City's Workers' Compensation Program and related services; providing a maximum contract amount - 3 Years with 2 two-year options - \$19,897,025.00 - Workers' Compensation Fund – was presented, and tagged by Council Member Clutterbuck.
15. ORDINANCE approving the closings to vehicular traffic of railroad crossings of Canal Street, Delmar Street, Edgewood Street and Manchester Street; vacating and abandoning those tracts of land to Union Pacific Railroad Company, the abutting owner, while

reserving and retaining utility easements in the underlying property - **DISTRICT I - RODRIGUEZ** – was presented, and tagged by Council Member Rodriguez.

21. ORDINANCE appropriating \$450,000.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing a Development Agreement between the City and **BURGLI INVESTMENTS, LLC** to develop ten (10) solar powered affordable single-family homes to be sold to qualified low-income and very low-income families - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2008-0698 ADOPTED.
22. ORDINANCE appropriating \$1,393,280.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing contract between the City and **HOUSTON HOUSING AUTHORITY** to Design and Install an Automatic Fire Sprinkler System for a low-income elderly housing development located at 7225 Bellerive, Houston, Texas - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. ORDINANCE 2008-0699 ADOPTED.
23. ORDINANCE appropriating \$5,877,009.12 out of Tax Increment Funds for Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone) and Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone) for administrative expenses, payment of project costs, payment to **HUMBLE INDEPENDENT SCHOOL DISTRICT** and **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY - DISTRICTS B - JOHNSON and E - SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2008-0700 ADOPTED.
26. ORDINANCE appropriating \$5,060,000.00 out of Street & Bridge Consolidated Construction Fund (4506); approving and authorizing the purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with, and finding a public necessity for the capital improvement projects identified in the body of this ordinance, WBS N-00663A-00RE-2-01 – was presented. All voting aye. Nays none. ORDINANCE 2008-0701 ADOPTED.
30. ORDINANCE appropriating \$2,100,000.00 out of Metro Project Commercial Paper Series E Fund, WBS N-000662-0032-4 and \$1,401,000.00 out of Street & Bridge Consolidated Construction Fund, WBS N-000817-0001-4; awarding construction contract to **TEXAS STERLING CONSTRUCTION COMPANY** for Intersection Construction Contract (Work Order Project) City wide, and Railroad Crossing Quiet Zone Improvement Program; 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 services, project management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund, and Street & Bridge Consolidated Construction Fund – was presented, and tagged by Council Member Sullivan.
33. ORDINANCE granting to **AROUND THE CLOCK TRASH HAULING, 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. ORDINANCE 2008-0702 PASSED FIRST READING IN FULL.

**PURCHASING AND TABULATION OF BIDS**

37. RECOMMENDATION from Purchasing Agent to make the following awards for Landscape, Plants, Trees, Grass and Associated Landscape Materials for Various Departments \$2,984,415.00 - General and Enterprise Funds:

**CHAMPION LANDSCAPE SUPPLIES, INC** - \$1,915,682.50  
**HALL'S LANDSCAPING & MAINTENANCE, L.L.P.** - \$690,465.00  
**THE LETCO GROUP LLC** - \$106,179.25  
**TEXAN TREE DEPOT, L.P.** - \$95,186.25

**COUNCIL DRAW LOTS**

**ITEM NO. 21** (sod) due to receiving identical bids from **AAA VENTURES, INC** and **HALL'S LANDSCAPING & MAINTENANCE L.L.P.** in an amount of \$57,500.00  
and

**ITEM NOS. 95, 104, 109, 111, 113, 115** and **119** (trees) due to receiving identical bids from **HALL'S LANDSCAPING & MAINTENANCE L.L.P.** and **CHAMPION LANDSCAPE SUPPLIES, INC** in an amount of \$119,402.00 - was presented.

Council Member Holm drew Halls Landscape and Maintenance for the first draw and Champion Landscape Supplies, Inc. for the second draw.

Council Member Khan moved to adopt the recommendation with those drawn, seconded by Council Member Garcia.

Council Member Brown asked if the City of Houston operated a tree farm on any of the excess land that they had, and Mayor White stated no, that he thought it was a good question and they had done an incredible amount of work on the cost of trees because they were about to enter into a large tree program and there were advantages, both volume, and he had gone to school on tree farming and he thought there was a case that could be made for having a sort of in house tree farm and there may be a case made against it simply depending on the cost, but he would like some recommendation from the Parks Department about it and would say that they were going to have their hands full with the planting process and would also say for the next, at least year, he believed that they could get much tree material donated, the cost of their issues on trees tended to be the planting and watering costs, with the watering costs being the principal one; that they would be willing to talk to Council Member Brown and other Council Members.

A vote was called on the motion to adopt the recommendation and the award drawn for Item No. 37. All voting aye. Nays none. MOTION 2008-0625 ADOPTED.

**MATTERS HELD** - NUMBERS 38 through 41

38. RECOMMENDATION from Director Department of Convention & Entertainment Facilities for approval of supplemental budget submitted by the **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for the Promotion of tourism and the solicitation of convention business \$2,535,396.00 - Enterprise Fund – (**This was Item 5 on Agenda of July 30, 2008, TAGGED BY COUNCIL MEMBER NORIEGA**) – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0626 ADOPTED.
39. RECOMMENDATION from Director Department of Public Works & Engineering for approval of annual payment for participation in the Galveston Bay Estuary Program projects through the Houston-Galveston Area Council - \$100,000.00 - Enterprise Fund –

**(This was Item 6 on Agenda of July 30, 2008, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented, and tagged by Council Member Adams.

40. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,074,267.17 and acceptance of work on contract with **SPAWGLASS CIVIL CONSTRUCTION, INC** for Safe Sidewalk Program 02 Project, WBS N-00646H-0002-4 13.54% under the original contract amount - **DISTRICT H – GARCIA – (This was Item 11 on Agenda of July 30, 2008, TAGGED BY COUNCIL MEMBER JONES)** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0627 ADOPTED.
41. ORDINANCE appropriating \$253,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **POST BUCKLEY SCHUH & JARNIGAN, INC d/b/a PBS&J**, WBS N-000687-0003-3, (approved by Ordinance No. 98-1242); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS A - LAWRENCE and B – JOHNSON – (This was Item 26 on Agenda of July 30, 2008, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. All voting aye. Nays none. ORDINANCE 2008-0703

Mayor White stated that there was something in Council Member Clutterbuck's district that was of real importance to all of them, the issue of Apartments to Standard Program and the grant to upgrade these apartments that was in Item No. 19 and understood it was pulled because HUD wanted a 30 day notice period and he would like a report of when that 30 days had begun to run because they needed these apartments cleaned up, that the Apartments to Standard Program, he wanted to tell folks, had some very good results and that might just about complete the funding that they received as a result of lots of work by him, Ann Travis and their Congressional delegation, so to make sure they got it on the agenda just as soon as they could after the notice period and the notice period, he hoped, had already begun to run, but they would get a report on that.

### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Johnson stated that he wanted to thank everyone for their participation in this weekend's International Jazz Festival, that it was a wonderful festival and they had a great turnout, that he wanted to thank all of the great sponsors that were very supportive of the International Jazz Festival, that the money that was raised went to Jazz Education Inc., which was an organization that provided youth with jazz education and is a wonderful program.

Council Member Johnson stated that he wanted to talk about North Forest Independent School District and knew that Mayor White had created a task force recently to talk about school closure in HISD, that he thought it was very important that they take a very close look at North Forest Independent School District, that he had talked to exhaustion when it came to development in that area and it all came back to the school district and how poorly the school district was performing and consequently the developers kind of shy away from that area, although they knew the area was rich with land and had such potential and a great opportunity they could not get the development that he thought the area needed; that he thought they as a City needed to be actively engaged, that he had penned a letter to TEA and expressed to them that while he believed that removing of the board was a small step in the right direction he thought it was important that they take a look at the people that they would put on the board, that he would be actively engaged and hold meetings, but they had to not meet just for the sake of meeting, but they had to certainly come up with a solid plan, that he encouraged Mayor White, as well as the State Legislators and the new potential board of managers, to come

together and talk about the history of North Forest and what was the future going to look like; that he knew they had their own board and taxing agency and their own governess but it was imperative that they work together to fix the problem that was out there.

Mayor White stated that he was welcome to have conversations and would assure Council Member Johnson that it was something that for a number of years and on numerous occasions it had been a concern of his that he had talked to State officials with both when he was Mayor and before, and very specifically he did not want the governess issues, however or whatever they may be, to blind their eyes to the essential truth that when it came to school finance they had segregation by income and by property value, that was a fact, and at the time that he reviewed the finances five years ago the average appraised value was about in the \$19,000 to \$20,000 rate and the tax was at the maximum rate set by law, so that was sort of a tough hand to start with, that they had just been through some heavy waters, and some people could not forget that when they did get audited financial statements, and they did raise money for bond issue and then Allison came along and because of their financial situation they did not have insurance and there went the bond money trying to rebuild some of the facilities that were destroyed and not building facilities that were needed; that there had been some hard choices made, and would tell them why, that many school districts had not done, and he was not saying it to defend anybody and knew there had been some chronic problems and they knew how he felt about patronage politics, he did not believe in it and thought it was immoral period, but at one time they began to recruit teachers, math teachers, on green cards from the subcontinent of India and because they could pay less than scale so they could have their ends meet, and that now took a little bit of courage for a school district that happened to be the largest employer in the district because they did not have other commercial employment base like they would if they had a refinery there or whatever; that he could tell them at the local level he was having a hard time understanding and giving people more hope for a way out unless they tend to look at how they finance their schools.

Council Member Holm stated that she was looking at the invitation for the City's birthday celebration, and she thanked Council Member Clutterbuck and Mayor White for chairing and working on that, it was a great invitation, that the only thing she would like to suggest was that each of them get asked to participate in a lot of things over and over again but some of the things that were particularly special to her were those things that involved their City so she very much would like to be included on a list and even solicited for sponsorships in the future; that she was just seeing the invitation for the first time, that she had been invited by several people but was not aware of the opportunities that she unfortunately missed out on.

Council Member Garcia stated that he was glad that everyone made it through yesterday's weather without much damage, but they could not continue to hope that things would work this way all the time so they needed to continue to talk about being prepared; that last he checked they only had several hundred people registered for the special needs services for emergency evacuation support, that Monday evening he attended the Channel 2 Neighbor to Neighbor phone bank and a lot of the calls he was getting were folks who were concerned about their pets, their living alone and things of that nature, so they wanted to make sure that people were knowing that now that they had escaped this particular situation that they not sit back and not do nothing and hope that the next one works out just the same, that they wanted to encourage people who knew there was a vulnerable citizen out there to call United Way at the 2-1-1 and encourage them to register either their friend, family or neighbor with the United Way in the event that they needed special support in the event of an emergency, that it was important for the City to know where folks were at so they could make sure to provide them the necessary support and services in a moments notice.

Council Member Garcia stated that he wanted to give special appreciation to the Near Northside neighbors who recently graduated from the Citizens Emergency Response Team

Training Program, that they graduated just in time to provide support for their community, that he wanted to encourage anyone out there who was interested in receiving this very special and intensive training to please take advantage of the opportunity and call 3-1-1 and ask to be connected with the Office of Public Safety and Homeland Security or Office of Emergency Management to see how they could get at least 25 neighbors together to receive the training, that it was very effective training and he thought it helped to open up the community's eyes and recently he had the opportunity to visit with some public safety folks in Los Angeles and he asked them about CERT and they continued to sing the praises of the people who had participated in the CERT Program and continue to rely on them heavily, so they wanted to encourage folks that the more people they could get registered in the program all the better.

Council Member Garcia stated that he served as the Chair of the Regional Safety Council for the Houston Galveston Area Council and tomorrow they would be holding hearings on impaired driving, they wanted to talk about what efforts were being done to reduce the number of DWI crashes that were occurring in their region, that regretfully they led the Nation in this regard and that was not a good way to be a leader so they would be holding hearings and inviting their respective public safety professionals and agencies and all those who had a particular interest in this issue to come forward and share testimony, that several of the area State Representatives would be participating so they wanted to encourage people to come by and listen to what was being provided, that it would be held at Texas Southern University and the hearings would be occurring from 8:30 a.m. to 12:30 p.m., that he wanted to thank Mothers Against Drunk Drivers in particular because of their extensive involvement in this particular effort as well as the National Highway and Traffic Safety Administration for their support in this as well.

Council Member Khan stated that they were going to have their first Alief International Parade on Saturday, that it would start the International Trade Center at Bellaire and Wilcrest and would go all the way to Cook Road, that people in Alief had worked very hard, that the highlight of the parade is basketball player, Rashad Lewis who would be the grand marshal and would be hosting a fun day at Cook Road at the conclusion of the parade; that the month of August was the month of celebrations for communities of India and Pakistan because it was the month of their independence, India on August 15, 2008 and it would be celebrated on Saturday, August 9, 2008 at the George R. Brown Convention Center, that it was a day long event, that the India Cultural Center would be hosting the celebration; and Pakistan Independence Day is on August 14, 2008 and the Consulate of Pakistan would be hosting an event that day but the community would be hosting a festival on August 9, 2008 and also at the George R. Brown Convention Center, that it would be an evening event, that it would be broadcast live all over the world, over 120 countries, that he would request for everyone to join them; that many groups around town were celebrating graduation ceremonies for their students, that on Sunday for the Vietnamese American Youth Excellent Recognition Day at Kim Son Restaurant, that he wanted to congratulate all of the graduates; that the Bangladesh Community was honoring their graduates on Saturday at Fun Plex at Beechnut and Eldridge at 8:00 p.m., August 9, 2008.

Council Member Khan stated that he got an email stating that Texas Children's Hospital would be canceling their contract with Blue Cross Blue Shield in part because Texas Children's Hospital was not receiving payment from Blue Cross Blue Shield in a timely manner and the hospital did not believe that Blue Cross Blue Shield was paying them what they thought was fair, that as they knew Texas Children's network had the largest conglomeration of pediatricians in the Houston area and bordering counties; that it really highlighted one of the biggest problems they were facing in America today and that was health care, that in Harris County and the greater Houston area there were some estimates that there were as many as 350,000 people without any insurance or proper insurance; that doctors knew what it would take to heal the patients, there were programs which were in place but unfortunately they did not work, Medicaid and Medicare did not work and managed care was a disaster; that he was sorry to say

that current debate, including the comments they hear from the presidential candidates was not something that would solve the problem, that he thought it was about time as a society they hold their leaders accountable to address the issue and solve the problem in a comprehensive manner because absence of that was really too much burden on the society including local communities like Houston where a lot of resources were either wasted or diverted because of people not having proper medical insurance; that if they talked to most doctors they would tell them that they really wanted to get out of the Medicare and Medicaid Programs because it was not worth the time they were spending and the paperwork which they had to go through and filling out the paperwork requirement was really a great burden on their resources of time which they wanted to best use for the healing of the patient, that he was surprised that they did not have an outcry and call for a solution.

Council Member Khan stated that they had a storm Edouard and thank God that Houston was saved from the brunt of it; that they had experiences from Rita and Katrina and learned a lot of lessons, how well prepared were they in the City; that one of the things that was highlighted during the time of Katrina and Rita was the tremendous cooperation that they saw between various government agencies; that in the City of Houston, Harris and other agencies there were some issues because of the contra flow lanes not being open and things like, were they as coordinated now as they were then and if not what was the reason, the reason he asked the question was that he had talked to friends in the medical community and they were a little confused as to why the City had headquarters set up at the HEC center, Harris County had their headquarters set up at TranStar and the State was setting up something in the Reliant arena, not that people thought it was not well coordinated but he thought it was important for them to let people know if they were well coordinated and if not, why were they not well coordinated because this was just a trial run and God forbid there may be a real thing tomorrow, that this was a time they needed to review their plans and make sure they did not have the issues and display the same amount of cooperation between the various governmental agencies like they did at the time of Katrina and Rita.

Mayor White stated that TranStar operated as a communication headquarters and as a location because of issues that were involved with the evacuation and feeds that they got from the TranStar traffic facilities it was both a convenient and good place for coordination, that the HEC center, for good reason, was a fairly secure security location because that was where they had 9-1-1 and at least at the time that Rita came through, in part because of the leadership of then County Judge Eckels when it came to the emergency response he would say that there were a lot of emergency responders and he did understand that State had some crews at Reliant Stadium and they appreciated that and Houston participated in the Texas Task Force, they were a substantial portion of that taskforce when it was deployed, but they had well over 10,000 emergency responders mobilized within the City of Houston, and Dr. Persse coordinated some of the medical, that he could not tell them that he did not hear some back channel xyz about a transition from one to the other but he would say that at least under Judge Eckels leadership that there was a fairly smooth transition to where they were dealing with the emergency responders, which unfortunately he would tell them that if they did have a category 5 storm headed right at us, because as he said they could not change the laws of nature, the consequences would not be pleasant regardless of what they did, that there would be plenty of work that would need to be done in connection with where they had the dispatch capabilities as well as the incoming call capabilities that they had with 9-1-1, which was both a joint City/County function and activity, that was why they had two different centers, that Reliant was simply a staging area for some of the Texas Task Force; that he saw complete evidence of seamless teamwork in the emergency response professionals in the City and County, and for that matter outlying counties had a very close working relationship; that when it came to other matters on which they had tried to deal with in a business like fashion, and he would deal with the jail, he could also say there was an issue concerning the TIRZ participation in the Eastside TIRZ, that they did not do politics by quid pro quo or anything like that here, so he hoped that local

government entities exhibited the same spirit of cooperation they do with the routine as they did in the emergency. Council Members Holm, Lovell and Noriega absent.

Council Member Green stated that he wanted to remind his colleagues and the City of their SEARCH Homeless Services Back to School Drive, that they had a box set up on the first floor near the elevators in the annex and were collecting supplies for students who found themselves homeless; that also the back to school immunization drive, done by South Central Houston Community Health Center would take place on August 15, 2008 from 12:00 p.m. to 4:00 p.m., that he thought it was the Riverside Health Clinic at 3315 De Lano Street, that they had to bring their shot record, if they needed information they could call 713-734-0199 or 713-831-9654. Mayor White and Council Members Lawrence, Holm and Noriega absent. Mayor Pro Tem Garcia presiding.

Council Member Brown stated that he wanted to wish a very Happy Birthday to Anna Russell, that her birthday was yesterday. Mayor White and Council Members Lawrence and Holm absent. Mayor Pro Tem Garcia presiding.

Council Member Brown stated that he wanted to talk about turning Houston green, that maybe they saw the headline in the paper that said, "Brown will become a little less green soon", that he wanted to tell them that it was not true, that to that end he wanted to bring up a couple of things that he thought the City could be doing; biodegradable trash bags, that it occurred to him that as part of the green initiative they might even think about encouraging a company, Opportunity Houston, all the money that was generated by that, to get some manufacturer down here that was producing locally some green products, like biodegradable trash bags; that if they wanted to have a composting program they had to have a biodegradable trash bag to put all the food scraps and grease and so forth in that bag to put it in the compost; that he had talked about plastic bottles and a lot of cities were getting into restricting the use in some fashion, there were different ways to do it, the proliferation of plastic bottles; that many cities were outlawing the use of plastic bottles in their municipal facilities, that they were terribly inefficient in the amount of oil and carbon emissions that resulted from producing one single plastic bottle and was something that he would like the Sustainable Growth Committee to get going on; that he had a meeting recently, on recycling, with HEB and they had recycling bins on their supermarket parking lots, that it was a tremendous success and they should be talking to Kroger and Whole Foods because the whole idea that made recycling work was that it had to be convenient; that cooking oils containing trans fats, some cities were outlawing the use in restaurants, bakeries and schools; so if they heard "Brown will become a little less green soon", he assured them it was a phony headline and did not apply to him. Mayor White and Council Members Lawrence, Johnson, Holm, Rodriguez and Lovell absent. Mayor Pro Tem Garcia presiding.

Council Member Brown stated that he had a personal experience with a broken health care system that they had in Houston, that on a recent Saturday night a person who worked for him was admitted to the emergency room, they did not know where to go and did not have health insurance, at Saint Joseph's Hospital, that there were City employees who could not afford the City's health insurance, that it was not uncommon, that there was a lot of paperwork but the staff at Saint Joseph's were very helpful, that his employee was there for five hour with a severe acute kidney infection, that she was given antibiotics and after six hours was sent home; that to make her admission quick and without a lot of red tape he said he would pay for it, that they sent him to the financial counselors around midnight and he was shocked at what it cost to be admitted to an emergency room, in any hospital in the City of Houston, that whether they were there five minutes or five hours, it was just the base charge, \$2,700.00, how many people who lived at 125% of the poverty line could afford that, none, that one of the doctor's he discussed with said that what was happening was that young women, and it was predominate in certain ethnic communities, who were pregnant and could not afford any prenatal care before

their babies were born and right when they went into labor they went to the emergency room to have their babies, they pay the \$2,700.00 and the same day they take their baby home, that this was why the infant mortality rate in the City of Houston was one of the highest, not just in the nation, but of any developed country in the world, that they had a broken health care system and they needed to do something to fix it, that Denver, Colorado completely reorganized their health care system and had a program that was a consolidation of all the funds that went into health care primarily for the indigent, they created the Denver Health Care Authority, that it was working, that they had 155,000 indigent people covered in the City of Denver with affordable health care and health care insurance, that if Denver could do it then they could do it in the City of Houston. Mayor White and Council Members Lawrence, Johnson, Holm, Rodriguez and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Brown stated that they had some of the highest electrical rates of any place in the Country and it was a disincentive for industry to move to Houston, that it was a disincentive for anybody to move to Houston; that one of the things that happened was that deregulation created 100 retailers, people who sell signups for their company to buy electricity, that they were bidding up the price from the generators and the middlemen, that it was a crisis, that he got a bill from a woman who took care of a disabled person in her house and her electrical bill, in just one month, went from \$255 to over \$855 in one month, that it was very complex and meant that they needed to get some leadership in Austin about the electrical rates; that they had all the wind power and energy and natural gas and so forth, they should be doing better and have lower electrical rates, that something was terribly wrong with the system. Council Members Lawrence, Johnson, Holm, Rodriguez, Green and Jones absent.

Mayor White stated that Houston's program was still up, the Houston Consumer Choice website allowed people to compare their bills for various prices, and he would mention it for all involved, from time to time he did not bring it to their attention but he got a few providers that were angry at him, that he was against small business and he was insensitive, because the State allowed people to be licensed to do this and put them on a State website, even if they did not have audited financial statements or some track record of doing business, and he did not, so all of these people, and there had been a bunch of them that had been out of business and none of them were on the City's website because he was not going to lend their name, that he was all for small business, but he had never met a single citizen who really wanted to buy their power from an insolvent company with no track record, that he was all for competition but there were some things that they did where none of them wanted to buy it unless they thought that the people who were supposed to deliver what they were going to get had the capability of delivering it, that one of the reforms that they needed to make in the State was people ought to go to school on the criteria that was used by the City of Houston that unless they had certain net worth, and audited financial statements, then they should not be selling retail electricity, and Council Member Brown asked Mayor White to repeat the website, and Mayor White stated that he believed it was linked to the City of Houston website, but [www.houstonconsumerchoice.com](http://www.houstonconsumerchoice.com) would get them to the website, and the number of total hits they got, from April 29, 2008 through June 30, 2008 was 1.3 million, the total number of sessions, which was multiple interactions with particular users, so they went back to it which was usually a sign that there was a transaction, was 32,000. the total number of page views was 141,000, that incidentally in the first three months of activity, after they launched it in 2006 it had 291,000 sessions, 7.6 million hits, so people ought to try to use that. Council Members Lawrence, Johnson, Holm, Rodriguez, Green and Jones absent.

Council Member Clutterbuck stated that Mr. Kent Robertson had announced his resignation at BARC, that he was the BARC Director and had done an amazing and outstanding job turning that beleaguered operation around, that it was her sincere hope that they could find somebody as good to take on the challenges; that she wanted to express her thanks to Director Robertson as well as the outstanding volunteers and paid staff at BARC who did such a good

job taking care of the animals that were found on the City streets; that she and family helped to foster a couple of dogs which was a lot of fun, that it was an easy way to adopt an animal for a day or two or decide they wanted to keep them; that they were glad that the hurricane did not hit, but the Bureau of Animal Regulation and Care, BARC, was located in a part of town that did flood easily so they took the animals out to give them a home while the hurricane was coming. Council Members Lawrence, Johnson, Khan, Holm, Rodriguez, Green and Jones absent.

Council Member Clutterbuck stated that several people had talked to her about an interest and a need to have their curbs and sidewalks repaired throughout the City, that she explained to them that it was not City policy to repair the curbs, that it was unfortunately the responsibility of the land owner, but she thought it was a policy that was setup long before this administration and several people had mentioned to her that they drive 150 miles per day throughout the City and see broken curbs in many places that were often a traffic hazard and a danger, and certainly she witnessed some coming back from BARC today and it was a continuing concern and wondered if perhaps they should have a look at the City policy and perhaps Council Member Lovell could bring it through her committee, that she did not know what it would cost to hire somebody to do just curbs, that in one of the agenda items today was an item related to design work for curbs and could not imagine that it would be necessary, that she knew the City of West University Place and other cities were able to repair curbs without the design expense and perhaps that was something they could look at long term. Council Members Lawrence, Johnson, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she recently received a complaint from a District C resident about HPD handing out tickets for people who's bicycles were not registered with the City of Houston, and after talking with the City Legal Department there was confusion about whether or not that was actually an ordinance and after some investigation they learned that bike registration provisions had been in the Code of Ordinance since the late 1960's, and in Randy Zamora's, City Prosecutor, recollection that had only been prosecuted two or three times in the past 10 years, but according to the ordinance a bicycle should be registered at the local fire station, but unfortunately all the fire stations, at least the ones they checked with, did not have the registration forms, so it concerned her that some people were receiving tickets when it was difficult to facilitate compliance and certainly she thought it was one of those ordinances, if they were not enforcing it or enforcing it sporadically, should be stricken from the books. Council Members Lawrence, Johnson, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that Ms. Lilly Segal Gardner, from her office, was leaving them to start graduate school at the University of Denver to obtain her Masters in International Studies, that she had been truly an amazing Council employees who did things without being told and did things accurately and correctly; that they were going to greatly miss her, that they would be having a going away party for Lilly and they all should have received an invitation. Council Members Lawrence, Johnson, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she was actually going to pop off, that they had been talking about school issues, insurance, electricity deregulation and rates, emergency care, disaster and Homeland Security plans, development, recycling, curbs and sidewalks, BARC, tickets and bike regulations, that she was actually very grateful that they had not had an opportunity to talk about Metro or some of the things that had been controversial the last while, but all of these things were functions of government and at some level people got the government that they deserved; that there were a lot of issues with jurisdiction, there were things that were State and Federal issues and things that were their concern as part of the City and things that belonged to the County, but all of these entities, including the schools were regulated controlled led by government and there were elected officials and all of them out there

voted for; that she reads the newspaper periodically online and was constantly shocked by both the level of anger of the citizenry that she read in the comments and the cynicism that they seem to have about elected officials, that she would tell them that she had been exposed to the arena for a while now and most of the elected officials she knew worked very hard and tried to do a good job and were pursuing an agenda that they thought was the right one, that she thought there were a lot of times that people did not agree and they did not necessarily get along but she had run into very few people that she thought were dishonest or in some way corrupt in her time doing this, but all of them out there had a responsibility, at some level when they go to the polls they decide whether the polar bears drowned or they got a tax cut, and those were things that they as the people had control over, that when she drove around and looked at the Ashby High Rise signs she respected that for the civic involvement that it represented, that same area had political signs in their yards every time there was an election, they took sides and were involved and one can drive around and tell what people think, that they were paying attention, that area got visited by elected officials before elections and folks say that the Ashby High Rise folks get more attention because they had more expensive homes or because they were more active, but that was not right, they got attention because they vote, because they inform themselves and because they pay attention, that all of these things that they talked about today were issues that they had control over; that yesterday they did not have a hearing of citizens because they had a hurricane day and she found that she missed it, and there were folks who asked how could she stand to sit there and have people complain and talk to her and actually she found it very helpful because people tell her what they think, when folks come down and share their concerns and opinions sometimes they change her mind, sometimes they give her information she had not thought of, sometimes she just had a different perspective and she appreciated it, but this weekend there was a group called Houston Votes that was going to be putting material out on voter registration and if they had someone knock on their door, please do not be concerned and instead take it and if they were not registered to vote, please register to vote; that the destiny of Houston and the State and of all of them were in the hands of the folks who chose to vote and that were active and involved and a part of things and she for one was grateful to hear from citizens who were angry, upset or had concerns when they were actively involved and she had a very difficult time trying to figure out what to do with citizens who did not pay attention, did not care, were not informed and did not vote, so she would encourage all of them to register to vote, they had an election coming up in November that was very important, that they would have City elections again next year, that it was important for each of them. Council Members Lawrence, Johnson, Holm, Rodriguez and Green absent.

Council Member Noriega stated that Mr. Jeff Giles, who started as an intern in her office and had been working as an agenda director was starting law school and would be leaving and she wanted to tell everyone how proud they were of him and what a great job he had done and how much they were going to miss him; that he was going to be able to help some with their online newsletter and some of the other things they were having. Council Members Lawrence, Johnson, Holm, Rodriguez and Green absent.

Council Member Adams stated that she had the opportunity to attend her first Delta Sigma Theta Convention for the last seven days and wanted to thank the Council Members who checked in with her; that she wanted to say congratulations to their newly elected national president, Cynthia Butler McIntire, that she had the opportunity to visit the City of Orlando and learned that a lot of the issues that their sorority was pushing were a lot of resolutions that they dealt with in the City of Houston. Council Members Lawrence, Johnson, Holm, Rodriguez and Green absent.

Council Member Adams stated that she wanted to thank the Public Works Department for being ready and available this week for a lot of the flooding issues that occur in District D, they were on site and had pumps ready, that she wanted to thank them for being on guard in the

McGregor area for Roseneath; that she wanted to thank Texas Southern University and Dr. Mosher, that this past Saturday they had the opportunity to witness sixteen new tri athletes in the City of Houston who completed their first triathlon at Texas Southern, Michael Walker, Elijah Walker, Karen Nelson, Sharlene Woods, Charles Woods, Charlotte Woods, Daylin Nash, Tatiana Wright, Kedric Faulk, Yolanda Decker, Kamanta Blake, Asia Burleson, Briana Mitchell, Jasmine Reed, Darnesia Harris and Demarcus Powell; that their office put together backpacks and school supplies for that event and she wanted to thank Academy Stores for donating the backpacks and her staff for putting together all those goodies; that on Friday, the Houston Association of Black Psychologists would be doing their annual health fair at the Shrine of the Black Madonna, so if anyone would like to participate in their health fair it would be celebrated on Friday; that she wanted to welcome the Ada Phi Beta Sorority to Houston for their 2008 Gran Boulez, that she had the opportunity to present a proclamation at their opening ceremony; that she wanted to commend Grace Community Services, under the direction of Roan McCamp, for what she did in providing CERT training, that she was the first African American woman to head up such a large community service for disaster preparedness, that she had a center in New Orleans as well; that she wanted to thank Council Member Johnson for his invitation to the Jazz Festival, she had a great time this past Saturday; that she wanted to thank the City employees, the Solid Waste Management Department and the Public Works Department for being available and on guard, no matter how hard the weather was coming and the rain they were on guard and ready to work. Mayor White and Council Members Lawrence, Johnson, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Adams asked if there was a policy when they had police who worked private contracts like churches on Sunday, that this past Sunday, and it had been an issue with West Orem for a while with Croquet Street and a lot of the streets remaining open and traffic congestion, and they had one major church, The Kingdom Building Center on Post Oak, and they hire police, about six or seven police down Orem to make sure traffic flowed, but she wanted to know if there was a policy for controlling of lights, that she thought every citizen deserved the right to sit at a light a deserving time and pass when the light turned red, that what she witnessed on Sunday she thought was unfair to the motorists, that she lived from Orem maybe three or four blocks down and the traffic on both sides of South Post Oak, going north and south, was backed up about four or five blocks down the street, for them to ease the traffic from the Kingdom Center to come off of Orem, that she asked the officer why was he controlling the light that way, so she did not know if they controlled the lights for that purpose or if the light was broken, that she would like to know, that she knew she sat at the light for at least three minutes because he was controlling the light, that she thought it was an issue on how they controlled the lights, and asked if it was a policy. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Adams stated that the African American Credit Union would be celebrating their Mix and Mingle tonight at the Ensemble Theater and she would be participating at their event. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Adams stated that recently they passed new home repair funds and on August 14, 2008 she was asking the citizens to join her, along with Congressman Al Green and the Southeast Coalition of Civic Clubs, along with the Houston Housing and Community Development for a workshop on new guidelines and requirements for the City Emergency Home Repair Program, they had some new funds and there were some new guideline and new tiers that were added to the home repair program, that they were asking that they join them on Thursday, August 14, 2008, at the Sunnyside Multi Service Center, 4605 Wilmington. Mayor

White and Council Members Lawrence, Johnson, Holm, Rodriguez, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Jones stated that she wanted to give kudos to the Pleasantville Community for having a mini health fair where they did HIV testing; that she wanted to commend the residents on Rosedale and the surrounding streets, they fought against the variance and what ended up happening was the residents of the existing neighborhood and the new person who was coming in to build something ended up having kumbaya congeniality and worked things out; that she wanted to thank Michael Moore for helping constituents at 6329 Gold at King Street, there had been a dump site there since May that had not been picked up and she went out there and called Mr. Moore from the site after the citizens had gotten together and gathered the trash and made it into a nice pretty pile and within 30 minutes there was a truck and picked up the stuff; that she wanted to congratulate County Commissioner El Franco Lee on his 22nd Annual Street Olympics Summer Games, they had over 4,000 kids participating and was really a joy to go to; that she wanted to recognize the Honorable Mayor of Sunny Side, Sandra Massey Hines, there was an event for her, the Cinderella Affair, last weekend at the CWA Hall and it was a wonderful event; that she wanted to recognize Ms. Diane Yu who won the Ms. Asia USA 2008; that she wanted to commend a number of kids who were all Salutatorians or Valedictorians for their schools, that she went to the Annual Vietnamese American Youth Excellent Recognition Awards and would call out their names, high school attended and universities they would be attending; Hong Ho, Valedictorian, Hastings High School, Stanford University; Minh-Da Le, Valedictorian, Westfield High School, UT Austin; Michelle Nguyen, Valedictorian, Memorial High School, Tulane University, Thanh Vu, Valedictorian, Cesar Chavez High School, Texas A&M University; Ngan Huynh, Valedictorian, Klein Collins High School, Rice University; Minh-Ngoc Nguyen, Valedictorian, Cypress Ridge High School, UPenn; Hien Phan, Salutatorian, Cesar Chavez High School, University of Houston; Mai Nguyen, Salutatorian, Debakey High School, UH Premedical Academy; Hong Thai, Salutatorian, Dobey High School, UT Austin; Anh Thu Tran, Salutatorian, CyRidge High School, UT Austin; Thi Vo, Valedictorian, Memorial High School, Rice University; Thuan Vu, Valedictorian, Northbrook High School, University of Houston; Phillip Victor Le, Valedictorian, Chinquapin, UT Austin; Alexander Nguyen, Salutatorian, Memorial High School, Baylor University; and William Giang, Salutatorian, Channelview High School, University of Houston. Council Members Lawrence, Johnson, Holm, Rodriguez, Noriega and Green absent.

Council Member Sullivan stated that he wanted to let Council Member Noriega know that he absolutely supported her comments today about "popping off"; that they were at Council to do the City's business and could not turn their back on any other issue, health care, school districts, national issues, it did not matter, they all had their opinions and all thought they knew how to solve the problems best, but when he comes to work seven days a week he enjoyed taking care of the City's business and did not want to profess to being able to solve everyone else's problems, that he also knew that he was the only person on the City Council who was a former school board member and had a particular knowledge about school board issues and school law as it related to what they could or could not do, that he did respect Council Member Johnson's concern for the North Forest School District and applauded him in that respect in making sure that he let's his community know that he supported them; that as to the discussion of the health care issues, he sat on the Board of the Kingwood Medical Center, it was an HCA Facility and they make very large and expensive investments in their facility, just in the last year they cut the ribbon on a \$30 million tower, that went to the tax base and served their community, that the \$30 million tower was financed by private money, no nonprofit status, so how do they recover the \$30 million, that they had to charge the people who come through the door a fee, that he was not an expert on the finances of medical services but did know how to read the financials and knew they had to recover the costs, so while one person may look at something as being unreasonably high, in most cases there was a reason and justification for it being there and he would be glad to set up any meetings with anyone who wanted to talk to hospital officials

about finance. Council Members Lawrence, Johnson, Adams, Holm, Rodriguez, Noriega and Green absent.

Council Member Sullivan stated that on July 31, 2008 the Houston Police Department Truck Enforcement Division performed an operation sting on Highway 59 in the Kingwood area pulling over trucks for inspection and his community absolutely loved that, that they wanted to see good safe trucks on the roads and safe drivers, but they also wanted to see the bad trucks taken off of the road, that he stopped and visited with HPD officers that were there and complimented them on the work they were doing and encouraged them to keep it up; that he also had a towhall meeting on July 31, 2008 in Kingwood and wanted to thank the departments who attended and participated, Mayor's Citizens Assistance Office, Public Works, General Services, HPD, OEM and HFD and Terence Fontaine. Council Members Lawrence, Johnson, Adams, Holm, Rodriguez, Noriega and Green absent.

Council Member Sullivan stated that he was at TranStar on Monday and Tuesday, that Council Member Khan talked about the high degree of cooperation between agencies and TranStar was a great example of it. Council Members Lawrence, Johnson, Adams, Holm, Rodriguez, Noriega and Green absent.

Council Member Lovell stated that she wanted to welcome her new Chief of Staff, William Paul Thomas, that he brings a wealth of experience; that she wanted to welcome Tim Brookover, former editor of Out Smart Magazine, who was coming to their office to handle their newsletter and communications and doing the Quality of Life and Historic Preservation Committees, that she wanted to say goodbye to Janaeya Carmouche, who was going to Council Member Rodriguez's office where she would handle the Third Ward part of his district. Council Members Lawrence, Johnson, Holm, Rodriguez, Noriega and Green absent.

Council Member Lovell stated that next Tuesday, August 11, 2008, at 10:00 a.m. they would be having a Transportation Infrastructure and Aviation Committee meeting, that on the agenda would be the rollout of the new ordinance concerning booting of cars, that they were going to try and address the issue and add some things to the ordinance and making it clear about what could and could not be done. Council Members Lawrence, Johnson, Holm, Rodriguez, Noriega and Green absent.

Council Member Lovell stated that she did not go over to TranStar, they felt quite comfortable in their home, but she watched and it was very well done, both by Mayor White and Judge Emmet; that it was very clear to the citizens and very decisive, no confusion about what they should do and not do. Council Members Lawrence, Johnson, Holm, Rodriguez, Noriega and Green absent.

Council Member Khan stated that he wanted to thank City Attorney Arturo Michel and his team, they very diligently were helping the citizens of Houston, particularly District F, in fighting the night clubs trying to establish in those areas, in that regard there would be a protest hearing for the El Zuro Night Club, they were trying to put a night club where the Carnival Night Club was once on Beechnut and Gessner; that Mayor White had written a letter and many citizens had launched their protests, that they would encourage everybody to come, that it would be on Thursday or Friday, August 8 or 9, 2008 at 9:00 a.m. at 2020 North Loop, Suite 111, they could call their office at 832-393-3002 or the City Attorney's office to get more information. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he forgot to thank his staff for helping him to put on the townhall meeting, that he wanted to thank Judy Luckett, the North Sector Manager who was responsible for Kingwood, Autumn Jodzio, Constituent Services person, Chief of Staff Monica

Aizpurua and Rita Moreno. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated to Mr. Michel that on the booting hearing, there was a State statute, authorizing citizens, even without the need of counsel, to bring an action against the towing company for illegal towing, that he was unaware of that and it did not come up during the course of their conversation but was wondering if it applied to booting, that basically they were taking custody of somebody's vehicle when they were booting, that they ought to take a look at the State statute authorizing that kind action was not clear maybe it ought to be on the Legislative agenda; that they would investigate it so they could let citizens know the remedies. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to take a moment of personal privilege to share with his colleagues, the City employees, as well with the City of Houston that while Mayor White was presiding he was informed that he lost his father-in-law, Mr. A. J. Ferguson, that he was 90 years old and had lived a long and wonderful life; that he would like to ask that they acknowledge the contributions of Andrea and also acknowledge that she was an example of the kind of person that Mr. Ferguson must have been, that Mayor White was there for him when he lost his dad and wanted to return the sentiment, prayers and condolences and to say to Andrea that they thank her for all the support that she gave to their Mayor and an opportunity to say to her that the City of Houston also supports her and keeps her in their moment of loss, and requested a moment of silence for Mr. A. J. Ferguson. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan asked if the day off that he gave to the City employees yesterday, when only essential employees were to be coming to work, what was the status, what kind of day off was it, were the employees required to take vacation days, that there was some confusion; and Mayor White stated that there was a written policy that covered precisely that issue. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:42 a.m. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, 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