

City Council Chamber, City Hall, Tuesday, September 9, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 9, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director; present. Council Member Melissa Noriega absent on personal business.

At 1:58 p.m. Mayor White called the meeting to order and stated that Council Member Adams would begin presentations. Council Members Lawrence, Johnson, Sullivan, Holm, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she was very excited today as they were presenting a proclamation for the Community Heart Training Day; that in City Hall there were two AED's and she would like her colleagues to train for using that; that the goal of training day was to train 1,000 Houstonians on proper use of an automated external defibrillator, the AED, and cardiopulmonary resuscitation which they knew as CPR; that the American Red Cross, Methodist DeBakey Vascular Center, Houston Texans and Texas Arrhythmia Institute were joining together to teach Houstonians how to save a life and training would be Saturday, September 27th at the Houston Texans Indoor Training Facility near Reliant Stadium and invited Dr. Ugolini and Dr. Persse to the podium. Council Member Adams stated the Public Access Defibrillator (PAD) Program was put in place in 2001 and the first of its kind in the nation; that AED's were now in many public buildings including schools; and presented a Proclamation to Dr. Ugolini wishing them a rewarding campaign and proclaimed today as "Community Heart Training Day" in Houston, Texas. Council Member Adams stated that the young man who just joined them at the podium was Alex who was saved by an AED two months ago and she wanted to also recognize and thank the coach in the audience who utilized the AED. Dr. Ugolini thanked all for the recognition and stated that they were hoping to train 1,000 people and inspire others to learn; that survival went down 10% for every minute which passed after a cardiac arrest and after 10 minutes chance of recovery was none; and Alex's presence today was testimony it was good to have an AED near and more precious to have the people who know how to use it; and Dr. Nasser, who she had stand to be recognized, was a cardiologist and specialist in heart rhythm disorders who treated Alex at Methodist Hospital. Council Members Lawrence, Johnson, Holm, Garcia, Rodriguez, and Jones absent.

Vice Mayor Pro Tem Lovell stated that they were looking forward to training at City Hall and thanked Council Member Adams for arranging it, it was important for all to have the training; and to Alex she heard the story many times as a friend of his was a neighbor and she was happy he and the coaches were present and that they had acted so quickly; and Dr. Ugolini stated that each Council Member was being given a T-shirt for "Save A Life Day". Council Members Lawrence, Johnson, Holm, Rodriguez, and Jones absent.

Council Member Garcia stated that it was with honor today to have the kickoff for Hispanic Heritage Month and it was with pride and privilege to begin with their first recipient Mr. Enrique Lima and invited him and his family to the podium. Council Member Garcia stated that he was a community activist, an advocate for crime prevention and humanity, youth mentor and had been vice chairman of the Chamber Board of Directors and the 2008 recipient of the Mayor's Hispanic Activist Award for the City of Houston and presented him a Proclamation proclaiming today as "Enrique Lima Day" in Houston, Texas. Mr. Lima thanked his family who put up with his time and thanked the Chamber as they were instrumental in making it happen. Council Members Johnson, Holm, Rodriguez, and Jones absent.

Council Member Brown stated that today he was commending efforts in alternative transportation, particularly bicycles; that May was National Bicycle Month and they had Mayor White's White Bike Program and they had sponsors for a very important award, Shell USA, Exxon Mobile, BP Conoco, Phillips, Energy Quarter Management District they sponsored riding bicycles to work and accepting the challenge to make Houston a Greener City and invited Mr. Clark Martinson and Ms. Catherine Wallis with the Energy Corridor District to accept the award; and Mayor White stated that the Energy Corridor Team were the winners in the challenge; and Mr. Martinson stated that he was general manager of Energy Corridor Management District and he thanked the City for sponsoring "Bike to Work"; and Ms. Dina Atari from REI stated that REI was a national outdoor retail co-op dedicated to inspiring and educating and outfitting members in the community for a lifetime of outdoor adventure and they were thankful to partner with the Houston Bikeway Program and they realized the Mayor's bike was in more need than a tune-up and decided to build Mayor White a new white bike and presented it to Mayor White. Council Members Johnson and Jones absent.

Council Member Lawrence congratulated the winners and stated that Energy Corridor was in the south part of District A and it was an honor to have them; that they not only won this competition but worked well with the area and she thanked them for all they did. Council Members Johnson and Jones absent.

Council Member Holm stated that this was an exciting day for several districts, particularly District G and invited those with the Midwest Super Neighborhood to the podium. Council Member Holm stated that she was present to recognize the Midwest Super Neighborhood, the very first District G centered super neighborhood, Super Neighborhood No. 20 spanned 5.4 square miles with a population of over 36,000 active committed residents; and recognized Veronica Hernandez in the Mayor's Office who would serve as their Super Neighborhood liaison; and presented a Proclamation proclaiming today as "Midwest Super Neighborhood Council Day" in Houston, Texas. Council Members Lawrence, Johnson, Lovell and Jones absent.

Council Member Clutterbuck stated that it was a pleasure to see so many Super Neighborhood activists present and today she and Council Member Khan were saluting the Westwood Super Neighborhood as they were being recognized, their commitment was appreciated and they satisfied all requirements and were assigned a liaison; and Council Member Khan stated that he wanted to thank all who were a part of the Super Neighborhood Council; that the Council Members could not do their job without them and introduced Ms. Veronica Hernandez their liaison and presented a Proclamation proclaiming today as "Westwood Super Neighborhood Council Day" in Houston, Texas. Council Members Lawrence, Johnson and Jones absent.

At 2:30 p.m. Council Member Sullivan led all in the prayer and in the pledge. Council Members Johnson and Jones absent.

At 2:31 p.m. the City Secretary called the roll. Council Member Noriega absent on personal business. Council Members Johnson and Jones absent.

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

Council Member Brown stated on a point of personal privilege he wanted to recognize the extraordinary athletes honored today on the steps of City Hall, they had participated in the Olympic Games; and he also wanted to recognize one of those Olympians, Lisa Huber, who two

days ago won the US Open Tennis Tournament Doubles Championship with her partner from Zimbabwe, Ms. Carol Balk; that they were not present, but he wanted to say Lisa was a great athlete and he wanted to recognize her accomplishments. Council Members Johnson and Jones absent.

At 2:32 p.m. the City Secretary began calling the public speakers. Council Members Johnson and Jones absent.

Mr. Mark St. Cir, 2222 Lanea Del Pino, Houston, Texas 77077 (281-380-5723) appeared in favor of Agenda Items 13 and 13A and stated that he thanked all for considering this issue of parking regulations; that he went to a restaurant convention and parked and put his money in the slot, but after returning there were two boots on his car and he was upset; that there needed to be regulation on booting on private property and there should be a receipt. Council Members Johnson, Green and Jones absent.

Council Member Clutterbuck stated that Mr. St. cir was the top waiter at Carabbas on Kirby and she thanked him for coming and making Council aware. Council Members Johnson and Green absent.

Council Member Lovell stated that the ordinance was simple, it was designed to be consumer friendly, they purchased a product and should be given a receipt and that receipt was proof of payment and they would not be booted or towed. Council Members Johnson, Garcia and Green absent.

Ms. Jeanette Rash, 2104 Lyons, Houston, Texas 77020 (713-228-8872) appeared in favor of Agenda Items 13 and 13A, presented information and stated that she owned a tow company since 1980 and was chairperson of the Towing and Storage Advisory Board under the Texas Department of Licensing and Regulation; that she supported the item and as of September 1st every tow company in Texas had to be licensed with TDLR and every operator had to have a license and be registered with TDLR; that she felt they had a good handle on towing and it was easy now to file a complaint on an unscrupulous company; that non consent business practices must be regulated; and thanked all for working on this. Council Members Johnson, Clutterbuck, Rodriguez, Green and Jones absent.

Council Member Khan thanked the towing industry for the Safe Clear Program and stated that he looked at her presentation; and upon questions, Ms. Rash stated that what she provided showed Council was trying to work with the booting people and parking people; and Council Member Khan thanked Ms. Rambo and her team as they were outstanding and it was essential to have more regulation and he hoped this sent a strong signal that the public should be treated fairly and with respect. Council Members Clutterbuck, Rodriguez, Green and Jones absent.

Council Member Holm thanked Ms. Rash for her participation in helping regulate and provide good services and change some citizens behaviors; that she knew there was a state law prohibiting any attendant to receive compensation or monetary value from a towing company, but could they receive it from the lot owner to which the vehicle had been towed; and Ms. Rash stated that under state law there was no way to receive; that TxDOT allowed the collection of parking fees and they closed the loophole and now they did not allow towing to their facilities to even collect that parking fee; and upon further questions stated that she did not see how she would know if a lot operated 199 days or 200 days; and Council Member Holm stated a concern was they were only making this applicable to lots which operated over 200 days; and Mayor White stated that he was so thankful people spent so much time in committee hearings and was reluctant to express opinion. Council Members Garcia and Green absent.

Mr. Bill Carey, 5615 Kirby Drive #640, Houston, Texas 77005 (713-965-2920) had

reserved time to speak but was not present when his name was called. Council Members Garcia and Green absent.

Mr. Louis Macey, 1717 St. James Place #118, Houston, Texas 77056 (713-960-0690) appeared and spoke in opposition to Agenda Items 13 and 13A and stated that he was owner of Lamb Parking which operated many parking facilities in downtown and he did believe an ordinance was needed, but the way the proposed ordinance was currently written it would be detrimental to a number of available downtown parking spaces and increase rates; that currently an owner could boot or tow a car and those issues should be addressed separately, a booting ordinance was not state regulated and an ordinance was needed, but towing was regulated by the state and worked well; that due to high cost of maintaining receipt machines they did not make financial sense for a number of smaller lots which ranged from 50 cents to \$3.00 a day and there was recourse for customers who felt wrongly towed unlike booting where the customer had no recourse but to complain; that also the city should come up with a universal template and customers would not see variations of the same sign, but if the ordinance passed as it was there would be fewer downtown parking spaces and increased parking rates. Council Members Garcia, Green and Jones absent.

Upon questions by Council Member Lawrence, Mr. Macey stated that he would ask Council to consider taking out of the ordinance the language which required receipts must be given on all lots and to focus on an ordinance solving problems associated with booting; that he did attend two stakeholder meetings but the ordinance came back worse. Council Members Garcia, Green and Jones absent.

Upon questions by Council Member Holm, Mr. Macey stated that towing was an option because people knew they could park and not pay and get away with it, if this ordinance passed as written and they did not give a receipt they could not tow or boot and the only option would be to call police for theft; that a 20 space lot charging \$1.50 did not make sense as the operator only kept a small portion of the money; that they don't benefit by towing but it may keep that person away; that most money was made in the evenings at events and that was while giving receipts. Council Members Garcia, Green and Jones absent.

Council Member Clutterbuck stated that this was a very difficult issue for many; and upon questions, Mr. Macey stated that in the issue described earlier a number of things could have happened, numbering should be legible, maybe his money went in the wrong slot; and Council Member Clutterbuck stated the way it was now there was dispute because there was no receipt; and Council Member Clutterbuck stated that he raised good points, especially the universal sign template which she felt should be a part of the ordinance. Council Members Garcia, Green and Jones absent.

Mayor White stated to his colleagues and he would give Ms. Stein, one thing he highlighted was in a particular part of downtown there was evening special event parking in which case it was customary to get receipts and then there were the smaller lots and the question posed was how did you give receipts during a particularly period of time, in parking they based this on an attendant and on a machine at 18 hours a day and he would suggest others running through numbers. Council Members Garcia, Green and Jones absent.

Ms. Tammy Betancourt, 12018 Wood Hollow Lane, Houston, Texas 77043 (713-203-0726) appeared in opposition to Agenda Items 13 and 13A and stated that she was with the Houston Building Owners and Managers Association and would echo much of what Mr. Macey stated; that a small parking lot would not produce enough income to have an ROI on the machine in a reasonable amount of time and their concern was they would lose a lot of small lots and available parking in the downtown area if this passed and by not allowing towing or booting without a receipt they would be encouraging theft as people would know they could park

and not pay and nothing would happen; that she also felt property right issues of the person owning the lot should be taken into consideration and that booting like towing should be regulated by the state; that officers would be enforcing this ordinance and they were already understaffed. Council Members Johnson, Garcia and Green absent.

Council Member Lovell stated that no one was stopping anyone from towing or booting but to do it they had to give a receipt so the consumer could prove they paid; that anytime you purchased anything you were given a receipt, if they walked off and did not place it on the dash they could be booted or towed and if they were booted and they came with a receipt then they paid an administrative fee because they forgot to leave proof; that it was just a cost of doing business; and Ms. Betancourt stated that some small business owners would go out of business; and Council Member Lovell stated that with receipts they could tabulate what they made and it was a safeguard and it would be one year before the ordinance went citywide. Council Members Lawrence, Johnson, Garcia and Green absent.

Council Member Clutterbuck stated that Council Member Lovell said much of what she was going to say; and upon questions, Ms. Betancourt stated that if a receipt was not issued they could not call a tow truck and police would be called; that the parking lot had standards and police would be checking and if Parking Lot "A" invested capital in lighting and numbers, etc., and Parking Lot "B" was full of pot holes, graffiti, etc., then whoever was enforcing needed to enforce it equally. Council Members Lawrence, Johnson, Sullivan, Garcia and Green absent.

Mayor White stated that they respected what she and others said and he hoped all had a copy of the memo he was looking at, but the City of Houston was in the same position as a lot of parking lot owners and they found for \$14,000 you could get a machine which took credit cards and for a five year useful life it was less than \$3,000 a year and that was less than \$10.00 a day and he would ask people go through and do their math, for the cost it would take to have one person at a lot for 18 hours minimum wage a machine could be bought for 1/3 the cost. Council Members Johnson, Sullivan, Garcia and Green absent.

Mr. Rodney Slaughter, 4265 San Felipe #750, Houston, Texas 77027 (713-840-7275) appeared and stated that he owned a parking company Amara Parking and was present on the parking lot standards ordinance; that he thought he went to all public stakeholder meetings when it started and they needed to regulate booting as there were no regulations; that he did not boot but went to the meetings to try and make sure the ordinance on booting would be effective and do what Council wanted and then over time it became not a booting ordinance but a booting and towing ordinance and there was already affective regulations on towing; that if he towed he got nothing from it except getting the vehicle off the lot and he warned them three times first, the cost for the equipment he ran numbers on and the Mayor was right on cost but then you had installation charges and maintenance and if you accepted credit cards there was a modem fee you paid also. Council Members Lawrence, Johnson, Sullivan, Khan and Holm absent.

Council Member Brown stated that one impediment was the cost of the electronic machine which would deliver receipts and in some cities there was an entity with tax exempt financing, they purchased the machines and then leased them at an affordable monthly cost to the operators; and upon questions, Mr. Slaughter stated that was a viable solution, the problem was he heard from Council with a receipt there would be no problems, but that was not the answer to all of this; if someone left early and through the receipt on the ground someone could pick it up and sell it to someone, the receipt was not the answer; that they needed to give warnings before towing or booting; and Denver had a parking enforcement division and if he had a lot and the person did not pay he could call the parking enforcement division and it would go through the court system and he was not policing, he did not want to police; and Council Member Brown stated that he made good points and he wondered why the city did not have a parking squad.

Council Members Lawrence, Johnson, Sullivan, Khan and Holm absent.

Mr. Chris Confer, 2420 Louisiana #2, Houston, Texas 77006 (832-576-0184) appeared and stated that his first concern on the proposed parking ordinance was Sections 4a-h, if someone had something against them years ago and they paid their debt would they be denied a permit, they wanted specifics written into the ordinance; that they were a booting company and not against regulations; that in the past parking companies issued fines between \$15 and \$25 on top of the daily parking rate and it was never challenged and why could the booting companies not pass a similar amount to the parking company for cost approved for having to deal with the customers; that they said no money was being given to companies from tow companies but they knew that to be false; that they understood all were pushing for the receipt and if that was the final decision they would like to be given the same amount of time to implement as the minimum standards had been given, the 180 days. Council Members Sullivan, Khan and Holm absent.

Council Member Jones thanked all the speakers who appeared on this issue today and stated that she thought receipts were important and they did not want to run anyone out of business, but there were cost associated with doing business and they may have to raise their fee and she saw no problem of the 180 day grace period; and Mr. Confer stated that they wanted the time to implement; and Council Member Jones stated that they were listening and had done many revisions already. Council Members Sullivan, Khan, Holm and Lovell absent.

Council Member Adams stated that a previous speaker said he put money in the slot and when he returned he was booted; and upon questions, Mr. Confer stated that he said he was booted on an Ace Parking Lot and Ace does not boot and that perplexed him; and a teacher was brought up earlier and they brought video which proved she was lying and to answer her question they focused closely on the inside of the box and then they panned the whole thing and they resolved this on the scene, everything was videotaped and they should keep in mind just because someone showed up did not mean they were telling the truth; that they tried to take care of the customer and have proof for dispute resolution; and Council Member Adams stated that the extension on the booting was effective immediately so now it was 90 days instead so all had heard him, they did not give him the 180 days but did give an additional three months to get everything together; and Mr. Confer stated that he did appreciate that but still thought they would need the 180 days. Council Members Johnson, Sullivan, Holm, Lovell and Green absent.

Mr. Nicholas Vastakis, 1820 Franklin, Houston, Texas 77006 (713-875-7094) appeared and stated that he and his brother-in-law, the next speaker, had a family business, park and lock downtown with 5 lots and almost 500 spaces and bordered Crawford and Congress all the way to I-59; that they worked the lots themselves and their property increase last year was 40%, they physically worked the lots daily and some made good points and there was a way the city could benefit as well as give back to the customer; that the machines sat there and sometimes did not work and an example was the 400 block of Main, but his points were what Council talked about sounded great in here, but someone needed to get out there and see what they went through; that they did not tow, they bought a boot and did not use it. Council Members Johnson, Adams, Sullivan, Holm, Rodriguez and Green absent.

Council Member Khan thanked Mr. Vastakis for coming and stated that he and his family were hardworking and the backbone of society; and upon questions, Mr. Vastakis stated that they did not tow or boot, it was manageable and a guy wore a red vest and walked the blocks daily and he was a personal touch unlike a machine; that he did not attend the stakeholders meetings; and Council Member Khan stated that it would be helpful for him to write down suggestions and pass them to the Council and then they would have his input. Council Members Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent.

Mayor White thanked Mr. Vastakis for coming and stated that this sounded like it would have no impact on his business; and Mr. Vastakis stated that they did not tow, but they would like to see the larger garages with the same constraints, it should be blanketed and not a David and Goliath scenario; and Mayor White stated he understood. Council Members Johnson, Adams, Sullivan, Holm, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Charles Kalas, 1820 Franklin, Houston, Texas 77006 (713-875-7094) appeared and stated that others had already made good points, but a concern was when cars were parked and before attendants could get there before the game there were already cars parked who had parking for the day and they had no receipt and there would be no way to have cars removed from the lot so that was one aspect and if the machine for receipts was broken and they did not know they may lose out on 10 to 15 cars until someone called and let them know it was broken and then there was cost of the machines and maintenance so on a lot which could hold a couple hundred cars they could use a machine, but a small lot it would be economically unfeasible to do. Council Members Johnson, Adams, Sullivan, Holm, Green and Jones absent.

Upon questions by Mayor White, Mr. Kalas stated that they operated lots during the day and then in the evening for games with a price increase on event parking; that they did not tow and during games, events, each car who came through was given a numbered ticket; they were given tickets because of the amount of money coming in, but during the day it was much less so they used the honor box system and no receipts were given. Council Members Johnson, Clutterbuck, Sullivan and Holm absent.

Mr. Bo Eby, 1001 McKinney #450, Houston, Texas 77002 (713-659-8799 x10) appeared and stated that he was general manager of Central Parking Systems and many lots downtown hired out for companies to do the parking for them and his was one; that the landowners were trying to recoup their investment for the land purchased in downtown Houston and paying their taxes and they were looking for the best deals and they got it by shopping around to owners so companies like his tried to figure how to maximize revenues on the properties, pay the rent promised and get a small profit margin, sometimes it worked and sometimes not; that he had about 8 lots with the digital pay station center like what the City of Houston had on their properties and it made sense with the volume; that they invested \$5,000 in computer software to go and track license plates and run reports but he did not have a police force to go out and get what his fines were and the best he had was to call or get collection agencies and still he did not get much money back; that he did not want to tow and thought booting was a viable option because it mobilized the vehicle and a person could see it and know it was not stolen and then come talk to them, he would like a court where disputes could be solved and in the beginning they returned about 30% to 40% because of mistakes. Council Members Johnson, Clutterbuck, Sullivan, Holm and Brown absent.

Upon questions by Mayor White, Mr. Eby stated that they refunded booting to about 30% to 40%, they paid the wrong slot or paid maybe just a person on the lot or was on their way to get money and pay, but they had taken time to contact him and try to explain so he listened and gave the resolution they wanted; that right now he had about 65 locations with about 30 to 40 being surface lots. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia and Brown absent. (NO QUORUM PRESENT)

Council Member Lovell stated that probably as simple as this could be kept the better and this was just the matter of a product being purchased and in every instance she could not find where a receipt was not given when a product was purchased, if she was doing contract parking she would not just hand over money and walk away she would get a receipt showing proof of purchase and when the contract started and ended and it just became clear the receipt was the simplest way for the consumer and the lot; and Mr. Eby stated when he paid someone to stand and give a receipt if he charged \$1.00 to park and paid them \$10.00 an hour his first ten cars

only paid for him and that was every hour, with small volume lots that would not work. Council Members Lawrence, Adams, Sullivan, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT)

Mr. Timothy Downey, 1001 McKinney #450, Houston, Texas 77002 (713-659-8799 x137) appeared and stated that much of the focus today was on the booting ordinance and the ordinance going with it, minimum lot standards had not been given much attention to and it had substantial entries and applications, they wanted the same goal as the city which was more people downtown and in their lots, the more business the better and the companion ordinance, specifically the entry of the city officials and laying out of what could be levied against his company were not defined and no where did it say how often he was subject to an inspection by officers or what recourse he had if he was fined or if he could file complaint or what penalties could be imposed and what was the definition of a pot hole, how deep did it have to be before he was fined and did the city shut itself down or fine itself when they had pot holes. Council Members Lawrence, Sullivan, Holm, Brown and Green absent.

Council Member Khan stated that maybe someone could brief him on the general question of what prompted the changes to the ordinance, were they getting many calls from citizens of cars being booted; and Mayor White stated yes there was; and Council Member Khan stated that he could see where an operator of a small lot would be making a big investment of the machines and then the maintenance and he would like it looked into; and Mayor White stated that he was right and they were responding to what was heard from citizens and he had heard from a large operator about mistakes and that was serious; that he believed in a level playing field and one gentleman spoke of predictable rules and they should be careful of exemptions or exceptions and they made notes on a suggestion of parking enforcement in the central business district and an example was when policing in the Galleria area which was largely done by contract to be reimbursed by funds from a tax increment zone and the speaker said they just wanted a penalty or sanction for those who did not pay and maybe that should be explored. Council Members Lawrence, Sullivan, Holm and Green absent.

Council Member Clutterbuck stated that Mr. Downey raised some very good points especially the size of the lot, if it was small and they were requiring someone to staff it or purchase of machines it was overburdens as well as the pot hole requirement; that this was subjective evaluations by inspectors as the restaurant ordinance; that they were faced with a difficult situation and the challenge would be to get an ordinance which helped address the problem without creating more problems. Mayor White, Council Members Lawrence, Sullivan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that collectively there was brain power at the table and desire to get them to that point. Mayor White, Council Members Lawrence, Sullivan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Brown, Mr. Downey stated that in theory having a parking commission to call and come out and solve the problem could work, but now he was paying for an additional service when he was already losing out on the money he should have received before for the parking so it was a double negative unless the city would reimburse some of that; and Council Member Brown stated they would have to see what Denver did, but he did not want to vote for an ordinance just as a trial balloon. Mayor White, Council Members Lawrence, Sullivan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Brown, Mayor Pro Tem Garcia stated that because of questions he expressed he was planning on tagging the ordinance tomorrow, but today was a good day by virtue of taking in all the input and getting it on public record and perspectives being from the towing industry, operators and community and thought they were at a good point.

Mayor White, Council Members Lawrence, Sullivan, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Mr. Fernando Davila, 15255 Gulf Freeway, Houston, Texas 77034 (281-922-7744) appeared and stated that he did not support the boot on the vehicles in parking lots because it caused confrontation and when it was towed off there was none he was just called as to where the vehicle was and not to stop a fight. Mayor White, Council Members Lawrence, Sullivan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Jones, Mr. Davila stated that he was against the booting on a safety issue; that he towed many from parking lots and there was always two sides to a story; and after discussion between the two on a particular tow Council Member Jones stated that she hoped something would soon be worked out. Mayor White, Council Members Lawrence, Sullivan, Holm, Lovell and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that they were not trying to make anyone out to be a bad person, but they did have a customer in the middle of all the discussion and they had towing and booting companies and parking lot operators as participants and Council's job was to figure out something so operators would know what was expected and citizens would have a process for complaint. Mayor White, Council Members Lawrence, Sullivan, Holm, Lovell and Green absent. Mayor Pro Tem Garcia presiding.

Mr. Kevin Mabben, 1331 Lamar, Houston, Texas 77013 (832-483-4791) appeared and stated that he represented Apex Parking which was an operator who operated about 30 lots in Houston and he did not want to reiterate all said and did think Council's hearts were in the right place in attempting to protect consumers but what they heard in one voice from all owners of lots which was a very competitive business with a very narrow profit margin was they were concerned about the issue of receipts; that operators did not want unhappy customers who would not park there again; that Apex did not boot and when towed they found out why and verified and 75% of the time when someone called and said they were towed and should not be they presented pictures and they never heard from them again; that Council spoke of new technology, but a photograph of who paid and who did not was technology; that the only one who could open the box was the owner of the lot and the parking enforcement people took the picture of the verified information; assuming the Mayor was right and the machines were \$15,000 his client had 30 lots so they were looking at \$450,000 that Apex would have to come up with in the next six months to get them in place or hire the necessary personnel or choose to have people steal spaces; that there were other ways to solve the problems as this was not the way. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that to all focused on this issue if you were to rewind tapes to about four and a half years ago he had made a comment to what challenges would be in Houston's future and he said parking and now it was catching up; and they were trying to work through this. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Lonn Vasquez, 1704 Weber, Houston, Texas 77004 (713-864-5667) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Barbara Curry, 558 Woodsmoke, Houston, Texas 77013 (713-451-6317) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Lovell, Green and Jones absent. Mayor Pro Tem

Garcia presiding. (NO QUORUM PRESENT)

Ms. Birgit Green, 1523 W. 21st., Houston, Texas 77008 (832-647-3047) appeared, presented information and stated that she was with the Floodway Coalition of Houston and present to discuss a detention basin; that all along the bayou they dealt with flooding and Chapter 19 and all knew hurricanes were coming up and they were concerned with flooding; that there was a detention basin along White Oak Bayou located at Shepherd and the I-10 feeder and she assumed it belonged to Harris County, but it was overgrown and had trees and stopped up drainage holes and several homeless camps and even if the basin was not the city's responsibility she thought it would be their responsibility to tell them to take care of it and actually use it as a detention basin; that their suggestion would be to use it along with adjacent property as a park, a soccer field, a well needed dog park and the owner of the property next to it was ABC Auto Parts and he would like a park named after his father if it was to be; and it would be a great hike and bike, etc. Mayor White, Council Members Lawrence, Sullivan, Holm, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that was a wonderful suggestion, in previous meetings with the department which oversaw flooding and drainage and the committee meetings they discussed the difficult challenge, they had so many detention areas required by city ordinance, but no database though now they were working on a database to identify them and have a level of maintenance because without being maintained people moved in or they became clogged but they did not serve a purpose; that Mr. Gary Norman with Public Works was present and he would meet with her and see that it was brought to the department's attention. Mayor White, Council Members Lawrence, Sullivan, Holm, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Garcia, Ms. Green stated that she had shared information with the County Commissioner but they had not heard back yet and they were aware this was being presented to Council. Mayor White, Council Members Lawrence, Sullivan, Holm, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Brown stated that this was a perfect spot for what she proposed and the owner was willing to part with property for less than market value; and Ms. Green stated that was correct; Council Member Brown stated that the city needed to jump on this right away as it was a multipurpose basin as the Mayor had previously discussed and he would like to know what they needed to do next; and Ms. Green stated that her information was the owner of the property would have to write to Ms. Nancy Collins and offer the property; and Council Member Brown stated that this needed to be conveyed to the Parks Board as well. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that Mr. Norman was standing to speak with her and because this affected his district he would ask him to contact Art Story's office as he was over the flood district and see if there were any plans they could attach this idea on to. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Eli Williams, 5214 Boynton, Houston, Texas 77045 (281-844-1796) appeared and stated that he was owner of Jumping Jack Learning Center and present as in past years he asked the city to help with the water, he had a pool and taught swimming, they had the daycare 19 years and in the beginning did not clean the pool, but the water was bad and they started draining it and putting new water in it and the city helped before, but now they refused; that they felt they taught children to swim and this year over 27 children drowned and he was asking for

assistance, for one month his bill was \$600 and another around \$300 and he would like assistance. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Adams stated that he quoted alarming statistics that 27 children passed away and half the majority of those deaths were in apartment pools; that Mr. Gary Norman was present and would be able to assist and address his complaint regarding assistance. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Mr. Williams stated that his daycare was not a nonprofit, it was profitable, they were licensed for 118 kids and received NCI; and Council Member Johnson stated that they not only provided child care but were teaching children a craft or skill and he would suggest creating a nonprofit that would help him go and market his program and then receive grant funds to fund the aquatics program and someone from his office would call him and help him set up a nonprofit. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Brad Sanders, 1835 W. Alabama, Houston, Texas 77098 (713-478-4243) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr/Coach R. J. Bobby Taylor, 3107 Sumpster, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Jason Klein, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Pebbles Hines, 5874 Belneath, Houston, Texas 77033 (713-733-4661) appeared and stated that she was present to address a situation in the Inwood Terrace/South Park Area of Houston; that some guys came in and tried to close down her parents business, a daycare and bus service and she had been to police and the FBI; that he had already put her in intra care and did things non common to human and what could she do to stop it. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that a representative with HPD was present and he would ask that he visit with her and get details and then maybe he could work with her. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Samantha Brown, 5105 Airline Drive #6311, Houston, Texas 77022 (832-283-3996) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Sullivan, Holm, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Paul Kubosh, 1619 Lubbock, Houston, Texas 77002 (281-850-0171) appeared and stated that he wanted to address the upcoming reappointment of judges at the Municipal

Courts; that recently he saw a Council Member speak of naming names and coming down on some judges because of dismissals and he was not sure what data they were looking at but it did not seem to be jiving with what was going on there; that they had to remember judges needed to be responsible to two things, to do justice and it was the court of appeals which would oversee judges; that Council could oversee reappointment; that what concerned him was the threat of if there was a dismissal you would get fired and that was how they were taking it, it would not be proper to appoint with them thinking they could not rule on the law but on the basis of what they thought Council wanted. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that he made excellent points and numbers were numbers but there were reasons for numbers; and Mr. Kubosh stated that there were many problems needing to be addressed in the courts, but the Council may be barking up the wrong tree if they addressed the problem in that way. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he thought there were issues in the Municipal Courts and there were systems issues and qualification of judges was not an issue; that it would be a sad day when Council could sit and tell judges how to render justice and this Council Member did not feel it was his place to tell any member of the court how to render justice, justice was to be blind; that the primary problem was the system was overwhelmed with lack of resources and he asked the Administration to look into a system of engineering the whole process and they could blame and point fingers but the fact remained that complaints alone would not solve the problem, they had to look at everything in the system and those inefficiencies in the system should not be placed on the judges; and Mr. Kubosh stated that he appreciated that because as an advocate for defendants he would have to agree all were in this together and when the system came up no one here voted for it, it was bought, implemented and they were all dying together. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Gerald Monk, 13711 Robin Hill Court, Houston, Texas 77055 (713-879-4628) appeared and stated that he was also present regarding the judges; that he had been involved more than Mr. Kubosh with the city, he was the current president of the Municipal Justice Bar Association Texas which was a bar association of traffic ticket lawyers, 250 members around the state, he had been the local president of the local chapter and they had been on a taskforce and had no relationship with the presiding judges prior to that, but sitting and working together they were now cordial and had a working relationship and they had a good crew; that a dismissal was a judgment and a judgment was simply the ministerial act of a judge doing something so if they were counting dismissals they were not counting what a judge was doing only the ministerial act, if the only reason for the list was dismissals they needed to think about it. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that as a point of clarification two issues had come together and one was the technology system, the Administration took steps for lack of performance and on the other side the judges and selection of them was a totally different matter and the Administration was treating them separate. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Doug Nichols, 2418 Broad, Baytown, Texas 77521 (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members

Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Augustine Castillo, 1103 Erin, Houston, Texas 77009 (832-656-7804) appeared and stated that he lived in the Northside and worked all over Houston; that his biggest concern was cars parked on sidewalks, especially between Shepherd to Navigation, most people just did not park where they were supposed to and the businesses allowed it; and a lot of the sidewalks were created by taking extra space that did not belong to them and they placed the area there for cars to park, it was city easement and not a part of their parking lot and it was turned from green to grey ruts on the ground and he was tired of calling for help and decided to come today; that police needed to enforce the law and fines implemented; doing what they did made neighborhoods look rundown; and he was asking for neighborhood protection in their area including the sidewalk areas. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that a young lady was present with Parking Management and was a good point of reference for him; that he knew he was passionate about the issue of making sidewalks usable for the right reasons; and he would ask that he meet with her and the sergeant present from HPD because he mentioned the auto lots and he could follow-up with Auto Dealers. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Brown stated that he sympathized with him and they needed to find a way to better enforce regulations; and upon questions, Mr. Castillo stated that he called 311 and did not get much response; and Council Member Brown stated that the City of Houston needed an office where citizens could get action and this might be another job for the Municipal Parking Division, if illegal parking could be reported to an enforcement parking division and place them on notice that it could not be done, behavior would not change until things were enforced. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that he wanted him to follow-up with the sergeant present with HPD and he wanted the connection to Auto Dealers and wanted follow-up and to speak also with Maria Irshad with Parking Management. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Christian Njoku, 9600 Braes Bayou Drive #58, Houston, Texas 77074 (713-446-7048) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

At 5:05 p.m. City Council recessed until 9:00 a.m., Wednesday, September 10, 2008. Council Member Noriega absent on personal business. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, September 10, 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; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:32 a.m. Mayor White called the meeting to order.

MAYOR'S REPORT - Central Business District Economic Development

Mayor White stated that there were three items; that first, congratulations to the Legal Department on the victory yesterday in Judge Davidson's court; that he would commend to each of them and would ask Ms. Stein that perhaps they could get Judge Davidson's letter of ruling circulated at the Council table, that the judge was obligated to follow the law therefore they did not deserve either credit or blame for how they rule, but as a retired lawyer he would say that Judge Davidson's opinion was a model of clarity in both it's analysis and the way that he expressed and getting to the truth behind the smokescreens that had been thrown up by those who exploited females and were a blight on their neighborhoods in the City; that he would say to Mr. Michel, Mr. Zumo and his whole team that they supported them when they brought legal actions in order to try to put these nuisances out of business. Council Members Green and Jones absent.

Upon questions by Council Members, Mr. Michel stated that State law allowed the City to seek injunctive relief for violations of it's Sexually Oriented Business Ordinance and injunctive relief could range from temporary relief to a final injunctive relief, that they sought temporary relief here and would seek final relief, that the court had set it preferentially, which meant that it was going to be heard before other cases on it's dockets and he believed the trial was going to be on October 27, 2008, that he may be a day or two off but it meant that subject to any change of the court or any appeal that the operation would be shut down until October 27, 2008 and sometime afterwards depending on the court's final ruling; that the plan was to pursue every single club that was in violation of their ordinance, which was a huge number of the existing clubs right now, that it was fought over the constitutionality and the court found that there were adequate places where they could locate that would meet the 1,500 foot rule, that they had been given time to amortize their assets and their clubs, so they were going to pursue them all; that issue for the courts was going to be many of them, like the club here, argued that their primary business was not a sexually oriented business establishment, that they were primarily in the business of food and beverage, that Judge Davidson saw through that and in order to do that they had to present certain evidence, some of it under cover, so they were going to proceed in that fashion, and because of the undercover work the exact timing and locations had to be confidential to some degree, but they were going to pursue every single club that was in violation of their ordinance; that what he was talking about October 27, 2008 it was in regard to Penthouse itself, that the issue of how they go after the other clubs and what could they do, they were going to have to file lawsuits and what they would do was seek temporary injunctive relief until they could get a trial, that he thought it was fairly easy to do the measurements and

fairly easy to prove some of the other issues, that he thought what would be an issue was that many of the clubs would claim they were not a sexually oriented business establishment; that he did not think they needed another ordinance for bikini bars, there may be some tweaks but he thought that by and large these clubs operated in a fashion other than what they were saying and what they needed to do was focus on how they could do the most efficient undercover work to establish that because he thought the courts saw through it, that he did not think they needed to get an ordinance on bikini bars because of the distance, he thought they just needed to get the evidence. Council Member Jones absent.

Mayor White stated that on the next topic he would just note to the Members of City Council the memo that was just circulated to them concerning curb repairs; that people could discuss it with him, that he was asking for the Council Members input on these, that they needed their judgment simply because they were all at civic clubs so often and went into the neighborhoods so often, that they would clearly give the esplanades in those areas that were in the public right-of-way, owned by the public. a priority, but his point was that they would be going to basically a no curb repair program to doing a curb repair program and they had cost it out and he was not advocating that they take it out of Right-of-way Maintenance or construction, that it would be additional resources that they would bring to bear. Council Member Jones absent.

After discussion by Council Members, Council Member Sullivan stated that as they talked about the curb program he wanted to make sure there was a mechanism to evaluate new curbs as they were installed and built because there were a couple of roads in his district where they had new curbs and they were already destroyed and crumpling apart, so as they developed the program they needed to make sure they build good curbs, and Mayor White stated to Mr. Gary Norman, Public Works Department, that he hoped somebody took a note of that issue. Council Member Jones absent.

Council Member Lawrence stated that she had a lot of industrial areas and trucks coming off of the freeway and wanting to get to the business on the other side of boulevard, i.e., Bingle, was the street she was talking about, that they were going to run over the shapes that they made the esplanades, the football shape, yet TxDOT comes in and designs Bingle and Pinemont esplanades to meet the need of that intersection which only made sense, so why were they so engrained in the way they design and make it a football shape, so that the trucks break that curb off, that they could repair it but it was going to be broken off again; that she had talked to Public Works to make that change and had not heard from them, and Mayor White stated to Mr. Norman that he would appreciate a response to the issue raised by Council Member Lawrence sent to him and copied to Council Member Lawrence; that he would say in advance not to spend any time on explaining what the current standard was or anything that was done in the past, no long explanations about why people did something, that what he was interested in was going forward, should they have a standard or a couple of options and one standard for esplanades that was more suitable to areas in which they believed there would be a significant risk of vehicles with a turning radius that was very large breaking down the esplanades, so what should it be and if not, why not. Council Members Holm, Green and Jones absent.

After further discussion by Council Members, Council Member Rodriguez stated that he would like to see a mechanism to where if one of the City of Houston vehicles damages curbs in residential areas that there was an ability to fix those curbs because he had some issues where Solid Waste had broken a few curbs and there had been some back and forth to whether it was the City's responsibility to make repairs or the private property owner, that he would give Mayor White more detail in a memo, and Mayor White stated to Mr. Norman that if they did have that type of program then obviously two of the higher priority areas would be esplanades that were in the public right-of-ways that were maintained by the public, such as esplanades and curb

repairs where a City vehicle damaged the curb. Council Members Holm, Green and Jones absent.

After further discussion by Council Members, Council Member Garcia stated that they currently had interpreted the curb repair ordinance to indicate that it was the abutting property owner's responsibility to repair the curb next to them but he had asked on several occasions what could they do for their vulnerable citizens, the elderly or physically challenged neighbors and maybe some institutions such as churches and monasteries, that in Eastwood he had a monastery where the sisters had a curb that the land had shifted and created a separation in the curb that now held the water and it was creating a mosquito infestation, that Public Works had gone out and looked at it and said that it qualified for the abutting property owner's responsibility to repair, that the monastery did not have a repair fund and it was going to ultimately take a total reconstruction project to fix the condition it was in, but in the meantime the concrete was preventing the water from running to the drain and was creating a problem with mosquito's and odor and things of that nature. Council Members Lovell and Jones absent.

After further discussion by Council Members, Council Member Lawrence stated that as to the sidewalks, she had a group of homes close to a school and Public Works put in a sidewalk a couple of years ago and those people could not legally now park in their driveway because of the distance from their garage door they were all the way covering up the sidewalk and now they could not park in their own driveway, that certainly they did want to ticket those people who had been parking there for thirty years and now they could not park on their driveway; and Council Member Sullivan stated that his office had been receiving phone calls and emails about those home owners who were receiving tickets for parking in their driveways because they stick out over the curb, that these were old sidewalks and they were now enforcing the ordinance as it was on the books, which was that they could not block a sidewalk. Council Members Johnson, Clutterbuck, Holm and Jones absent.

Mayor White stated that there were two issues and asked Mr. Norman to get some information from Council Member Lawrence, that this was what he was interested in, in his discussions back and forth with Director Marcotte he believed that the Public Works professionals sincerely believed that doing sidewalks right was not as simple as some of them thought because they had to take into account trees and sidewalks configurations so that they needed to be engineered and bid on the sidewalks as opposed to just having City crews out there doing sidewalks, so was it good design practice, what Council Member Lawrence was talking about and if not what was it, that was just what he wanted to know, what would be good design practice with respect to a situation such as this. Council Members Johnson, Clutterbuck, Adams, Holm, Noriega and Jones absent.

After further discussion Mayor White stated that maybe Ms. Stein or somebody else monitoring the proceedings from his staff could get him the details of what precipitated the citations, that under his administration he had never told people to issue a bunch of citations on something to gain revenue, if so, that was against administration policy, that he was really interested in what precipitated it, that it did occur because he had gotten letters and had been at civic club meetings where people complained about people blocking sidewalks, that it just seemed to him that with all the things going on in the City they should not be trolling up and down streets looking for people to cite on this, that perhaps it ought to be more complaint driven and then these circumstances, so if somebody could report back to him how much resources they had devoted to this and why. Council Members Johnson, Clutterbuck, Adams, Holm, Noriega and Jones absent.

Council Member Sullivan stated that it had been his experience in District E and in his case it was not the Houston Police Department officers writing tickets, they were parking enforcement officers writing tickets, and Mayor White stated to find out from parking

enforcement whether it was complaint driven and how much resources were devoted to it, etc. Council Members Johnson, Clutterbuck, Adams, Holm, Noriega and Jones absent.

Mayor White stated that the third issue was a briefing on something that was important to the City, as well as a celebration of achievement by their predecessors at this job, including his two predecessors, Mayor's Lanier and Brown; that it had to do with the Convention Center Hotel and the potential sale of the hotel; that a taskforce was appointed and they recommended that the City provide some debt as financial support for a hotel of this size, that they believed that it would be a prudent public investment, the group reported to City Council in 1999 and also stated that though the public sector may act as a catalyst to develop the hotel until it restabilized occupancy that the hotel should be and could be sold after that time so that the City's and the HOT tax credit and revenues were not tied up in debt service, that now was a good time; that Mayor Brown, following that report, asked former Mayor Lanier to head a group to put together the financing of the hotel and to select a hotel operator and the like, that Mayor Lanier did an excellent job in doing that and the taskforce recommended that it be done by 2003 and it was done in 2003 and they opened a premier hotel facility, that it was a local government corporation, that the City, through various entities that were City controlled, issued debt, the hotel corporation owned both the hotel and the parking garage, that it was a four diamond hotel, which was very important for attracting citywide conventions, that the hotel occupancy increased from 50% in 2004, to over 64% in 2007, that the daily room rate increased from \$134 to \$147, that it was a strong hotel and had paid it's portion of debt service and over and above that, that it had contributed over \$11 million to their C&E Department; that they pledged the hotel to secure pension debt, which was actually a preexisting debt of the City and an unfunded liability and it was accompanied by a \$300 million note and essentially what it did was allowed them to make the pension fund more secure and cut unfunded liabilities at a time where they were decreasing benefits for new employees, present value much more than that, and strengthening the balance sheet of the municipal pension fund without having to basically cancelling that amount of capital projects, that they could think of it as financing with recourse to a valuable asset where they did not have to pledge all that general revenue, that now they believed that the hotel could be sold at a significant profit over and above the amount of debt that was owed on the hotel, which was approximately \$270 million of secured debt, that they would not know for sure until it was being offered, that there were some pluses and minuses about the timing but one of the pluses was an extremely strong performance of the property, that it would be their intention, after that debt was paid off, and taking into account, an amount of accrued interest on the pension fund, to use any net proceeds to further reinvest into those activities which generate additional visit and business of the City, one example might be further incentives for a new and additional convention center hotel facility, that though they had grown from 1,700 hotel rooms back in the late 1990s to 5,000 today they were still limited in the number of conventions that they could attract, that those who travel knew very well that Houston still lagged far behind New York, Chicago, Los Angeles, Las Vegas, Orlando and a number of other cities in the hotel rooms that they could offer for what they called big citywide conventions, that some time next month he expected to come to Council with something that had been worked through the bureau, through the hotel corporation and through the Hotel Association, something that would provide additional incentive for new hotel rooms in the Central Business District and he would tell each of them that some people had said that it had taken to long because he took a fairly hardnosed attitude that he had to be convinced that something like this was needed in order to spur new hotel development, that given the state of current credit markets he thought that he became convinced that was so, that there were about half a dozen projects for new hotels in various stages of development within the Central Business District, that there were sizable hotels but people were finding financing a bit more difficult and it may require a bit more incentive in order to get that done, that he thought it would be a win win and they would be asked to consider that later; that he had provided some information about what they were doing and why they were doing it, that it would be an open and transparent process, that he hoped that there was somebody who would communicate what was said at the Council table to all

those involved in the process; that there would be a reserve price and he would know the reserve price, that it would be in his head and would not be in anybody else's head, that he would not communicate it or express it, that if somebody says the reserve price was blank they were a liar, unless it was him, that he had encountered it to often where people speculated, that he would reserve in his mind what he thought an appropriate reserve price might be, that he would not act unilaterally in the sense that it would require the consent of the hotel corporation boards and everything else, that he wanted to do something that was fair, but if they thought they were leaving money on the table because of the current state of the credit markets he would not let somebody, a broker or anybody else, to try to press to sell at less than he thought they could get in the fair market; that he wanted to say congratulations to Mayor Brown, Mayor Lanier, those on City Council who voted for it, members of the task force, in creating the great hotel which he guaranteed was worth substantially more than the City debt that they had in it. Council Members Adams, Rodriguez and Noriega.

Council Member Khan asked what was the driving reason for them to do it at this time, and Mayor White stated that there were two points, the first went to the issue of reserve price, if they did not think there was an adequate price then they were not going to sell it, and he would say that there was a global market right now and those properties, which sometimes had been called trophy properties, properties that were extremely hard to duplicate in the central locations in the world's largest and greatest cities a lot of investors would expect a relatively lower return based on the perceived security and uniqueness of the property, that right now there was the feeling, and he was not saying optimistic, but they did believe there could be significant interest in this property at a very good price; that the next point of why now was really, and was why he was quoting from the task force report, which resulted in the hotel, that in real estate business when they say something was stabilized, that he was not saying that it would not get better and was not saying that the room rates would not get better, that they were full during the weekdays, they were pressing, that yes they still had rooms to sell, but they would never get to 100% in Houston. Council Member Noriega absent.

After further discussion Council Member Green moved to suspend the rules to consider Item No. 21 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Noriega absent. MOTION 2008-0694 ADOPTED.

21. 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** – was presented. Council Member Noriega absent.

After discussion by Council Member Jones, a vote was called on Item No. 21. All voting aye. Nays none. ORDINANCE 2008-0797 ADOPTED.

Council Member Lovell stated that last week they had the incident with BARC where they had a terrible accident and they were trying to figure out for the equipment not to malfunction and she wanted to commend Mr. Terence Fontaine for going out to BARC and figuring out a solution, and the solution to that problem was that there was a vehicle parked outside on Walker Street in which it was a retrofitted BARC vehicle that had a system attached to the thermostat so when the temperature went above an unacceptable temperature then a siren would go off and lights on top of the vehicle would illuminate and also the driver would be alerted by a pager that there was a malfunction in the vehicle, that she thought it was a way to avoid the terrible accident that happened before. Council Member Jones absent.

Mayor White stated that they would go to the consent agenda. Council Member Jones absent.

CONSENT AGENDA NUMBERS 1 through 34

MISCELLANEOUS - NUMBERS 1 through 4

1. RECOMMENDATION from the Director of the Finance Department (1) to place the proposed 2008 tax rate of \$.63875/\$100 of value on the October 22, 2008 Council Agenda, (2) to set dates for three public hearings and (3) to publish an analysis of anticipated increased revenues - **HEARING DATES - 6:00 P.M. - TUESDAY - SEPTEMBER 23, 2008; 6:00 P.M. - TUESDAY - SEPTEMBER 30, 2008 and 9:00 A.M. - WEDNESDAY - OCTOBER 8, 2008** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent. MOTION 2008-0695 ADOPTED.
2. RECOMMENDATION from Director Department of Public Works & Engineering for payment of funds for the Metro Light Rail Traffic Signal System in accordance with the Operations and Maintenance Agreement with Metropolitan Transit Authority of Harris County, Texas - 1 Year \$209,321.96 - General Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent. MOTION 2008-0696 ADOPTED.
3. RECOMMENDATION from Director Department Public Works & Engineering to accept the July 2008 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$10,350,572.30 for Revenue Bond Debt Service as recommended in the Report – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent. MOTION 2008-0697 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$1.58 per square foot for properties connecting to the 10-inch wastewater line located along Pierce between Valentine and the west of Bagby constructed by **MIDTOWN EDGE, LP. - DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent. MOTION 2008-0698 ADOPTED.

ACCEPT WORK - NUMBER 5

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$411,249.77 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Municipal Courts Elevator Renovation, WBS D-000113-07-4 - 3.33% over 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 Jones absent. MOTION 2008-0699 ADOPTED.

PROPERTY - NUMBERS 6 through 7

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Sally Bradford of Greater Greenspoint Redevelopment Authority (TIRZ 11), for abandonment and sale of Wagon

Road between Millstream Lane and Buckboard Drive, in exchange for the conveyance to the City of a full-width utility easement, located within the Imperial Valley Commercial Development, Section 1 Subdivision, out of the Simon Contreras Survey, A-220, Parcels SY8-093 and VY9-021 **APPRAISERS - DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent. MOTION 2008-0700 ADOPTED.

7. RECOMMENDATION from Director General Services Department to appoint independent appraisers in connection with the sale of 2.316 acres of land located at 3602 West Dallas and adjacent to 3530 West Dallas known as The Lighthouse for the Blind of Houston - **DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent. MOTION 2008-0701 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 10A

9. **HEWLETT-PACKARD COMPANY** for Hewlett Packard Hardware through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology Department - \$665,504.53 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Jones absent. MOTION 2008-0702 ADOPTED.
10. ORDINANCE appropriating \$61,391.30 out of Reimbursement of Equipment/Projects Fund as an additional appropriation for Purchase of Automated Side-Loader Refuse Bodies for the Solid Waste Management Department – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0798 ADOPTED.
- 10a. **HEIL OF TEXAS** for the Installation of Automated Side-Loader Refuse Bodies through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for the Solid Waste Management Department - \$243,506.66 - Reimbursement of Equipment/Projects Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Jones absent. MOTION 2008-0703 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 34

11. RESOLUTION designating the Freeland Addition area of the City of Houston as an historic district **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Jones absent. RESOLUTION 2008-0023 ADOPTED.
12. RESOLUTION designating the Shadow Lawn Addition area of the City of Houston as an historic district - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Jones absent. RESOLUTION 2008-0024 ADOPTED.
14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (1) a 15-foot-wide alley between (A) Blocks 14 and 15 (Parcel No. SY6-36A), (B) Blocks 18 and 19 (SY6-36B), and (C) Blocks 21 and 22 (SY6-36C) of Institute Addition, a subdivision according to the plat thereof recorded at Volume 3, Page 5, Map Records of Harris County, Texas, together with (2) a portion of Selma Avenue, from Braeswood Boulevard to Eaton Street, from Eaton Street to St. Agnes Street, and from St. Agnes Street south to its terminus (SY6-036D), (3) a portion of Princeton Street, from Braeswood Boulevard to Eaton Street (SY6-036E), (4) a portion of Eaton Street, from Selma Avenue west 195 feet toward Cecil Street (SY6-036F), (5) a portion of Eaton Street,

from Selma Avenue east to its terminus (SY6-036G), (6) a portion of St. Agnes Street, from Cecil Street to the east right-of-way line of Selma Avenue (SY6-036H), (7) a portion of Cecil Street, from St. Agnes Street to Swanson Street (SY6-036I), (8) portions of Eaton Street and Selma Avenue (SY7-076A), and (9) a portion of Selma Avenue, from Lehall Street to Dreyfus Street (SY7-076B), also in said Institute Addition; vacating and abandoning said tracts of land to the Board of Regents of the University of Texas System, for the use and benefit of the University of Texas M. D. Anderson Cancer Center ("M.D. Anderson") and Texas Medical Center ("TMC"), abutting owners, in consideration of the conveyance from abutting owners to the City of (10) a right-of-way easement for the widening and realignment of Bertner Avenue (A) from Braeswood Boulevard to Eaton Street (AY7-261A), (B) from Eaton Street to St. Agnes Street (AY7-261B), (C) from St. Agnes Street to the east line of Block 21 (AY7-261C), and (D) from the west line of Block 22 to Old Spanish Trail (AY7-261D and AY7-262A), and (11) right-of-way easements for the extension of Lehall Street, from Cecil Street to Selma Avenue (AY7-261E and AY7-262B), also in said Institute Addition, (12) payment by M. D. Anderson to the City of \$2,393,748.00 as net consideration for the abandoned parcels, (13) the performance by M. D. Anderson under a Development Agreement with the City and TMC, and (14) other consideration to the City; authorizing the Development Agreement among TMC, M. D. Anderson and the City - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0799 ADOPTED.

15. ORDINANCE consenting to the addition of 55.5154 acres of land to **GREENS PARKWAY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0800 ADOPTED.
16. ORDINANCE consenting to the addition of 4.841 acres of land to **SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0801 ADOPTED.
17. ORDINANCE establishing the south side of the 1600 block of Vassar Street between Dunlavy and Mandell Streets within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0802 ADOPTED.
18. ORDINANCE establishing the south side of the 2300 block of Goldsmith Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0803 ADOPTED.
20. ORDINANCE ordering and setting a public hearing, pursuant to the provisions, of Chapter 26, Texas Parks & Wildlife Code, regarding the construction of the new Kingwood Library on 4.845 acres (Parcel GY9-001) within the Kingwood Park located at 2700 Bens Branch Drive and Bens View Lane; authorizing and directing that notice of such hearing be given; stating in substance the form of such notice; finding and stating other matters generally relating thereto **DISTRICT E – SULLIVAN - SUGGESTED HEARING DATE - 9:00A.M. - WEDNESDAY- OCTOBER 29, 2008** – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0804 ADOPTED.
22. ORDINANCE altering and establishing prima facie speed limits in certain zones in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing a repealer; containing a savings clause; providing for severability; declaring

certain conduct to be unlawful and providing a penalty – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0805 ADOPTED.

23. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston, Texas and **MAXIMUS, INC**; providing a maximum contract amount, containing provisions relating to the subject – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0806 ADOPTED.
24. ORDINANCE awarding contract to **HITECH FIRE DETECTION CORPORATION** for Alarm Monitoring, Inspection, Maintenance and Telephone Response Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,661,954.70 General, Enterprise, Building Inspection and Fleet Management Funds – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0807 ADOPTED.
25. ORDINANCE approving and authorizing two Professional Materials Engineering and Testing Services Laboratory Contracts between the City of Houston and **TITAN TESTING & ENGINEERING SERVICES, INC** and **LFC, INC** for Testing Laboratory Services for Public Works & Engineering – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0808 ADOPTED.
26. ORDINANCE appropriating \$646,800.00 out of Drainage Improvements Commercial Paper Series F Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Design of Storm Sewer Improvements to Shepherd Drive, Buffalo Bayou to Westheimer (River Oaks) (approved by Ordinance No. 07-596) WBS M-000267-0001-3; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and G - HOLM** – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0809 ADOPTED.
28. ORDINANCE appropriating \$810,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **TCB, INC** for Southwest Wastewater Treatment Plant Improvements, WBS R-000265-0038-4 - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0810 ADOPTED.
30. ORDINANCE appropriating \$110,300.00 out of General Improvement Consolidated Construction Fund and awarding construction contract to **CST ENVIRONMENTAL, INC** for Lead Remediation, Backfill and Compaction for the HPD SWAT Rifle Range at the Police Academy; 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 materials testing services, project management and construction oversight services and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund, D-000073-0084-4 - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0811 ADOPTED.
31. ORDINANCE appropriating \$3,513,889.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS #R-000295-0017-4; 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 Jones absent. ORDINANCE 2008-0812 ADOPTED.

32. ORDINANCE appropriating \$4,035,548.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS), WBS R-002013-0022-4; 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 Jones absent. ORDINANCE 2008-0813 ADOPTED.
33. ORDINANCE appropriating \$1,752,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Waterline Replacement in Fontaine Place Area, WBS S-000035-00M1-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required 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 B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0814 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PROPERTY

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Frederick Newhouse of Valero Houston Refinery, for the abandonment and sale of (a) East Avenue Q, from Central Avenue to 95th Street; (b) East Avenue P, from Central Avenue to 96th Street; (c) East Avenue O, from 95th Street east to the west line of Lot 39, Block 66; (d) East Avenue N, from 95th Street east to the west line of Lot 8, Block 66; (e) 95th Street, from the north line of East Avenue Q to East Avenue O; (f) 96th Street, from the north line of East Avenue P to Manchester Avenue; (g) a 55-foot-wide sanitary sewer and water line easement in former East Avenue R, from Central Avenue east to the west line of Lot 47, Block 94; (h) 30- to 55-foot-wide sanitary sewer and water line easements in former East Avenue P (from 96th Street to 97th Street), in former East Avenue O (from the west line of Lot 10, Block 76 east to 97th Street), former East Avenue N (from the west line of Lot 8, Block 66 to 97th Street), and in former 97th Street (from the north line of East Avenue P south to Manchester Avenue); and (i) 55-foot-wide sanitary sewer and water line easements in former East Avenue S (from Central Avenue east to the east line of 96th Street), in former East Avenue R (from the west line of Lot 47, Block 94 east to 96th Street), in former East Avenue Q (from 95th Street to 96th Street), in former 95th Street (from East Avenue S to East Avenue Q), and in former 96th Street (from East Avenue S to East Avenue P); all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9, Parcels SY8-009A through I **APPRAISERS - DISTRICT I – RODRIGUEZ** – was presented, and tagged by Council Member Rodriguez. Council Member Jones absent.

Council Member Noriega stated that this was an attempt to build a buffer between the Valero Plant and the surrounding neighborhoods, that this was the beginning of a process to close these streets and move to have administrative buildings between the Valero Plant and the surrounding neighborhoods, that she wanted to point out to the Mayor that there were some very specific requirements about what could be built on the property in the plat and there was some conversation between the Mayor's office, Elena Marks, the Valero folks and PWE, that they had gone back and forth and felt they had clarified what it was to a degree, that they were satisfied that they would not be able to actually put any kind of refining equipment there and she would ask Mayor White to look at it one more time, that she would appreciate another look at what the specifics were on what was allowed to be there, that she thought it was possible in the future there might be some process they did not know about, that she would appreciate one more look at the language of the platting to assure that this neighborhood was not ever going to have any actual refining equipment right up on it. Council Member Jones absent.

Council Member Rodriguez stated that he had similar concerns and they knew there was an explosion at Valero a few weeks ago and the main concern expressed by Manchester residents was the lack of and very poor communication by Valero during a shelter in place, that he would like to see the agreement strengthened and as a direct neighbor he believed Valero should take extra steps to insure that safety and comfort of these residents was not taken for granted; that he was hosting a meeting with Valero and the community next week and that was why he tagged the item, that he would like the agreement to be strengthened, including some better shelter in place initiatives and also there was an issue with the siren not going off in the neighborhood, so he would like to see that added to the item. Council Member Jones absent.

Mayor White stated that he would take a look at it and Ms. Stein had given him some information and he would say to the two Council Members who addressed it that if something

had gone through their joint referral process they would not believe the hurdles that stuff had to go through and the public meetings, notices, the participation and the opportunities to object by adjacent land owners, those of them who sat on the Council for some time and were familiar about it knew constantly the complaints they got concerning the length of that joint referral process, and one part was to make sure if anybody had anything to say to please express it, so they would take a look that the intention was not to locate new facilities next to the neighborhood. Council Member Jones absent.

RESOLUTIONS AND ORDINANCES

13. **ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to parking lot standards; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefore; providing an effective date; providing for severability – was presented, and tagged by Council Members Garcia, Khan and Clutterbuck. Council Member Jones absent.

Mayor White stated that there was an amendment by Council Member Holm and asked if they would withdraw their tags, and Council Members Garcia, Khan and Clutterbuck withdrew their tags. Council Member Jones absent.

Council Member Holm offered the following motion to amend Item No. 13:

“I move to amend Agenda Item 13, Section 26-602 to read:

The provisions of this article shall apply to parking lots used for paid motor vehicle parking that are open to the public and operating 10 days or less per year” – tagged by Council Member Holm. Council Member Jones absent.

Council Member Clutterbuck moved to amend Item No. 13 as follows:

Delete Sec. 26-631. Marking of spaces.

Delete Sec. 26-632. Parking lot surface

Delete Sec. 26-633. Lighting

Delete Sec. 26-634. Maintenance requirement for parking lots, seconded by Council Member Khan, and tagged by Council Member Clutterbuck. Council Member Jones absent.

Mayor White stated that he would ask Ms. Stein to make sure it occurred if there was any need for further hearings. Council Member Jones absent.

After further discussion by Council Members, Council Member Holm stated that she wanted to correct her amendment by changing the word “less” to “more”, and Mayor White stated that if there was no objection, and hearing none, was done by unanimous consent.

After further discussion by Council Members, Mayor White stated that Item No. 13 was tagged by Council Members Rodriguez, Sullivan, Holm, Khan, Garcia and Clutterbuck. Council Member Jones absent.

- 13a. **ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the immobilization of vehicles in parking lots; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefore; providing an effective date; providing for severability – was presented, and tagged by Council Members Rodriguez, Sullivan, Holm, Khan, Garcia, Clutterbuck and Brown. Council Member Jones absent.

19. **ORDINANCE** approving and authorizing the execution of Airport Use and Lease

Agreements between the City of Houston and **SOUTHWEST AIRLINES CO., DELTA AIRLINES, INC, AIRTRAN AIRWAYS, INC** and **AMERICAN EAGLE AIRLINES, INC** at William P. Hobby Airport Revenue - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0815 ADOPTED.

27. ORDINANCE deappropriating \$590,000.00 from the Street & Bridge Consolidated Construction Fund (for a Professional Engineering Services Contract between the City and Othon, Inc - approved by Ordinance No. 2007-512); and appropriating \$677,263.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **OTHON, INC** for Design of Reconstruction for Fulton Street from Quitman Street to Hogan Street, WBS N-000818-0001-3 and N-000717-0001-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H – GARCIA** – was presented. Council Member Jones absent.

Council Member Garcia stated that when they were working to identify priorities in his district Fulton Street, in this particular area, was without a doubt a street in need of some serious repair, that it was a major artery of transportation and mobility in this particular area in the Near Northside, that people had been asking for some public investment in this area for years. Council Member Jones absent.

Mayor White asked Mr. Norman to report to him and Council Member Garcia, that the streets where they did know there was a fair amount of heavy 18 wheeler traffic on the thoroughfares did they have a different design standard for those thoroughfare reconstruction than did others, that he would appreciate some information on that. Council Member Jones absent.

A vote was called on Item No. 27. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0816 ADOPTED.

29. ORDINANCE appropriating \$5,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **KELLOGG BROWN & ROOT SERVICES, INC** for the North Corridor Plant Consolidation, Northgate Wastewater Treatment Plant, WBS R-000536-0008-4 - **DISTRICT B – JOHNSON** – was presented. Council Member Jones absent.

Council Member Khan stated that the appropriation was only for \$5,000 so why were they discussing it at Council, and Mayor White stated that they appropriate the money for the construction management and this had come up several times before where it was necessary to get some work started and set up the account, that he could not remember all the pros and cons with coming up with a higher dollar amount, but did know that he thought it was probably a better practice than just getting up to \$50,000 and then submitting it, that it was part of a \$11 million project, construction and all. Council Members Holm and Jones absent.

A vote was called on Item No. 29. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0817 ADOPTED.

34. ORDINANCE appropriating \$2,278,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **COLLINS CONSTRUCTION, L.L.C.** for Waterline Replacement in Gardendale Area, WBS S-000035-00M4-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required 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 H – GARCIA** – was presented. Council Members Holm and Jones absent.

After discussion by Council Member Garcia a vote was called on Item No. 34. All voting aye. Nays none. Council Member Jones absent. ORDINANCE 2008-0818 ADOPTED.

MATTERS HELD - NUMBERS 35 through 37

35. ORDINANCE approving and authorizing Purchase and Sale Agreement, a Special Warranty Deed and a Development Agreement between the City of Houston, Texas, seller, and Congregation Beth Israel of Houston, Texas, purchaser, for 0.8237 acres (35,800 square feet), more or less, of land being out of a Former Water Plant, 1109 Antoine Drive (Parcel SY7-040), located in Reserve A, Block 9, Afton Village Subdivision, Section Two, E. B. Cogswell Survey, A-785, for a purchase price of \$492,432.00, and other consideration to the City - **DISTRICT A – LAWRENCE – (This was Item 21 on Agenda of September 3, 2008, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. Council Members Sullivan and Jones absent. ORDINANCE 2008-0819 ADOPTED.
36. ORDINANCE appropriating \$880,825.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** for Phase 1 - Yale Street Rehabilitation from IH 10 to 17th (approved by Ordinance No. 05-0557), WBS N-000724-0001-3 - **DISTRICT H – GARCIA – (This was Item 48 on Agenda of September 3, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. All voting aye. Nays none. Council Members Sullivan and Jones absent. ORDINANCE 2008-0820 ADOPTED.
37. ORDINANCE approving and authorizing agreement between the City of Houston and **PATRIOT ADVERTISING, INC** for Advertising Services for the Houston Police Department; providing a maximum contract amount - 1 Year with 1 one-year option - \$750,000.00 - General Fund – **(This was Item 54 on Agenda of September 3, 2008, TAGGED BY COUNCIL MEMBER NORIEGA)** – was presented. Council Members Sullivan and Jones absent.

After discussion by Council Members, Council Member Johnson offered the following motion to amend Item No. 37:

“The Houston Police Department to track www.hpdcareer.com website statistics, the number of applications received, survey of applicants, number of cadets accepted for that quarter’s academy classes and the number of cadets graduating from the academy. HPD will put into writing their recruiting efforts for each quarter, including Patriot Advertisings media and Internet buys. Written results will be submitted on a quarterly basis to the Public Safety and Homeland Security Committee for review.” Council Members Lawrence and Jones absent.

Mayor White stated that the amendment referred to a survey and he thought it was important that they survey applicants, not only where they generated leads but they had been having incentive pay for people who signed up, that he thought the quarterly report would be very helpful in assessing all factors that lead to their recruiting and they strongly supported it. Council Members Lawrence and Jones absent.

After further discussion by Council Members, Council Member Adams stated that she

would like to know the makeup of the diversity among officers two years ago to see if the advertising really helped with the diversity. Council Members Lawrence and Jones absent.

After further discussion Council Member Noriega stated that she would make a commitment to everyone at the Council table that they were going to have it quarterly at the Public Safety Committee meetings and if anyone would like it more often they could make it available. Council Members Lawrence, Holm, Lovell and Jones absent.

After further discussion by Council Members, Mayor White stated that the issue of responsiveness was a point well taken, that HPD should say a point well taken.

Council Member Green moved to extend the Council meeting past the scheduled noon recess to complete the agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence and Jones absent. MOTION 2008-0704 ADOPTED.

After further discussion by Council Members, a vote was called on Council Member Johnson's motion to amend Item No. 37. All voting aye. Nays none. Council Members Lawrence and Jones absent. MOTION 2008-0705 ADOPTED.

A vote was called on Item No. 37 as amended. Council Member Holm voting no, balance voting aye. Council Members Lawrence and Jones absent. ORDINANCE 2008-0821 ADOPTED AS AMENDED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Green first

Council Member Khan stated that one of the most outstanding leaders of the Islamic Community in America, Imam W.D. Mohammed, died yesterday in Chicago and wanted to express his condolences to all the community members and requested a moment of silence for Mr. Mohammed, that at the Mayor's Ramadan Dinner they would be offering special prayers for Mr. Mohammed. Council Members Lawrence, Sullivan, Holm and Jones absent.

Council Member Green stated that he had passed out a handout on the Houston Sleepout, that on Saturday, November 15, 2008, his office, along with the SEARCH Homeless Services Young Ambassadors would host the first annual Houston Sleepout, that the event was to raise awareness regarding homelessness in the City of Houston and to raise money to help fight the epidemic of homelessness. Council Members Lawrence, Johnson, Clutterbuck, Holm, Noriega and Jones absent.

Council Member Green stated that as to Patriot Advertising, he had been to many of the HPD graduations and it was a great feeling seeing those families of the cadets who were now becoming police officers, but evidently in every class there was probably someone who may not have made it or somebody who wanted to be in a class of graduation cadets, whether it was through the recruitment process, and in fact yesterday he got a call from a young man who had just gotten back from IRAQ and had finished up his tour of duty and wanted to be a police officer and for some reason he had some issues he had to address and the bad part was that he had been given different stories by different individuals in HPD, and the big thing that he saw was that he loved to see the people who had graduated from HPD, glad to see that it was becoming more diverse, it may not be where they wanted, but he would be the first to admit that it was becoming more diverse, but his biggest concern was for every seat that was unfilled he kept wondering why was that seat not filled, that he knew he talked about recruitment and talked about what happened to the individuals once they were officers so he just did not want them to get caught up in the idea that there were not enough people who wanted to be police officers, that HPD did a great job of putting good officers on the street, but he still would like for HPD to look at the recruitment process and to really look at those statistics of the individuals

they turned down, especially when they turn down one individual and they accept another individual who was identically situated, and that could be based on any number of things, but he did believe that there was an extreme bit of subjectivity in the hiring process with HPD, that he had gotten people to call him and say they had quit a job, left the job and thought they had quit it and HPD went back and talked to their old supervisor who said he had gotten fired and for that reason he had not been hired by HPD, and in that situation his question was who did they believe when a background check was done on a recruit, that he was getting more and more calls and that was starting to concern him, and were they losing good applicants, especially those applicants who had just come back from the Army and been honorably discharged, that was a major concern, that he thought they needed to look a little deeper than just recruitment and how many people there were at the end of that, that he thought there was so much more to it than just recruiting and getting these officers at the end of the classes. Council Members Lawrence, Clutterbuck, Khan, Holm, Noriega and Jones absent.

Mayor White stated that it was important for people to know and would take a second to mention some things that needed to be kept in line for those residents of their community that were concerned about Hurricane Ike; the Mayor of Galveston would recommend voluntary evacuation of the west end of Galveston Island, that he believed Jamaica Beach, Bolivar Island, Tiki Island and Clear Lake Shores were doing the same; that Houston residents should remain vigilant and listen to their source of weather information and news, that if appeared from the scientific models that he hurricane was headed to the coast of the south of them, that it diminished in strength when it crossed Cuba, but the consensus was for the storm to continue to strengthen, that there had been instances of things going from tropical storms and becoming hurricane force winds relatively close to the shore, that many of them would remember that there had been a couple of times, once with Rita, where a storm or hurricane system took a sharp northern turn that was considered a low probability in the model, that because they did not know how yet to predict weather exactly he would urge people in the next couple of days to be vigilant, that people should make sure that they had adequate water and food and supplies of necessary medicines in case there were very high winds and power outages or difficult to get through on the roads; that the forecasted track of the hurricane would put Houston on the stronger side of the strong that normally would be expected to receive some wind and heavy rain. Council Members Lawrence, Clutterbuck, Khan, Holm, Noriega and Jones absent.

Council Member Brown asked if there was information about the storm on the City's website, and Mayor White stated that if they had access to the web he believed that the best source of information would be the National Hurricane Center website, the 3 and 5 day forecast on those websites, and there were many of the broadcast stations that had websites that were linked to the National Hurricane Center and had some user friendly visualizations. Council Members Lawrence, Clutterbuck, Khan, Holm, Noriega, Green and Jones absent.

Council Member Brown stated that as to Item No. 12, which was the creation of the Shadow Lawn Historic District, which was a place in the Museum District that was a wonderful and beautiful historic neighborhood, that he wanted to thank all the folks who lived there for applying for the historic district and taking a stand for preserving the character of the neighborhood. Council Members Lawrence, Clutterbuck, Khan, Holm, Noriega, Green and Jones absent.

Council Member Brown stated that he participated in the Reach Out for Drop Outs and they had teams that went out in neighborhood and knocked on doors and encouraged parents and the children who were still school age, many of them having dropped out of high school to re-enlist back in school; that he participated in the Urban League's Young Leaders Forum, where some 100 young people from around the City participated in a very well organized discussion on public issues in the City; that thanks to the leadership of the Mayor and City Council they were headed in the direction of a walkable green city, that some of the priorities, if

they wanted to be a walkable green city was what the young people, creative class wanted, they needed to pay attention to expanding the bikeway system, which they were doing, that coming up with, in terms of transit oriented corridors and transit oriented development was going to make Houston a more walkable, energy efficient green city, that they needed more sidewalks and shade streets and pedestrian crosswalks and incentives for outdoor commercial activities. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she went to a luncheon on Monday and had the opportunity to walk back to the City Hall area in the middle of the afternoon in the middle of September and it was really quite manageable where there was shade from the trees and where the sidewalks were wide and there was room, that she thought it was a legitimate goal and was a worthy pursuit. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that HPD and the Houston Fire Department were going to compete in the Guns and Hoses Basketball Game at 4:00 p.m. on Friday, September 12, 2008, that members of the Houston Police Department would compete against members of the Houston Fire Department in the first annual Guns and Hoses Basketball game hosted by the Houston Comets, that it would be played at Reliant Arena, that after the game both teams would compete against the Houston Comet players in a three point shootout, that proceeds would be donated to the 100 Club; that on September 2, 2008, in coordination with the Houston Fire Department, the Houston Police Department and the Harris County Sheriff's Department played host to the Pink Ribbon Tour, that these were women first responders to a great degree, part of the Pink Ribbon Tour, that it was an organization of firefighters out of Arizona traveling through the Country in a custom pink fire truck in order to promote awareness about Breast Cancer, their mission was to raise funds and awareness in the communities they visit; Council Member Noriega displayed a t-shirt created for the tour and stated they were going to be worn by the Houston Fire Department on October 4, 2008 for the Susan G. Komen Race for the Cure. Council Members Lawrence, Clutterbuck, Khan, Holm, Brown, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that the ordinance against parking on sidewalks was based on State law that had been on the books since 1947 and they had to abide by those rules. Council Members Lawrence, Clutterbuck, Khan, Holm, Brown, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that on Tuesday, September 16, 2008, she and Controller Parker would be hosting a townhall meeting to discuss the taser audit, that it would be at 6:00 p.m. at the Miracle Land Church, 7427 Martin Luther King; that she wanted to thank TSU and all who helped in the first ever cleanup around the campus where they planted a lot of trees; that on Saturday she invited them to the reopening of the Townwood Park at Hiram Clark at 10:00 a.m., that they would notice the renovation of the pool and recreation center she wanted to thank State Representative Dr. Alma Allen who secured \$1 million in matching funds to make this possible; that the United Negro College Fund Walk would be on Saturday at Tom Bass Park beginning at 7:00 a.m.; that she wanted to congratulate her brother-in-law, Mr. Keith Norwood, who was a new Sheldon ISD Trustee and was the first African American to serve on the Sheldon ISD School Board; that she wanted to let HPD to know that around the City Council table they appreciated them and thanked them for their many hours of dedicated service, that she wanted to tag her own acronym onto HPD and say "Heroes Protecting Us Daily"; that on September 30, 2008 she was asking them to join them and the Houston Parks and Recreation Department and the Urban League as they Empower Community to Change Life, that it was a college bound achievement matters day and there would be a parade and festival announcing a new resource of beginning college bound, beginning at birth, that it was from 9:00 a.m. to 1:00

p.m., the parade would begin at Grimes Elementary School and there would be a press conference at Sunnyside Park and there would be a lot of activities, that she wanted to salute Worthing High School and Jones High School for participating with their bands. Council Members Lawrence, Clutterbuck, Khan, Holm, Brown, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Rodriguez that it was a privilege and honor to participate in the Reach Out for Drop Outs Walk on Saturday and thanked Mayor White for hosting it; that they had over 100 volunteers; that if weather permitted he, his staff and the community would be launching Project LAWN on Saturday in the Third Ward, that Project LAWN stood for Leaders Abating Weeded Neighborhood, that he did recognize the hard work and commitment that Neighborhood Protection did for them on a daily basis, but with the shortage of resources they had many weeded lots that had not been handled in District I and therefore they would be going to help with the backup, that they could call his office at 832-393-3011; that he wanted to invite his colleagues, the Mayor and residents of District I for the District I Back to School Family Day, which was taking place Saturday, September 20, 2008 from 3:00 p.m. to 9:00 p.m. at Discovery Green, that they were going to have free food and free immunizations, that HPD and HPD would be there with recruiting booths, that they would also have college and financial aid information, that the SPCA would be there to offer adoptions, that they would have a movie on the lawn at 7:40 p.m.; that he wanted to talk about Magnolia Glen and wanted to thank the Eastwood Civic Club for a very informative meeting they had last Monday, that they made their opposition to the SRO very clear and he would be formally submitting a memo and report to the Mayor acknowledging what went on at the meeting. Council Members Lawrence, Clutterbuck, Khan, Holm, Brown, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he wanted to thank Mr. Terence Fontaine and the administration for responding to the BARC issue that they had been dealing with lately, that he knew it was an ongoing process but within a week to have a vehicle parked out at the curb at City Hall for them to look at, that had an alarm on it that protects the animals and also protects the citizens, he thought was a sign of the relentless and tireless work that Mayor White and his team did so District E thanked him for that; that as to the Houston Police Department and the Clear Lake Substation, he attended a meeting of a group of citizens a couple of months ago at Clear Lake and there was some discussion about the Clear Lake Substation and one guy said they did not arrest people and another guy said they understood they did not write tickets, and on and on, so he contacted the PIP officer and the captain down at Clear Lake and they both said if he wanted to bring them by, so last week he pulled these four or five citizens together and Captain Know and Sergeant Gillispie and Officer Durr, the PIP officer out of the Clear Lake Substation gave them a great tour, that within an hour they had four or five citizens that were now the biggest HPD supporters down in the Clear Lake area and he thanked HPD for doing that; that next Sunday there was an important trade exposition called the First Annual International Trade and Transportation Conference, that business leaders from all over the world were going to be coming to the Westin Galleria for a three day convention; that he wanted to congratulate Dr. Renu Khator on her investiture ceremonies yesterday, that it was a new day for the University of Houston and he would like to encourage the City to elevate the University of Houston's presence in the community. Council Members Lawrence, Clutterbuck, Khan, Holm, Brown, Green and Jones absent.

Council Member Lovell stated that she wanted to say "go Astros", that once again at the end of the season it became very exciting and they wanted them to keep on winning and get into the playoffs; that yesterday how incredible it was to be on the steps of City Hall with all of their fellow citizens who participated in the Olympics, that she wanted to thank them for their dedication. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to thank the Tellepsen Family for donating the new downtown building project for the Y.M.C.A., that it demonstrated the philanthropy in the City and she wanted to thank them for what they were going to do; that she wanted to ask them and the Y.M.C.A., since it was such an historic building downtown, if they could at least pull some of the bricks and some of the architectural amenities off of the old building and incorporate them into the new building, so they could have a new building but still keep some of the history from the old building in the downtown area; that they received in their office the announcement that they had two new elephants at the zoo, that she wanted to say thank you to the Houston Zoo, that they did a wonderful job over there and to welcome Tess and her calf Tucker, who were two new additions to the zoo. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to thank Mayor White for mentioning Hurricane Ike, that he knew many people had probably become hurricane and evacuation fatigued and seemed to think that these things were just becoming a formality and they should not take some of these warnings seriously so he thought it was important that they continue to reiterate, although it might not hit this time there may be a time where it would hit and he would really encourage all of their citizens to be on guard and watch and to prepare themselves. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to thank Council Members Adams and Noriega for the fellowship this morning that they had behind Chambers; that he would like to remind everybody about the Proximity to Opportunity Forum that he would be having at Continental Airlines at the Houston Airport System on September 19, 2008 from 9:00 a.m. to 12:00 a.m. at 18600 Lee Road at the Continental Airlines Technical Services Building; that on Saturday he wanted to welcome everybody to 4014 Market Street at the Fifth Ward Multi Service Center for the Keep Houston Safe Public Safety Campaign, that it fit right in line with his crime prevention task force, that they would give out information as they talked about ways in which they could reduce crime along the Eastex Freeway as well as provide more dialog; that he wanted to say Happy Birthday to his sister, Valeka Hines and to his mother, whose birthday was tomorrow. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Garcia stated that like the Fulton Street reconstruction that they passed earlier the North Main Reconstruction meeting would be held on Tuesday, September 17, 2008 at 6:30 p.m. at Christ the King Catholic Church, 4419 North Main, that Public Works would be on hand to answer questions about the project which included North Main between Airline and I-45, that he would encourage everyone to come by to hear all the details about the construction; that as to Council Member Lovell's mentioning of the downtown Y.M.C.A., some interesting facts about the Y.M.C.A., the organization had a 122 year history in Houston, Texas, that it was exciting to hear the details about the new building that was going to be in the downtown area, that it would be expanding their service capacity from 8,500 people to 20,000, which was exciting; that the best place to get some good information about hurricane preparedness was at www.readyhouston.tx.gov; that there was a lot of information to help people walk through plans for the hurricane and emergency plans for their family; that Mayor White had been paying attention to the hike and bike trails throughout the City and Nicholson Street had been one that had been focused on by his constituents and would go from 26th Street down to 7th Street on Nicholson Street, that it had been slow in coming but this month construction for the Nicholson Hike and Bike would commence, that they would keep them posted once they knew the exact date. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that tomorrow they would have the Gulfton HPD Storefront makeover ribbon cutting ceremony, at 5980 Renwick at 9:30 a.m.; that Sister Cities of Houston was holding their September Concert on Thursday, September 18, 2008 between 7:00 p.m. and 8:00 p.m. at Houston Baptist University at 7502 Fondren; that he wanted to remind everybody that tomorrow was 9/11 and everyone should reflect as to what that day meant to all of them; that tonight was the Mayor's Ramadan Dinner at the reflecting pool, that it would start at 6:30 p.m. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:56 p.m. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Garcia, Rodriguez, Brown, 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

Anna Russell, City Secretary