

City Council Chamber, City Hall, Tuesday, October 7, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 7, 2008, Mayor Bill White presiding and with Council Members Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell and Melissa Noriega; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Xavier Herrera; Citizens Assistance Office; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Members Toni Lawrence, Ronald C. Green and Jolanda "Jo" Jones absent on city business.

At 1:55 p.m. Vice Mayor Pro Tem Lovell called the meeting to order and stated that Council would begin presentations. Mayor White, Council Members Johnson, Clutterbuck, Holm, Brown and Noriega, absent. Council Members Lawrence, Green and Jones absent on city business. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that he was joined by Council Member Rodriguez on behalf of Mayor White in recognition of Hispanic Heritage Month, understanding Houston was a very diverse city and those from many walks of life came here looking for opportunity and most importantly to give back; that one individual knew no limitations and invited Mr. Frank Partida and his family to the podium. Council Member Rodriguez stated that he and Council Member Garcia were able to be here today because of people like Mr. Partida and it was important to recognize where you came from and where you were going; that Mr. Partida spent his lifetime increasing the visibility of the Hispanic Community in Houston and he became involved in the political process and encouraged others to become involved; and Mayor Pro Tem Garcia presented Mr. Partida a Proclamation proclaiming today as "Frank Partida Day" in Houston, Texas. Mr. Partida stated that today he felt like Lou Gehrig felt when he was honored at Yankee Stadium, he felt he was the luckiest man alive. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Brown and Noriega, absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Rodriguez stated that it was an honor to recognize another who won the Mayor's Hispanic Heritage Award Mr. Daniel DeLeon and invited him to the podium. Council Member Rodriguez stated that Mr. DeLeon was Principal at Chavez High School and worked hard to achieve student improvement and their overall academic improvements and improved many things in the school and brought up activity; and invited Mr. DeLeon to the podium. Mayor Pro Tem Garcia stated that it was with honor and pride to present him the Proclamation proclaiming today "Daniel DeLeon Day" in Houston, Texas. Mr. DeLeon stated that it was a privilege to stand here knowing he was standing on the shoulders of giants like Mr. Partida and others, it was a tribute to his staff and team that this award came through, he told them as Principal he was able to take credit for other people's homeruns; and he thanked all for the recognition. Mayor White, Council Members Clutterbuck and Noriega, absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams stated that she was excited to do her presentation, they just got over Hurricane Ike and this group stepped forward and gave their all and invited Area Commander Major Marshal Gesner with the Salvation Army to the podium. Council Member Adams stated that the Salvation Army had been serving the community since 1889 and they fed and provided ministry to the first responders after the hurricane and today they saluted and applauded their commitment to the community and presented Major Marshal Gesner a Proclamation proclaiming today as "Salvation Army Day" in Houston, Texas. Major Gesner stated that he was proud to be a citizen of Houston and the Salvation Army had served about 2,000,000 meals and distributed 40,000 cleanup kits since Ike came ashore and now were

distributing food baskets and presented the city with a food basket and thanked them for honoring the Salvation Army. Mayor White, Council Members Clutterbuck and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Sullivan thanked Commander Gesner for all their work and stated that the Salvation Army cooked meals for everyone at Transtar during Hurricane Ike and they very much appreciated them. Mayor White, Council Members Clutterbuck and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan invited those present for his presentation to the Gulf Coast Ike Relief Fund to the podium and stated that Houston was known as the most generous city and after being tested every time even in different parts of the world Houstonians came through with tremendous compassion and generosity and after Hurricane Ike those present with him dedicated air time and many funds were raised and a check for over \$65,000 was presented to the Ike Relief fund; and spokespersons present stated that their communities were proud to help and thanked all for the recognition; and Council Member Khan presented Certificates of thanks to those present. Mayor White, Council Members Clutterbuck and Holm absent. Mayor Pro Tem Garcia presiding.

At 2:21 p.m. Council Member Johnson introduced Pastor R. C. Sterns with Living Water Rock Salvation Ministries who led all in the prayer and Council Member Johnson led in the pledge. Mayor White and Council Member Clutterbuck absent. Mayor Pro Tem Garcia presiding.

At 2:25 p.m. the City Secretary called the roll. Mayor White and Council Member Clutterbuck absent. Council Member Lawrence Council Member Green Council Member Jones absent on city business. Mayor Pro Tem Garcia presiding.

Council Members Khan and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor White and Council Member Clutterbuck absent. Council Member Lawrence, Green and Jones absent on city business. Mayor Pro Tem Garcia presiding. MOTION ADOPTED.

At 2:25 p.m. the City Secretary began calling the public speakers. Mayor White and Council Member Clutterbuck absent. Mayor Pro Tem Garcia presiding.

Ms Lori Roberts, 12211 Fondren, Houston, Texas 77035 (713-723-4342) appeared and stated that she loved Houston and it was good to be back home; that she was away because of Hurricane Ike and those at 211 said they were not in the emergency zip code; that she and her friend, Mr. Wardwell, had the same issue; that they pleaded with emergency management to help people but were told they were not in the right area. Mayor White and Council Member Clutterbuck absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that Ms. Roberts made a good point and they needed her help; that before the hurricane they had about 200 to 300 people who registered with 211 and they knew that was not all the vulnerable citizens Houston had; and Ms. Roberts stated that her parents had to pick her up and take her to Dallas and what would happen the next time; and Mayor Pro Tem Garcia stated that they appreciated good constructive criticism and they were thankful she came to share information; that a gentleman was present from the Office of Public Safety and Homeland Security and Ms. Michele Colvert was present to speak with her. Mayor White, Council Members Clutterbuck, Adams and Khan absent. Mayor Pro Tem Garcia presiding.

Council Member Noriega stated that this was a crucial issue and she brought up an

important point, there were also seniors who needed attention and when registered with 211 they should be able to count on assistance and she would like a list of who was in the area and this would be looked into. Mayor White, Council Members Clutterbuck and Adams absent. Mayor Pro Tem Garcia presiding.

Mr. Joseph Wardwell, 12211 Fondren, Houston, Texas 77035 (713-728-8120) appeared and stated that his problem during Hurricane Ike was he had to move in with his family and they had to carry him up and down stairs; that he tried to call 211 and 311 and they both said his zip code would not be moving at all and he asked why but the lady would not say why and would not give her name. Mayor White, Council Members Clutterbuck and Adams absent. Mayor Pro Tem Garcia presiding.

Council Member Johnson stated to Mr. Wardwell and Ms. Roberts they had summed it up eloquently and he believed they recognized they lived in a great city but circumstances happened and there was room for improvement and this was one of those; that he knew Center Point had a list of critical care patients in their database and believed the City of Houston should also, but it should not be just either one of those responsibilities, but they needed to work in concert with many social service organizations to insure they knew where everyone was and able to provide whatever services were needed. Mayor White, Council Members Clutterbuck and Khan absent. Mayor Pro Tem Garcia presiding.

Council Member Holm stated that one thing all found was it was not the event of the hurricane so devastating as the after affects and how to handle it and she would commit to work with Council Member Johnson or Council Member Noriega through her committee. Council Members Khan and Lovell absent.

Council Member Brown stated that he was sensitive to their issues and one observation was the city needed to better utilize the existing civic infrastructure in the city rather than trying to impose a new one dictated by FEMA; and upon questions, Mr. Wardwell stated that if it happened again he would like another recourse rather than for them to have to go with their families. Council Members Sullivan and Khan absent.

Council Member Adams stated that she thanked Ms. Roberts and Mr. Wardwell for coming and when the Mayor and Judge Emmet did the evacuation plan they had assisted living and nursing homes call a particular number and they would be evacuated in a timely manner, but Anna Dupris was an assisted living facility and they had seniors in the same situation and there were no generators for them and they had to go down stairs instead of elevators, etc., and when such properties were inspected they needed to have an evacuation plan in place with generators and the owners of those facilities needed to be held accountable; that she called 311 and said she was disabled and needed transportation and they could not provide her with information, but she would like a way to put assisted living facilities in responsibility; and Mayor White stated that it would be appropriate at a point to do post operations analysis on medical and assisted living and for those who were not in mandatory evacuation areas but who may have disabilities and he would ask Ms. Stein to give some thought to the most appropriate form of committee they had. Council Members Khan and Holm absent.

Council Member Noriega stated that she wanted to point out both speakers were in areas that were not mandatory to evacuate and they may need to add those with other issues to the registration. Council Members Khan and Holm absent.

Mr. Bobby Rich, 8001 W. Tidwell #2005, Houston, Texas 77040 (713-862-1673) had reserved time to speak but was not present when his name was called. Council Members Khan and Holm absent.

Ms. Vanessa Ray, 5090 Richmond Avenue #156, Houston, Texas 77056 (no phone) appeared and stated that she was a registered nurse and present looking for financial assistance; that she was involved in legal entanglement with the state, they were trying to get things better for nursing homes and hospices and they could contact her or Representative Coleman as they were looking for changes; that also she was the only nurse chosen in June to go to China but she was not able to go and all other cities were represented but Houston. Council Members Khan and Holm absent.

Upon questions by Mayor White, Ms. Ray stated that yes, she was looking for representation by an attorney; and Mayor White stated that they would ask Ms. Vasquez to provide her phone numbers for assistance, he did not know her particular situation and the City of Houston did not provide legal representation, but they did have referral numbers. Council Members Johnson, Khan and Holm absent.

Ms. Annie Vaughn, 270 North Carolina, Houston, Texas 77029 (713-676-2916) appeared and stated that she had a six year old mentally retarded ADHD diagnoses; that she did not talk until four years and after six years doctors recommended she get special education in order to get transportation to and from her home, but at Grimes Elementary a scene was caused before the hurricane and both were maniacs with a school taser and she just took her to the door and did not enter in and the one at Grimes still had not submitted the application. Council Members Johnson, Adams, Khan and Holm absent.

Mayor White stated that this body had no authority over elementary schools and the School Board did have public meetings and authority; and Ms. Vaughn stated that they were working on it but she wanted Council to know. Council Members Johnson, Adams, Khan and Holm absent.

Mr. Robert Moore, 2600 South Loop West #355, Houston, Texas 77054 (832-893-7994) appeared and stated that he was present to discuss an issue on how things were handled through the hurricane; that he took a young man into his house because he had no power or food and he walked him through the process of aid for food, etc., and the Food Stamp Office denied him approval of assistance as he had a previous felony; that he took over the conversation and asked about him being denied assistance during a disaster because of a felony after 1996 and she said yes and he could not understand that. Council Members Johnson, Adams, Khan and Holm absent.

Mayor White stated that Ms. Vasquez may have contact numbers for him, but the federal food stamp program was administered through the federal government and unfortunately they did not report to the city; that at the Northeast Multi Service Center the city's Department of health and Human Services had someone serving as an ombudsman for people dealing with issues involving offender reentry and Ms. Kathy Barton was present and could give him a phone number of who to contact there. Council Members Johnson, Adams, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

Mr. Brandt Mannchen, 5431 Carew, Houston, Texas 77096 (713-664-5962) appeared and presented a statement from which he read and stated that he was representing the Houston Sierra Club and thanked the City of Houston for pursuing the renewal of the flexible permit for the Lyondell refinery to reduce benzene emissions; that in August there was an upset at Valero, a fire, which caused people to go to the hospital and precipitated a lawsuit and Valero stated that they wanted to increase their buffer zone, but it was insufficient from air pollution and suggested an agreement between the company and community with the city facilitating the preparation and implementation of that agreement showing how they would reduce pollution and have an adequate warning system, etc. Council Members Johnson, Adams, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

Mayor White stated that someone wrote a letter and it was in the Houston Chronicle and he was objecting to the City's stand in asking the State to deny the permit for Lyondell with his points being they would run the refinery out of business, but that was not the city's intent and if they would bring books and show that would happen he would meet with them, they had an open invitation and this being federal law, they asked the state to give them a trial in Austin and allow both sides to present evidence; and at the end of last week they received a positive response from the EPA to the petitions filed asking them to tighten up the benzene rules and they said they were willing to work with them on guidelines. Council Members Adams, Khan and Holm absent.

Council Member Rodriguez stated that they were working to set up a procedure meeting with Valero and if he would like to partner with them it would be great, they needed a policy when there was an event at the refinery letting them know of a shelter, etc. Council Members Adams, Khan and Holm absent.

Council Member Brown stated that he vigorously supported the Mayor on this and what the Sierra Club had been doing; that the problem was no action following input from the community with specifics as buffers, monitors, etc.; and upon questions, Mayor White stated that one of the most toxic of all substances emitted was benzene and all states that had refining had tighter standards than Texas and they were complied with. Council Members Adams, Khan, Holm and Rodriguez absent.

Ms. Lydia Caldwell, 5106 Aspen, Bellaire, Texas 77401 (832-630-4189) appeared and presented a statement in which she stated that she was a BARC volunteer and animal advocate and knew Council was aware BARC was severely underfunded; that today she was not alone and asked all those present with her to stand to be recognized; that all present today wanted Houston's homeless animal population to dramatically drop and with the current opportunity to hire a new bureau chief for BARC came opportunity to accomplish the goal; that it was not rational to catch and kill over 30,000 dogs and cats at BARC alone every single year; that Mr. Nathan Winograd, attorney, wrote a book "Redemption" which was presented to the Mayor and Council Members and it was the nation's proven gold standard in "no-kill" sheltering and they were urging the city to retain his recruitment services to hire the best candidate available for the Bureau Chief position; that his "No-Kill Equation" dramatically lowered kill rates in every high-kill facility that he worked with and the cornerstone of that equation was high-volume, low-cost, geographically accessible spay/neuter ordinances; and this was Houston's opportunity to finally hire a Bureau Chief for BARC who had knowledge and commitment to evaluate BARC and the City of Houston's "No-Kill" status. Council Members Khan and Holm absent.

Mayor White allowed Ms. Caldwell to complete her statement; and Ms. Caldwell stated that the individual would focus on providing low-cost spay/neuter programs, fundraising, education and increasing volunteers and adoptions; that they must not have another Bureau Chief with a high-kill facility background. Mayor White thanked Ms. Caldwell for the book and stated that he would read it and if individuals wanted to recommend anyone for the position they welcomed the recommendations, no one would be excluded from the list based on their experience. Council Members Sullivan, Khan, Holm and Garcia absent.

Ms. Zandra Anderson, 7941 Katy Freeway, Houston, Texas 77024 (713-222-7600) appeared and stated that she was an attorney and native Houstonian and devoted much practice to animal law and was author of the Texas Dog Law Manual and was a copulation of Texas Dog and Cat Laws; that she did extensive research and was knowledgeable about issues Ms. Caldwell talked of regarding animal control; that in terms of filling a director opportunity with someone energized and willing to try a "No-Kill" solution you did not want to burden them with an enforcement nightmare such as mandatory spay/neuter, it was an enforcement nightmare to

enforce. Council Members Sullivan, Khan, Holm, Garcia and Lovell absent. (NO QUORUM PRESENT)

Council Member Noriega allowed Ms. Anderson to continue; and Ms. Anderson stated that they could fill the position with someone wanting the "No-Kill" and without harsh laws and look at it as a voluntary spay/neuter and all could support that; that with stiff fines to enforce some would have to let their dogs go and just buy a new one; and Council Member Noriega stated that they were suggesting putting resources into assisting a spay/neuter rather than doing other things; and Ms. Anderson stated yes, and to have positive initiatives at BARC for adoption of healthy animals; that 90% of pets were bought with only 10% coming from shelters. Council Members Khan, Holm and Rodriguez absent.

Council Member Clutterbuck thanked all for coming and stated that she would reiterate her support on having a discussion of this, it was a very timely opportunity since they were considering a new director; that she and Council Member Brown were discussing it may be an issue for the Sustainable Growth Committee, but clearly there was an outcry of citizens who wanted serious attention to the issue and it was within the perimeters of what they could do within the budget and it competed with other things in the budget, but then they could partner with other nonprofits who had a passion for the issue, it did not have to be government alone. Council Members Khan, Holm and Rodriguez absent.

Mr. Jack Cummings, 10651 North Brook Drive, Houston, Texas 77043 (713-206-1097) had reserved time to speak but was not present when his name was called. Council Members Khan, Holm and Rodriguez absent.

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

Mr. Randall Kallinen, 1406 Castle Court, Houston, Texas 77006 (713-320-3785) appeared and stated that he was president of the American Rights Association and a civil rights attorney in Houston and present to help an individual who came to him, the individual was arrested on a Class C misdemeanor and went to the Mykawa Jail and alleged he was assaulted by a jailer and instead of being taken to a court room where a judge could arraign him he was immediately let out the jail door; that Mr. Chukwu noticed there was a video camera and made an IAD complaint and there was actually an admitted video and IAD also took pictures of his injuries and they found a witness, however, despite all evidence their finding was they could not determine whether Mr. Chukwu was a victim of excessive force, however, they had all information and witnesses; and Mr. Chukwu was present today to get that information, he wanted to see what happened and he believed he was entitled to it as the jail was city property and he was on the video; that citizens deserved openness and transparency; that he was beaten by a jailer, moved to another area and beaten and kicked again and what was suspicious was they did not take him to a courtroom, but said he could leave with no charges; and he was trying to help get the evidence so they could see for themselves. Council Members Khan, Holm and Rodriguez absent.

Council Member Garcia stated that he thought what Mr. Kallinen requested was fair; and upon questions, Mayor White stated that there was; that there were various statutes which described circumstances to where people could release investigatory files or documents related to misconduct and they did abide by them; and Mr. Kallinen stated that under the Open Records Act, exceptions were only what governments may not give, they were not forced to not give them, but for public confidence they should give them; and Mayor White stated that the statute said, "The department may only release information in those investigatory files or documents related to a charge of misconduct" and then described three circumstances; that it was

designed to protect the investigatory process and those who provided the information, but they would take it up and did have legal council. Council Members Khan, Holm and Rodriguez absent.

Council Member Noriega stated that she was more concerned if something inappropriate occurred rather than accessing the video and they needed to follow-up with that; and Mayor White stated that he agreed and for the HPD representative he would like someone to inform him of the circumstances and status of the investigation. Council Members Khan, Holm and Rodriguez absent.

Council Member Lovell asked if that would mean that videos could never be released or just not at this point in time because the videos were there for protection of the officers or the persons in custody; and Mayor White stated that he thought it meant they could never be released, but he was just reading and they gave him most but not all of the statute and instead of winging it he would get the whole statute; and Council Member Lovell stated that she would request Chief Lumpkin to call her and educate her on the process; and Mayor White stated that would be good. Council Members Khan, Holm and Rodriguez absent.

Mr. Kullinen stated that they were not asking for the investigative reports, only the video and that was not taken as an investigation, it was an existing document, something created at the time of what happened. Council Members Khan, Holm and Rodriguez absent.

Mr. Charles Chukwu, 15623 Briargate Court, Missouri City, Texas 77489 (832-265-3063) appeared and stated that on March 11th he was arrested and sent to the Mykawa Jail near 4:00 p.m. and it was over a minor incident of the mispronunciation of his name; that the officer pronounced his name as Charles Chu and he said did he mean Charles Chukwu and then he was told to go put his hands on the wall and not ask any questions; and he said he only wanted to know if it was him he was calling and he was not Charles Chu and the officer rushed him and kicked him and he fell to the floor and then was thrown punches at and all saw what happened and no one stopped him; that he then was taken in another room and his clothes were torn and more punches were thrown (he showed his shirt) he was then handcuffed and taken to a cell room; that his assault case was discharged and witnesses said they would be his witness, but he was dismissed and told to go; that he made complaints and there was an investigation but was told there was insufficient evidence and he wanted a reinvestigation and was asking for the video tape and pictures of his bruises; and he did not want this to happen to others. Council Members Khan, Holm and Rodriguez absent.

Upon questions by Council Member Johnson, Mr. Chukwu stated that he was charged with assault and was in jail two nights, but he was just released, totally dismissed; and Mr. Kallinen stated that he was charged with a Class C assault, taken to jail, beat up and then charges dropped and he was let go; and Mr. Chukwu stated that after his beating he was taken to 4:00 p.m. court and the judge dismissed the case, he never knew he was beaten in the jail; that he went before the judge and the judge said your case has been dismissed; that he then went to get names of witnesses and was called out and released; that IAD did an investigation and they said a formal investigation on his complaints was conducted and found it to be lawful and proper and his allegation was found false; and Mr. Kallinen stated that the finding said not sustained and the definition was insufficient evidence to prove or disapprove and that was why they wanted the video; and upon questions by Council Member Johnson, Mayor White stated that he wished he knew everything, but he did not, he did know there were some statutes which governed disclosure of materials gathered during an investigation and he heard Mr. Kalinen's point about the information and they did have disciplinary processes when discipline was imposed, but he did not know what the case was regarding the complainants access to the tapes but would try and find out. Council Members Khan, Holm, Rodriguez and Lovell absent.

Mr. Chukwu stated that according to a discussion he had with the investigator, Sgt. Alvin, in July the officer admitted he beat him up, he never denied it; and Mayor White stated that he heard him and Council Members say they were interested in the investigation and sometimes statutes were passed to encourage photographic equipment as opposed to people not have such things in place to protect the investigative process and he wanted to get a legal answer to the legal question about the citizen's access to the information as well as the report of the investigation. Council Members Khan, Holm, Rodriguez and Lovell absent.

Council Member Noriega stated that she was still confused, she understood there was an internal investigation and they thought it was completed and found no sufficient evidence to sustain; and Mayor White stated that he did not have a full briefing; and Council Member Noriega stated that she did not know what recourse they had, but it would be wise to follow-up and have a look. Council Members Khan, Holm, Rodriguez and Lovell absent.

Mr. Josh Thomas, 713 Sue Barnett, Houston, Texas 77018 (713-646-1322) appeared and stated that he was present regarding the City of Houston Design Manual, Chapter 9 which related to storm water design requirements, specifically 9.05H related to storm water detention and was present to inform all that this requirement was being enforced in a way which forced residential property owners to bare a disproportionate share of the responsibility for the mitigating the issues and was asking Council to reinstate a prior exemption to the requirement for residential lots and if there was no exemption to follow he would hope Council would talk to Public Works and Engineering about laying guidelines so people could comply with the requirement which was if you did seek a permit for any development which would result in 120 square feet of new and pervious cover, a house, driveway, anything you had to submit a plan for city approval telling them how you would handle storm water on the property and it required subsurface internal drainage, storm drains in the yard and detention and the amount of storm water having to be detained on the property based on formula of the design requirement and for example he had an ordinary subdivision lot in Garden Oaks and he would build a house, garage and driveway about 5,000 square feet total in pervious cover and that equated to 8,000 gallons of storm water he had to detain somehow and if it was a pond it would be 20 feet wide by 10 feet long by 5 feet deep and standing or stagnant water could result in a \$50.00 to \$2,000.00 fine from the Houston Police Department and it was a mosquito haven, dangerous to his children, etc., that there had been an exemption for lots less than 15,000 square feet, they did not have to comply with that requirement, but as of October 1, 2008, the exemption was gone and that would be for any house built within the City of Houston and it was a big deal. Council Members Khan, Holm, Rodriguez and Lovell absent.

Council Member Garcia stated that they were looking at his case and trying to gather information and his staff found details on how the subdivision occurred and how it affected him and they would work with his Council Member and coordinate efforts to see if they could bring him resolution. Council Members Khan, Holm, Rodriguez and Lovell absent.

Council Member Brown stated that they could not solve flooding in small detention areas scattered around willy-nilly, it was not a smart way to do it, but he wondered how he would feel about a payment in lieu of providing detention on his property; that the Mayor said they needed to get into the regional detention business and they had properties and opportunities to do that; and Mr. Thomas stated that he would agree with that and even in the revised manual as of October 1 there was a way to do it, but only if there was a regional study done stating the particular lot did not need detention and they would accept a payment, but if the study had not been done he would not even want to think of how much it would cost. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Mayor White stated that Mr. Norman was present and could speak with him; that one thing they did was Council voted ...; the more built the more of the ground was lost and the greater

flood runoff problems would be; that on the issue of size of the lot they tried to be careful and have lot size requirements, they used to deal with entire blocks, but because of flooding needed to do something different; that Mr. Norman's advise was complying without having a big pond and he was familiar with some things done to offset that loss and he should visit with him. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Ms. Jackie Carpenter, 7047 Bissonnet, Houston, Texas 77074 (713-995-0251) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Ms. Patricia Ann Harris, 9520 Wilcrest, Houston, Texas 77099 (281-933-9624) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Mr. Paul Magaziner, 3773 Richmond Avenue, Houston, Texas 77046 (713-626-4045) appeared, presented information and stated that he thanked the Mayor and Council for all their leadership during Hurricane Ike; that his purpose today was to show METRO misrepresentations; that the letter of September 2008 from the Deputy Director of the FTA it appeared METRO was trying to redraft the FTA Penta-P Program to meet their inability to move forward with the facility provider contract which would place adequate risk on the facility provider; that risk was not being transferred and there was no guarantee maximum contract; that from 2004 to 2009 there were no FTA guarantees; were property and business owners being dealt with transparently since over half the takings recently advertised did not even have a street address, but a legal address, he did not know his legal address, only street address, it was not transparent ; and he would ask the city to review. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that he brought compelling points and she would urge the City Attorney give Council a legal opinion on the important issues; and Mr. Magaziner stated that on the FTA New Starts Financial Document reading from page 7, however, the general mobility agreement allowed METRO to retain the 25% of sales tax revenue if needed for public transportation; how did the FTA know this; would loss of \$600 million plus for road improvements through 2014 be okay, it seemed any option METRO may have had to keep the 25% as per the 1999 agreement disappeared with the 2003 election and should they be allowed to proceed with the FTA at all based on the 2005 and 2006 financial statements; that the \$100 million METRO owed the city in current liabilities appeared to be off METRO's balance sheet and they were kicked out of the Penta-P program in October 2007. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Mr. Douglas Nichols, no address (no phone) appeared and stated that he was present with a strange situation of stalking and harassment by the community; that he filed police reports and brought it to Council's attention; that his life was in danger with several trying to kill him because of Judge Nichols program; and again was asking for help. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. (NO QUORUM PRESENT)

Ms. Patricia Ann Harris, 9520 Wilcrest, Houston, Texas 77099 (281-933-9624) was previously not present when her name was called, but was recalled and appeared and stated that she appreciated what the Mayor and Council Members did during the storm; that she went through what some of the other physically challenged people went through and they appreciated them listening and doing something to help make corrections in the future. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. (NO QUORUM PRESENT)

Ms. Joyce Ballenger, 11301 Gladewater, Pearland, Texas 77584 (713-436-4972) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Mr. Kenny Banks, 7107 Peerless, Houston, Texas 77021 (713-203-2505) appeared and stated that he was present to bring exposure to the cleanup they were involved in throughout the city, involving the prime contractor DRC and the subcontractor Cahaba he wanted to know if Council knew how the process was being carried out and how locals were being left out and he also had examples of grid maps and crew numbers which would support his findings. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Council Member Garcia stated that last week they had a meeting in the Chambers regarding the issue and wanted to communicate to DRC they were asking them to pay attention to local business people; and upon questions, Mr. Banks stated that he went to the pre-bid two years ago and said they needed an agreement in place before a storm, now no one wanted to stop and listen and those picking up bragged about having the highest minority participation in history but it was not true as they had to be local MWBE local businesses for it to be counted on the city contract; and Council Member Garcia stated that he did believe he was on point and he called the meeting and attended by those certified by the city; that a fast tracking certified process was provided to the program and with Ms. Law's office and if the dollars fell short there would be discussion held at the Council body, but the purpose of the meeting was over what he said and to encourage a relationship. Council Members Sullivan, Khan, Holm, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Upon questions by Council Member Adams, Mr. Banks stated that Cahaba was the sub to DRC and there were probably three vendors working under the contract from out of state and they occupied probably 75% of all zones in the city and they were taking older neighborhoods and putting friends or other businesses there while minorities received \$1.00 increase for cubic yard if they could not get to the material they were not making money and someone from the city needed to help split the grids. Council Members Khan, Holm, Garcia, Brown and Noriega absent. (NO QUORUM PRESENT)

Mayor White stated that they would not ask anyone to stop from removing debris and there was an exchange between him (Mr. Banks) and Council Member Garcia and he wanted to clarify under the MWBE rules, under certification, there was a local office and employment requirement and there were a number of businesses here doing business in other cities and by the same there were MWBE companies from elsewhere allowed to do business and qualify under the city's MWBE program. Council Members Khan, Holm, Garcia, Brown, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mr. Larry Rocky Jordan, 230 Delmar #11, Houston, Texas 77011 (no phone) appeared and stated that a young man just answered all his questions and he had no need to speak, but appreciated their time. Council Members Khan, Holm, Garcia, Brown and Noriega absent. (NO QUORUM PRESENT)

Mr. Dallas Foster, 20922 Twisted Leaf, Cypress, Texas 77433 (713-213-5265) appeared and stated that his issue was recommended by the Quality of Life Committee yesterday to be repealed, it was an ordinance, Chapter 46, Sections 28-37, regarding attention getting devices; that he had not heard a major outcry or news reports against them and he saw no emergency, but he did see much debris from large metal signage and billboards since the storm; that he saw no debris from his type of advertising and there had never been a safety issue regarding it; that the reasoning for changing this were studies showing attention getting devices pulled

attention away from drivers, when actually studies showed inattentiveness from drivers was from things mostly happening inside their car; that if this type of advertising was banned it decreased the amount of revenue taken in, it decreased sales and by limiting advertising they limited the city's tax revenue. Council Members Khan, Holm, Garcia, Brown and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Foster stated that his company was Texas Boys Balloons, Inc., and they manufactured, sold and rented the giant inflatables which they also provided for city events and he just found out about this Friday. Council Members Johnson, Adams, Khan, Holm, Garcia and Noriega absent. (NO QUORUM PRESENT)

Mrs. Lori Foster, 20922 Twisted Leaf, Cypress, Texas 77433 (713-213-5265) appeared and stated that she was owner of Texas Boys Balloons, Inc., and they provided roof top giant inflatables the Quality of Life Committee was trying to ban in Houston; that they helped to inflate sells in the community and they were fun and temporary, they were used short term and caused no environmental damage; that it bothered her to read false statements about their items and the city used their items; that they committee said special amendments would be made so the City of Houston could still use them but yet businesses could not and to her that was discriminatory, obviously the city knew they worked, she was donating one now to a college who wanted to attract students; that the proposal said they were distracting, but she could say the statues or the art was distracting; that their product could be seen from miles away it was not like turning a corner and all of a sudden seeing giant heads; that the committee said the National Highway Traffic Safety Association had studies done and she could present them and they said the inattention of drivers was primarily from in car distractions. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. and Ms. Foster for coming to Council two days in a row; and upon questions, Ms. Foster stated that the contract ranged about a month and there was clutter all over the city, but many liked their balloons; that they were not the sole provider and were only commercial. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that yesterday someone said there was a study which showed sales were increased by 30% or more with the balloons and she hoped it was on the way, no one was rushing into this and it would not be on next week's Agenda. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Allan Muir, 4017 Trey, Houston, Texas 77084 (281-463-0080) appeared and stated that he was present on the same subject and was owner of Bear Creek Balloons; that they were in business 33 years and provided the useful service to businesses; that they never had a client not say it did not do good for their business and numbers quoted by the IADA, the association they belonged to, was walk-in traffic showed a 15% to 35% increase; that the proposal was offered under false pretenses, they called it an emergency and no one was able to say what the emergency was and no one was able to quote one safety issue or one health issue; that bad information made bad laws and in this economy it was absurd to legislate someone out of business because someone did not like the way it looked. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she was serious about getting the information and they were not ram-rodging this, it was an ongoing discussion, it was set aside and now brought

back and they were listening to what they had to say. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Virginia Gregory, 9806 Westview, Houston, Texas 77055 (713-465-5814) appeared, presented pictures for viewing and stated that she was with the Spring Branch Civic Association and present to thank Council for all debris being picked up Friday; that this morning she attended the TIRZ No. 17 monthly meeting held at Memorial City Hospital at 7:30 a.m. and she had issues regarding complaints which happened in her neighborhood and brought them to their attention and was told to put it in writing and submit it and they would try and answer her questions in one month; that the flooding shown in pictures they called a small amount of ponding; that TIRZ 17 decided to facilitate shoppers to go to Memorial City and they declared a road 7/10 of a mile a major thoroughfare and decided to make it into a four lane road and because of that they ripped out everything and lowered the bridge from where it used to be. Council Members Johnson, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Mayor White stated that he wanted to say to the citizens and Council Members that they were calling this the worst financial crisis since the great depression and he had bond people up stairs talking to him about the city's finance and he wanted them to know that Ms. Stein and others filled him in when a citizen appeared and he was not able to hear it; and Ms. Gregory stated that she did hope it was all forwarded to him as it was very important. Council Members Johnson, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Clutterbuck allowed Ms. Gregory to continue; and Ms. Gregory described the construction of the bridge and stated that the TIRZ built the bridge differently and was really just a low riding road, not a bridge; and the pictures showing the flooding was not because of Ike, it was the light rain afterward, debris came down and would dam up the culverts and water came within two to three inches from getting into people's homes on Pine Lake, Long Branch, Confederate and Spring Rock; that another issue with the TIRZ was signs okayed by Council Member Lawrence regarding subdivisions, theirs was perfectly okay, but the TIRZ took them down and she did not think they intended to give them back; that also while all was in the dark for 16 days after Ike the TIRZ continued working and in the process cut the street light cables and when their lights finally came on in their homes they still had no street lights and still did not and after talking to Center Point a delivery was made to her from Center Point stating road construction on Bunker Hill had street lights out, they cut the cable, and after they finished the street work the street light circuits would be rerouted and back on, but that would be a year from now and she wanted the streets lit. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that on the signs they would make an inquiry with the TIRZ to find out what happened and on the letter the TIRZ asked for she should give it to them and cc her and her Council Member and the At-Large Council Members and on the flooding they would forward her pictures and Council Member Khan was not present but did chair the Flooding and Drainage Committee and it looked like an issue for them; and Mr. Gary Norman with Public Works was present and they would show him the pictures and he could speak with her at this time. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Leo Pines, Jr., Star of Hope (no phone) appeared and stated that he was Senator Leo Pines, Jr., and chosen by Jim Lashbrook of the Ft. Bend County Sheriff's Department and family

and his father served as senator here; and continued expressing his personal opinions until his time expired. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she could not say if the city had any information on what he spoke of or that the city could help but he could speak with Citizens Assistance and see if there was anyway to assist him. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell 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, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Barry Honeycutt, 8214 Colgate, Houston, Texas 77061 (713-824-2194) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell 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, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 4:51 p.m. City Council recessed until 9:00 a.m., Wednesday, October 8, 2008. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Adams, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, October 8, 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 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:19 a.m. Mayor White called the meeting to order and stated that the first order of business was a public hearing. Council Members Holm and Brown absent.

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

1. **PUBLIC HEARING** on the proposal to establish a tax rate of \$.63875/\$100 of value for Tax Year 2008 – was called. Council Members Holm and Brown absent.

The City Secretary stated that no one had signed up to speak at the public hearing and asked if there was anyone in the audience who wished to speak and heard no one.

The City Secretary stated that the vote to adopt a property tax rate for the City of Houston for 2008 will be considered at the City Council meeting to be conducted in City Council Chambers, Second Floor, City Hall, 901 Bagby, on October 22, 2008, convening at 9:00 a.m.

Council Member Garcia moved to close the public hearing, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0742 ADOPTED.

### **MAYOR'S REPORT** - Hurricane Ike recovery update

Mayor White stated that he would ask Council Members to help the administration, with their eyes and ears, to understand, remember and monitor their progress on getting their City in shape following the worse natural disaster, that while the eyes of many might be deflected by the financial crises out of New York that had spread throughout the world, to help them make sure that they do it right; that on traffic lights, the number of signals that were blinking or dark were at low or below the normal level that they would have in pre Ike days, that there were some 2,400 or 2,600 traffic signals or signalized intersections, that he got reports at least once a day, that all of the signals somebody had touched the traffic signal, City employee or contractor, and pushed the reset button, there were over 1,200 of the 2,400 to 2,600 signals that were mechanically in the same condition that they were in prior to the storm, there were about the same number where there may be a light head missing or that the traffic light was twisted a bit, or parts missing, but they were not dark or blinking and the reset had been pushed for the timing, so within a week they should be where they were both mechanically and in the sequencing of the traffic lights prior to Ike; that on the debris removal, he would inform the City Council that the estimates of the total amount of debris to be removed had been going up, just because of the sheer volume of what they had been dealing with; that there was a case where somebody from FEMA thought they could tell from visual observation but the figure that was presented by Mr. Hayes, his best estimate of some 5 million cubic yards, was significantly low, but the most massive debris removal effort in a major American city continued to be underway in their community; that finally this week they were doing the roofing repairs on a volume basis beginning in the neighborhoods where there was high damage and where they had fairly high home ownership and some of their lowest income and the least likelihood of insurance, that the program where they worked with roofers and the Roofing Association to do it on a square foot basis so they got roofs put up on houses that were uninsured as quickly as possible, that the City Council acted prudently and quickly in authorizing some funds for that particular effort, that obviously there was a limit of what could be done; that those were some of the topics, that he, Ms. Mitchell, the City Attorney and others would spend some fair amount of time on them, that he would call one of the two highest priorities in City government right now would be to make sure they got fair reimbursement by FEMA in a manner that was appropriate for a disaster of this size and equitable with respect to what had been done with other cities in the past and in that connection he would request for an extension of the 100% federal reimbursement, which had been joined in by the State of Texas and made by the State, as they understood to be, at the White House, that would be a very important decision for the community on the 100% reimbursement of debris removal and to public safety expenditures, that it was inconceivable to him that given the state of municipal finance markets that the cities of the Country, and certainly the City of Houston, had no responsibility for the fact that people at bond insurers were unregulated, that there was a collapse of Lehman and short term municipal commercial paper markets and it would be inconceivable to him that creating a liquidity crisis or trying to put pressure on the liquidity of the City of Houston at the same time when people today were negotiating with GE and other commercial paper lenders, that he could not conceive the White House would let them down in that regard, but they would see.

After questions and discussion by Council Members, Mayor White stated that they would get them further information on the debris removal in all the areas; that there had been damage to City facilities and Mr. Dadoush's group was doing some sort of adjustment and they ought to get a report on those, that there were two sources of reimbursement and he felt that so long as insurance companies honored their policies and FEMA honored their obligations under federal law, uninsured losses of damage to public facilities could be compensated by FEMA and in addition they did have layers of insurance that covered City facilities, that he would ask Mr. Dadoush to report back to him and he thought it would be appropriate to report to Council, that the Mayor Pro Tem or Vice Mayor Pro Tem could see if people wanted to see if it would be a Mayor's Report or simply a written report concerning the repairs to City facilities. Council Members Holm, Noriega and Jones absent.

Mayor White further stated that as to the issue of what were they doing to insure that roofers did not just patch up the roofs but meet standards that would last through the next few hurricanes and be energy efficient, that he would break it down to two parts and maybe it would be an appropriate topic for a committee hearing; that the two issues that they could separate it into, one was for the commercial structures that were covered by the updated energy code to look at the terms and conditions of that and figure out what the policies were with respect to that; then they had residential, the consumers needed to be sort of in the drivers seat, if he was talking about replacing somebody's entire roof where there was something that was patched then under the terms of the program they were asking a person to assign a portion of their FEMA reimbursement to the City, that they wanted to get it patched, that he did not want to do anything that was not reimbursable by FEMA and covered within the terms of their adjustment and they had to make sure it complied with that; that back on commercial he would be very aggressive at what they ought to do on energy efficiency codes, and any particular group for new build construction and a residential energy efficiency program retrofitting and he thought that roofing and roofing material, both exterior and interior, they waste so much energy and it drives up their cost so much, that he did not want to discriminate against somebody concerning the obligation that was imposed on them simply because they tended to have hurricane damage, that sometimes when they try to kill two birds with one stone they miss, so that was what he had to weigh and he wanted to make sure that they could go in and provide a solution which was better than a blue tarp as quickly as possible to as many houses as possible before they got more mold damage in those structures, but he did think it was a fit topic; that he heard some information by some of their reputable, strong roofing contractors concerning widespread non compliance by building owners of the building codes that they had adopted earlier in the year, that he would not attribute the view to any particular person, that they wanted to come up with a compliance strategy which was educational not draconian, but if there were people out there daring the City not to issue a certificate of occupancy then that was not good either; that it was not their intention to slow down the process, Tier I and Tier II, of the Emergency Home Repair Program to the extent that they needed to have extra or contract inspectors, that would be the only constraint, then they needed to do that, so they would keep an eye on that, that it was a different set of contractors that did roofing only. Council Members Holm, Noriega and Jones absent.

Mayor White stated that he would complete the Mayor's Report, that Hurricane Ike reminded them of how important a radio communication system was, for example, points of distribution, they had to use and rely on people with their City of Houston radio system at each point of distribution reporting back to HEC and the supply yards, that as they knew a lot of fixed phone lines were out and a lot of cell phones were not working, so their radio system was a backbone, that communications, for example with TranStar, were almost impossible by cell phone or fixed line phone, so the public safety radio system they had was important, that his point was that both before and after, as he had reported previously to Council, he had taken some responsibility for the commercial negotiations to make sure that they had a radio system that met the functionality that they needed in the City, and he really greatly appreciated the fact

that two vendors had stepped up and each had devoted substantial resources to making competitive bids with the City of Houston, that he could tell them that there was no decision or recommendation that had been made nor were there any biases for or against any particular vendors and he would particularly commend the technical expertise of Mr. Sorely, where he had been probably a dozen or so hours of meetings with the vendors and the vendors teams and he had found on various technical issues that Mr. Sorely had represented the City very well; that it was their intention to notify vendors concerning the fact that there was certain additional pieces of information that they wanted this week and the decision ultimately, with some input, which he had already received, from technical experts and other jurisdictions for that matter, that decision would be made by him and would be based on price, and that was what he had said to people; that he was informing people that there had been no decision made and both competitors had competed well and in good faith and the City had to exercise that good faith as well. Council Members Holm, Garcia, Brown and Jones absent.

After further discussion Mayor White stated that if anybody had any particular information they wanted to share with him to please do so today because absent new information they would be deciding on the basis of price, that it would be important that they understand both the capabilities of the two vendors the relative pricing of having analog capabilities as well because of the high noise environment of the fire contract, that he would listen very carefully to the fire chief and firefighters when making a decision and he would urge future mayors and Council Members to do so in deciding whether they wanted that capability, so that would be an important capability and the price of that capability would also be important in the decision, and that concluded the Mayor's report. Council Members Holm, Garcia, Brown and Jones absent.

Council Member Sullivan moved to suspend the rules to consider Item No. 16-1 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Holm, Garcia, Brown and Jones absent. MOTION 2008-0743 ADOPTED.

16-1. **ORDINANCE AMENDING CHAPTERS 1 and 2 OF THE BUILDING CODE and CHAPTER 1 OF THE RESIDENTIAL CODE OF THE CITY OF HOUSTON, TEXAS**, relating to registration of roofing contractors; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Green. Council Members Holm, Garcia, Brown and Holmes absent.

After discussion Council Member Sullivan moved to suspend the rules to hear from Mr. Andy Icken, Public Works Department, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Jones absent. MOTION 2008-0744 ADOPTED.

Upon questions by Council Members, Mr. Icken stated that they took the Mayor's guidance to heart in terms of not creating new processes or new procedures, that today if they were a licensed electrician or plumber they register with the City of Houston, that it was a standard process they had, that it turned out that there was an omission in that system and the TRCC that roofers were not registered, that he did not know the reason that happened but it had been a process and the roofers had brought that to their attention, so the meeting that was held last week and this week they were in support of what the City had, that the goal they had was to not create new processes or procedures that would make errors as they implement at a time when timing matters to the entire community; that what they were suggesting in this process was that a roofer or a sub contractor of a general contractor comes down and registers, they expect that to be a 15 minute process, that it may take them an hour or two to get downtown and back, but that was the end of their interaction with the City's process; that they had today for electrical permits, street cut permits or plumbing permits they can all be gained on line, so a general contractor, typically today after he had his plan approved if it was more than a dollar amount, then goes ahead and acquires the permits and then they were faxed to the contractors, so the City's view is that they can all be done very expeditiously when a roofing contractor registers, if

he wanted to pick up the permits he could register other people under his company's name or even under his subcontractor's name if he did not have a company, that again it was a process that they had used for years for plumbers and electricians where they were trying to get some level of standard performance in the community so the community has that; that on the insurance, it was also a recommendation of the roofers contract and that was a million dollar number and it was general liability to include product coverage, that what they were concerned about, and they would find it out from TRCC and they found it out from the general contractors, typically insurance for roofing was more expensive than others, it was a risky venture and it was typically excluded from the policy, so it was typically written as a separate policy; that the information that he had this morning on cost on a typical roofer was .2% of revenue, that was the number, so if someone had a \$10,000 job that was a \$200 number that would come out; that what they were protecting the homeowner from was being sued for having a risky roof in doing that because it was a subcontractor and not typically covered under Workman's Comp, so it was an intention to come up with an insurance level that was not onerous and he was sure that number that he gave them was going to be different, person by person, depending on practices and historic practice, but their goal was to put something that they could put tomorrow morning and have it in place, and as the Mayor had said time mattered and there were thousands of roofs that had to be done, and they knew that in Kingwood the pickup trucks had showed up with a magnetic placard on the side of the truck and that was a concern, that they may be very viable and good contractors or they may not, and the registration process was not a licensing process, that he wanted to make that quite clear, that they were not asking somebody to prove that they could put on a three tab shingle or something like that, they were asking them to register; that the last comment he would make was how do they enforce it, they had a process in place, in the City, on bootleg construction, their word of what when on, that at 3-1-1 they get hundreds of calls a year from people who ask if those folks really have a building permit, they have zone inspectors who were out throughout the City that were looking for it, were they going to catch everyone, of course not, in this process, but they did have a process that they had used in place, they would tag them and cite them under the ordinance but it was intended to be some level of protection without introducing a broad base of bureaucracy or whatever and he did not think they were doing that in this process. Council Member Jones absent.

After discussion by Council Members, Council Member Noriega moved to suspend the rules to hear from representatives of the Roofing Industry, seconded by Council Member Clutterbuck. All voting aye. Nays none. MOTION 2008-0745 ADOPTED.

Mr. Billy Hood appeared and stated that he had been in the roofing business for 20 years in Houston; that when he registers for a roof replacement in the cities of West University, Bellaire, La Porte or Piney Point he was required to pull a permit with current existing insurance requirements with his name and social security, everything where they could locate him if he were an unscrupulous contractor, so before he could begin work in those particular parts of the City he was required to pull a permit and was required to have current existing insurance certifications which was forwarded from the insurance offices, that he could not get a blank piece of paper and make a copy and take it to these clients, that it came from his insurance carrier office, that they submit a fax and hard copy to his office and send a hard copy to the client who they proposed to work for; that in terms of the State Legislature, they had attempted to proceed and go forward with some type of regulation, that he did not like to use the word "licensing" because he thought the word "licensing" red flagged a lot of people, that he did believe accountability and registration should be Texans taking care of Texans, they should be able to do this, that Florida, Louisiana, Mississippi and Alabama they were required to take examinations to get a number of passage to be able to work in this type of industry, that it was not landscaping or cutting down trees, it was water coming in and hitting their computer or plasma TV and ruining their home, it was a totally different element of services, that there were people out there who state they know what they were doing but realistically they do not; that if

they were going to do this for the City then their intentions were well intended, it was not for the City to govern that they were City certified and that they could do it or so forth, he just liked to use the word accountability because there were so many people, like a van he saw on driving to the meeting this morning that had stenciled, "need roofers" and he looked at the tags and they were from Tennessee; that they had to have a license to cut hair, repo cars, work on nails, but they did not have to have accountability to work on a roof system, whether commercial or residential.

After further discussion, Mr. Mark Budzise, who owned All Type Roofing and Construction in Houston, stated that he had been in the roofing industry for 25 years and had owned his own company for 11 years, that during that time he had completed in excess of \$15 million worth of roofing projects in Houston and had pulled less than 5 permits, that it was a problem they had in the City, that one of the biggest issues were the new proposed green roofs for the City of Houston, that he was competing against people who were not planning on putting a green roof on a roof, so when he goes in and confronts the customer and explains to them why he needed to put the higher value on the roof they say the other three roofers did not bid this, they were telling them they did not need that, that was the problem they had, that he was mainly in the commercial industry and they also had a residential division but the biggest problem lay in people not acquiring permits to do commercial buildings so therefore the green roof was going to go away because all the new roofs that were going to be installed were not going to be up to City code and how were they going to enforce it, there was no enforcement, and another problem, if they did get caught what was going to happen, nothing, they had a problem in the industry, that he went to work in Florida after their hurricanes and if he did not have his license number on his truck or business card or contract he would go to jail; that a homeowner would not even let him on their roof without showing proof of a license, that this needed to happen in Houston, people were being taken advantage of constantly and it would not stop. Council Members Johnson and Holm absent.

After a further lengthy discussion by Council Members, Mayor White stated that Council Members Green, Clutterbuck, Jones, Lawrence and Sullivan had tagged Item No. 16-1. Council Members Johnson and Holm absent.

### **CONSENT AGENDA NUMBERS 2 through 32**

#### **ACCEPT WORK** - NUMBERS 4 through 7

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$755,524.40 and acceptance of work on contract with **R & B GROUP, INC** for Ridegreek Lift Station Replacement, WBS R-000267-0087-4 - 3.97% under the original contract amount - **DISTRICT D – ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent. MOTION 2008-0746 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,557,171.87 and acceptance of work on contract with **BL TECHNOLOGY, INC** for Automation and SCADA Improvements at 69th Street, Sims North, and Beltway Wastewater Treatment Plants, WBS R-000512-0011-4 - 4.73% over the original contract amount - **DISTRICTS F - KHAN and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent. MOTION 2008-0747 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,552,742.05 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Turner Area,

WBS S-000035-00E1-4 7.77% under the original contract amount - **DISTRICTS B - JOHNSON and H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent. MOTION 2008-0748 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,746,087.30 and acceptance of work on contract with **COLLINS CONSTRUCTION, L.L.C.** for Water Line Replacement in Parker Road Area, WBS S-000035-00F5-4 - 9.04% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent. MOTION 2008-0749 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 9 through 11

9. **HEWLETT-PACKARD COMPANY** for Maintenance and Support Agreement for Hewlett Packard Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources - \$323,014.45 - Houston Emergency Center Fund – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Holm absent. MOTION 2008-0750 ADOPTED.
10. ORDINANCE appropriating \$437,875.00 out of Limited Use Roadway & Mobility Capital Fund for Purchase and Installation of Playground Equipment for the Playground Without Limits-Alief Park Super Neighborhood Action Plan (SNAP) Project, WBS F-000650-0002-4 – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2008-0878 ADOPTED.
- 10a. **LONE STAR RECREATION, INC** through the Texas Local Government Purchasing Cooperative (Buy Board) - \$287,585.00 and **LANDSCAPE STRUCTURES, INC** through the U. S. Communities Government Purchasing Alliance - \$150,290.00 for the Playground Without Limits - Alief Park Super Neighborhood Action Plan (SNAP) Project, WBS F-000650-0002-4 **DISTRICT F - KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Holm absent. MOTION 2008-0751 ADOPTED.
11. **CPR SERVICES AND SUPPLIES, INC dba MDN ENTERPRISES** for Sewer Casting Products for Department of Public Works & Engineering - \$1,019,007.00 - Stormwater Fund – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Holm absent. MOTION 2008-0752 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 13 through 30

13. RESOLUTION designating certain properties within the City of Houston as historic landmarks:

Thomas H. Monroe House	1624 Kirby Drive	<b><u>DISTRICT G - HOLM</u></b>
Lester L. Neuhaus House	2227 Brentwood Drive	<b><u>DISTRICT G – HOLM</u></b> -

- was presented. All voting aye. Nays none. Council Member Holm absent. RESOLUTION 2008-0025 ADOPTED.

14. RESOLUTION designating certain properties within the City of Houston as historic landmarks:

George M. Dow House	2211 Brentwood Drive	<b><u>DISTRICT G - HOLM</u></b>
Craig-Amburn House	3214 Locke Lane	<b><u>DISTRICT G - HOLM</u></b>
Dillon & Lena Carroll Anderson House	3414 Del Monte Drive	<b><u>DISTRICT G - HOLM</u></b>

- was presented. All voting aye. Nays none. Council Member Holm absent. RESOLUTION 2008-0026 ADOPTED.

16. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:

Sterling-Hamman House	401 Emerson Street	<b><u>DISTRICT D - ADAMS</u></b>
David Frame House	403 Westminster Drive	<b><u>DISTRICT G - HOLM</u></b>
Sweeney and Coombs Building	310 Main Street	<b><u>DISTRICT I - RODRIGUEZ</u></b>
Frederic L. Bouknight House	3023 Ella Lee Lane	<b><u>DISTRICT G - HOLM</u></b>

- was presented. All voting aye. Nays none. Council Member Holm absent. RESOLUTION 2008-0027 ADOPTED.

17. ORDINANCE establishing the north and south sides of the 1100 block of Jackson Boulevard within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2008-0879 ADOPTED.

18. ORDINANCE establishing the north and south sides of the 1100 block of Jackson Boulevard within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2008-0880 ADOPTED.

20. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **SALVATORE AIR TRANSPORTATION CORP.** for certain premises at William P. Hobby Airport Revenue - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2008-0881 ADOPTED.

28. ORDINANCE appropriating \$237,329.14 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CLAUNCH & MILLER, INC** for Neighborhood Street Reconstruction (NSR) 457 (approved by Ordinance No. 05-0392), WBS N-000392-0001-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2008-0882 ADOPTED.

29. ORDINANCE appropriating \$2,640,872.50 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **HUITT-ZOLLARS, INC** for Right-of-way and Fleet Maintenance Facilities Expansion, WBS N-00653C-0001-3 and N-00653C-0001-7; providing funding for the Civic Art Program, Environmental Site Assessment and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS H - GARCIA and I - RODRIGUEZ** – was

presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2008-0883 ADOPTED.

30. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Hirsch Road Reconstruction Project (from Kelly Street to Crosstimbers Street); authorizing the acquisition of certain real property interests by gift, donation, purchase, and/or eminent domain proceedings required for the project and payment of the costs of such purchases and /or eminent domain proceedings of such real property and associated costs for Appraisal fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of 91 tracts of land being acquired in fee simple and/or permanent easements, and 29 tracts of land for temporary construction easements to property located in the J. T. Harrell Survey, A-329, or the Harris and Wilson Two League Grant, A-32, in Harris County, Texas, and being more specifically situated out of Blocks 4, 6, 8, 10 and 12 Wilshire Place Subdivision, Blocks 1 and 2 Lumber Lane Subdivision, Blocks 2 and 3 Lumber Lane Section 2 Subdivision, Blocks 4 and 5 of Westcott Gardens Subdivision Number 3, Blocks 1, thru 5 of Bennington Place Subdivision, Blocks 1 and 2 of Field and Tashnek Subdivision, Blocks 1, thru 3 of Bonita Gardens Subdivision, Block 1 of Florida Gardens Subdivision, and Lots 42, 47, 48, 60, 61 and 76 of Cranford Place Subdivision, said parcels of land being along the east and west lines of Hirsch Road from Kelly Street to Crosstimbers Street in Houston, Harris County, Texas - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2008-0884 ADOPTED.

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

**MISCELLANEOUS**

2. RECOMMENDATION from Director Department of Public Works & Engineering for payment of FY 2009 Annual Membership dues for the **AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION** Subscription Program - \$270,135.19 - Enterprise Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent. MOTION 2008-0753 ADOPTED.

**ACCEPT WORK**

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,197,758.94 and acceptance of work on contract with **AIA GENERAL CONTRACTORS, INC** for Northwest Maintenance Facility Underground Storage Tank System Modification, WBS R-000520-0006-4 - 10.56% under the original contract amount - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent. MOTION 2008-0754 ADOPTED.

**PROPERTY**

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Nancy W. Hargrove, Thompson & Knight, L.L.P., on behalf of Mary Wilson and Ellen W. Schultz, et al, for the abandonment and sale of a 10-foot-wide sanitary sewer easement located within Lots 6 and 7, Block 2 of Normandy Place Subdivision, out of the Obedience Smith Survey,

Parcels SY8-097 and SY8-098 **DISTRICT G - HOLM** – was presented, moved by Council Member Garcia, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Holm absent. MOTION 2008-0755 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

12. RESOLUTION in support of Economic Incentives for the development of hotels in the Central Business District - **DISTRICT I - RODRIGUEZ** - was presented, and tagged by Council Members Garcia, Khan and Green. Council Member Holm absent.

After discussion by Council Members, Mayor White stated that Item No. 12 had been tagged. Council Member Holm absent.

15. RESOLUTION designating certain properties within the City of Houston as historic landmarks:

Norman D. Adams House 2116 Chilton Road **DISTRICT G - HOLM**  
Houston National Bank Building 201 Travis Street **DISTRICT I - RODRIGUEZ**  
(aka 202 Main)

- was presented. All voting aye. Nays none. Council Member Holm absent. RESOLUTION 2008-0028 ADOPTED.

19. ORDINANCE establishing the north side of the 2400-2500 block of Wheeler 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 I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White and Council Members Holm and Lovell absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0885 ADOPTED.

21. ORDINANCE approving and authorizing contract between the City of Houston and **MICHAEL ROBERT BOYD d/b/a BOYD SMITH & ASSOCIATES** for Professional Polygraph Testing Services for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$378,220.00 - General Fund – was presented. All voting aye. Nays none. Mayor White and Council Members Holm and Lovell absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0886 ADOPTED.

22. ORDINANCE approving and authorizing agreement between the City of Houston and **A. JOE WINTER INVESTIGATIONS** for Professional Background Investigation Services for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options \$645,444.95 - General Fund – was presented. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0887 ADOPTED.

23. ORDINANCE amending Ordinance No. 2008-0274 to increase the maximum contract amount; appropriating \$60,000.00 out of Police Consolidated Construction Fund; approving and authorizing first amendment to contract between the City of Houston and **MILLER & VAN EATON, P.L.L.C.** for Legal Services regarding the Trunked Radio System; providing a maximum contract amount – was presented. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0888 ADOPTED.

24. ORDINANCE awarding construction contract to **AAA ASPHALT PAVING, INC** for the Police Academy Running Track, WBS G-HPD002-0001-4; 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 materials testing services, and contingencies relating to construction of facilities financed by the Police Special Services Fund - \$517,000.00 - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0889 ADOPTED.

25. ORDINANCE appropriating \$200,000.00 out of General Improvements Consolidated Construction Fund; \$150,000.00 out of Public Library Consolidated Construction Fund; \$100,000.00 out of Public Health Consolidated Construction Fund; and \$200,000.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Roof Consulting Services Contract for Task Order Contract between the City of Houston and **BUILDING ENVELOPE CONSULTANTS, LLC** for Various City Departments, WBS D-000130-0001-3; E-000038-0001-3; H-0000018-0001-3; G-000102-0001-3 and E-000181-0001-3; providing a maximum contract amount – was presented. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0890 ADOPTED.
26. ORDINANCE appropriating \$873,000.00 out of General Improvement Consolidated Construction Fund, \$2,560,000.00 out of Public Health Consolidated Construction Fund and \$750,000.00 out of Public Library Consolidated Construction Fund and awarding contract to **CHARTER ROOFING COMPANY, INC** in an amount not to exceed \$7,500,000.00 for Job Order Contract Services for Roof Repair/Replacement Services for the City of Houston; establishing a maximum contract amount - 3 Years with two one-year options - General, Enterprise, Fleet Management and Building Inspection Funds – was presented. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0891 ADOPTED.
27. ORDINANCE awarding contract to **THE FIERO GROUP LTD. CO. d/b/a FENCEMASTER OF HOUSTON** for Metal and Wood Fence Installation and Repair Services for Various Departments; providing a maximum contract amount - \$6,849,744.50 - 3 Years with two one-year options General, Enterprise, Fleet Management, Building Inspection and Storm Water Funds – was presented. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0892 ADOPTED.
31. ORDINANCE appropriating \$3,445,816.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0121-4; 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, and tagged by Council Member Lawrence. Mayor White and Council Member Holm absent. Mayor Pro Tem Garcia presiding.
32. ORDINANCE No. 2008-868, passed first reading October 1, 2008  
ORDINANCE granting to **SAFETY KLEEN, INC, a Wisconsin Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** – was presented. Mayor White and Council Member Holm absent.

After discussion by Council Member Brown a vote was called on Item No. 32. All voting aye. Nays none. Mayor White and Council Members Johnson and Holm absent. ORDINANCE 2008-0868 PASSED SECOND READING IN FULL. Mayor Pro Tem Garcia presiding.

**NON CONSENT AGENDA** - NUMBERS 33 and 34

**MISCELLANEOUS**

33. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance for (MSD) for Houston Pavillions, L.P. for property located at 1210 San Jacinto Street - **DISTRICT I – RODRIGUEZ - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 19, 2008** – was presented. Council Members Johnson and Holm absent.

Council Member Garcia moved to set November 19, 2008 to consider a Municipal Setting Designation ordinance for (MSD) for Houston Pavillions, L.P. for property located at 1210 San Jacinto Street, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Holm absent. MOTION 2008-0756 ADOPTED.

34. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance for (MSD) for InSite West Belt, L.P. for property located at 10651 Harwin Drive - **DISTRICTS F - KHAN and G – HOLM - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 19, 2008** – was presented. Council Members Johnson and Holm absent.

Council Member Garcia moved to set November 19, 2008 to consider a Municipal Setting Designation ordinance for (MSD) for InSite West Belt, L.P. for property located at 10651 Harwin Drive, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Holm absent. MOTION 2008-0757 ADOPTED.

**MATTERS HELD** - NUMBERS 35 through 40

35. MOTION by Council Member Green/Seconded by Council Member Garcia to adopt recommendation from Purchasing Agent to award to **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement, Demolition, and Site Clean-up Services for Police Department - \$123,265.00 and contingencies for a total amount not to exceed \$135,591.50 - Dangerous Building Consolidated Fund - **DISTRICTS B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GARCIA and I - RODRIGUEZ** – (This was Item 11 on Agenda of October 1, 2008, **TAGGED BY COUNCIL MEMBER SULLIVAN**) was presented. All voting aye. Nays none. Council Members Johnson and Holm absent. MOTION 2008-0758 ADOPTED.

36. ORDINANCE **AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Convention and Entertainment Facilities Department; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 12 on Agenda of October 1, 2008, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Members Johnson and Holm absent.

After discussion by Council Member Jones, a vote was called on Item No. 36. All voting aye. Nays none. Council Members Johnson and Holm absent. ORDINANCE 2008-0893 ADOPTED.

37. ORDINANCE approving and authorizing contract between the City of Houston and **OLSON AND OLSON, L.L.P.** for Legal Services relating to preparation of new development ordinance changes necessary to implement the Urban Corridor Planning Process; establishing a maximum contract amount - \$60,000.00 - General Fund -

**DISTRICTS C - CLUTTERBUCK; D - ADAMS; G - HOLM; H - GARCIA and I - RODRIGUEZ** – (This was Item 24 on Agenda of October 1, 2008, TAGGED BY COUNCIL MEMBERS GREEN, JONES and LAWRENCE) – was presented. All voting aye. Nays none. Council Members Johnson and Holm absent. ORDINANCE 2008-0894 ADOPTED.

38. ORDINANCE awarding contract between the City of Houston and **CHARLOTTE J. WORD** and **ROBIN W. COTTON** for Forensic DNA Consulting Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,250,000.00 General Fund – (**This was Item 26 on Agenda of October 1, 2008, TAGGED BY COUNCIL MEMBERS HOLM and JONES**) – was presented. Council Members Johnson and Holm absent.

Council Member Jones stated that she had concerns that they were overpaying the consultants, that Dr. Ghan, the in house technical specialist, makes \$104,000 annually and goes over things and trouble shoots and watches people as the in house technical director should, that she asked about STR, the latest in technology for DNA, and neither Dr. Word or Dr. Cotton had any bench experience, which was important to be able to know how to practically do testing to make sure the results were accurate, that she had no problem with the Bromwich recommendation and understood it, but Dr. Ghan was doing everything, that she spoke with Ms. Rios and she knew that HPD says their goal was to do 50 DNA tests per month, that right now they were at 12 to 15, that she knew that had something to do with staffing, but they were way off the mark, but Dr. Ghan makes \$104,000 per year and the consultants were in Maryland, they needed to come to Houston, that how did they know from Maryland if somebody was changing their gloves in between the testing, that they were not doing half of the work that Dr. Ghan was doing; that while she wanted the DNA lab to be accredited and have good testing, if they had an in house technical director they should not be paying for it, but they were not where they needed to be so she understood why they were doing it, but she thought when they did not have enough money, when they spend so much money throwing it at HPD, that she did not want to throw more money at the problem, that was what they had been doing since 2002 and they still did not have enough analysts and still had not fixed things; that she was not against review but thought it was excessive, that she had called a ton of DNA people and every single one of them was concerned about bench experience because if they were going to review somebody they needed to know what they were doing and the consultants just did not have bench experience, so for that reason she was voting no on the item. Council Members Johnson and Holm absent.

Council Member Khan asked if they were doing the contract because they were understaffed and they wanted to have more testing done, or because they still had some issues with the crime lab and were outsourcing some of these functions, and Mayor White stated that it was the recommendation from a report, that they spent a fortune on, that they have an independent review of the testing protocols and they were following through with that recommendation. Council Members Johnson and Holm absent.

Council Member Green moved to extend the meeting beyond the scheduled noon recess to complete the agenda, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Holm absent. MOTION 2008-0759 ADOPTED.

After further discussion by Council Members, a vote was called on Item No. 38. Council Member Jones voting no, balance voting aye. Council Members Johnson and Holm absent. ORDINANCE 2008-0895 ADOPTED.

39. ORDINANCE increasing the maximum contract amount for the agreement between the City of Houston and **ITRON, INC** for implementation of the Automated Meter Reading System for the Department of Public Works & Engineering, WBS S-000956-0002-5 -

\$3,500,000.00 - Enterprise Fund – **(This was Item 35 on Agenda of October 1, 2008, TAGGED BY COUNCIL MEMBERS LAWRENCE and HOLM)** - was presented. Council Members Johnson and Holm absent.

After discussion by Council Members, a vote was called on Item No. 39. All voting aye. Nays none. Council Members Johnson and Holm absent. ORDINANCE 2008-0896 ADOPTED.

40. ORDINANCE amending Ordinance No. 2007-315 to increase the maximum contract amount for an Animal Shelter Feeding Services Agreement between the City of Houston and **HILL'S PET NUTRITION, INC** - \$60,000.00 - General Fund – **(This was Item 39 on Agenda of October 1, 2008, POSTPONED BY MOTION #2008-733)** – was presented. All voting aye. Nays none. Council Members Johnson and Holm absent. ORDINANCE 2008-0897 ADOPTED.

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

Council Member Noriega stated that she wanted to talk about Rebuilding Together Houston, that it was a non profit organization which provided home repair services for low income, elder or disabled Houston area qualifying home owners, that it allowed City of Houston employees and employees of other businesses in the City to work together to help those who needed a hand up, that Rebuilding Together sponsors a home repair day in the Spring and Fall and in the Spring of this year the City of Houston sponsored 9 of the approximately 130 teams that repaired homes, that for the first time, on October 18, 2008, they were going to have a Houston City Council team and they still needed some help and would encourage her City Council colleagues and their staff, that they still needed about 10 to 15 more people, that they anticipate it being a nice day and they would be working on a home in the Highway 288 and 610 Loop area, that their office had agreed to coordinate the event and hoped that each Council office would have representation, if they would like more information about Rebuilding Together Houston they were welcome to visit their website at [www.RebuildingTogetherHouston.com](http://www.RebuildingTogetherHouston.com). Council Members Johnson, Khan, Holm, Rodriguez, Lovell and Green absent.

Council Member Adams stated that she wanted to thank her staff for attending 23 National Night Out events last night, that she wanted to thank them for their work, that she wanted to thank Mayor White for attending the Avondale Civic Association last night and for recognizing Avondale on their 100th anniversary, along with Council Member Noriega who visited a little earlier that evening; that despite Hurricane Ike the Greek Festival would still happen this year in the Montrose area, that it was postponed until November; that the Houston Arts Alliance reported that Hurricane Ike did minimal damage to the City's art collection; that she wanted to recognize and thank Mad Hatter and the 97.9 The Box family, that Mad Hatter stayed out for four days and met his registration goal of 5,000. Council Members Johnson, Khan, Holm, Rodriguez and Green absent.

Council Member Jones stated that she wanted to recognize the Houston Lawyers Association and the Lawyers at Thurgood Marshall Law Center who went out and registered voters at the criminal courts and the jails, that they registered a lot of people, that they explained to a lot of people that as long as they were not on probation or parole they were eligible to vote; that she enjoyed a wonderful event at the River Oaks Country Club with the Women's Business and Social Network, that she was present with Council Member Noriega; that she wanted to commend her staff, that they went to a number of National Night out events last night; that she went to the Houston Hispanic Chamber of Commerce Triunfando Awards Gala at the Hobby Center and it was a fabulous event; that she went to the Voice Against Domestic Violence event and it was a really powerful event and there were a lot of women there who really needed their support, so she commends what they do; that her office went out and participated in the Senior

Home Repair Project, where they helped a senior get her house back in order, that she wanted to commend Second Chance Youth and Teen Center, Tamika Scott, the Kashmere Civic Club, D&R General Contractor and Remodeling, Pastor Torres, Houston Habitat Restore, Mr. James Caulkin and Fiesta Store #50, who all did their part in providing food and buying the materials to help this lady get her house back to where it needed to be inhabitable; that one of her staff members, Ashley McDonnell, went to Chavez High School Partnership Breakfast; that she went to Avondale and saw a really wonderful historic house; that the last time to register for the Houston Survivor Challenge to be a competitor was October 15, 2008, that the challenge would be on October 25, 2008 at Buffalo Bayou, that they were raising money for two charities, the U'jana Conley Foundation for SIDS and the Buffalo Bayou Partnership; that on the Senior Home Repair Project, the person who organized everything was Mr. Eric Portier. Council Members Johnson, Adams, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he wanted to congratulate Mayor White on a successful launch of the million tree plus program, that the Houston Chronicle ran a good story on it and got the word out, that he also saw it on line and on the 6:00 p.m. and 10:00 p.m. news, that he would encourage the public to make a contribution to the project; that he wanted to acknowledge the hard work that the Public Works Director, Mr. Mike Marcotte, had put into everything with respect to the nuts and bolts repairs after the hurricane, and in particular the traffic signals, that he and all the contractors had been on that, the City employees, vendors, suppliers, that it had been a real team effort and been a great project for him to learn a lot on, that he was grateful to them for their diligence in getting them up to 100% operations, that they would now focus on synchronizing the lights and continue to tweak and improve their traffic flow and mobility around the area; that he had two 3-1-1 issues that were constituent drive, that one had to do with entering data, that in his district he had constituents who had a mailing address of another City, Pasadena and Webster, so when 3-1-1 pulls up the address that the constituent gives them it leads to a little back and forth of no they do not live in the City, that maybe it had been discussed before, that in the aftermath of the hurricane there had been a lot of 3-1-1 requests and he encouraged his constituents to use 3-1-1 and he was getting feedback that it was a stumbling block, that some were long time residents of the area and it was frustrating to them to always have to have that argument with 3-1-1, that there was a little room for improvement there; that the other comment with respect to 3-1-1 was that a constituent called and said they had gone through their neighborhood and had recorded five different instances where they needed either a street sign or a stop sign or some other traffic control device and when they called 3-1-1 they had to go through the entire data input process five different times, that a constituent did not want to do that, they want to call up and say "here are five different things that I need, thank you very much", but 3-1-1 apparently makes them go through filling out the whole form for number 1 and start all over and fill out the whole form for number 2, etc., that he thought they wanted to be as constituent friendly as possible. Council Members Johnson, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Mayor White stated to Ms. Crinejo to make sure that Ms. Bingham had those, if that was true on issue number 2 then that was not right, that it was just a problem with the system, that whatever they could do to save the citizen some time should be the criteria; that on issue number one they just had to get to the bottom of what that was, obviously they had a legitimate concern about not providing services to people who were not qualified to get City services. Council Members Johnson, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent.

The City Secretary stated that they had on their website, Choice net, if they wanted to know what district a person was in it could be determined, that they had not put it on the internet because it was actually information from the voter registration data, but they could check any address and determine what district it was in, there were only City of Houston streets on that

website, that she would talk with Ms. Bingham and tell her how to access that and it would help. Council Members Johnson, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Mayor White stated that was a good point, that they had initiated something with Mr. Lewis several years ago and they had gained some capabilities within Planning but the vision of the City should be that the tax collection firm, 9-1-1, 3-1-1, City Planning and the Public Works billing and collections ought to have a great state of the art database, that they would look into that. Council Members Johnson, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Lovell stated that they received word of the passing of Ms. Dorothy Hubbard from her family, that she was Precinct Chair in Precinct 576, that she passed on October 3, 2008 and they were asking that any donations be made to the American Cancer Society in the name of their mother, Dorothy Mae Harper Hubbard, that they send their wishes and prayers to the family; that there would be a TIA Committee meeting on Tuesday, October 14, 2008 at 10:00 a.m. in the Council Chamber, that the agenda items would be the discussion of the wastewater system, the readiness and performance during Hurricane Ike, and also the Houston Airport System was coming with a report on their readiness for the hurricane and the damage they had incurred and their plans for the future to take care of that damage; that it was a pleasure to join Mayor White at the Avondale Association who was celebrating their 100th year anniversary as a neighborhood, that the Avondale development was originally platted in 1907 as the Joe Meyer Pasture, which Joe Meyer went on to develop Meyerland; that she wanted to congratulate her son, Robbie Lovell, who this week hit his first over the fence homerun at Kyle Chapman Field. Council Members Johnson, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Lawrence stated that she wanted to thank all of the neighborhoods in District A who participated in National Night Out and her staff, who stayed pretty busy last night visiting neighborhoods; that she wanted to thank the Council offices, 13, who were signed up for the bowling tournament, that the Mayor's office was going to have a team this year, that hopefully they would have a number of dollars that would go to the Heroes group; that right after Hurricane Ike they had some looting, as all of them knew, and Crime Stoppers moved in and made a lot of arrests, that Crime Stoppers was a 501C3, as most of them knew and their large fund raiser would be on October 16, 2008, a gala, with Mr. James Baker speaking, that she would ask constituents to consider Crime Stoppers when they consider money that they donate to 501C3 or attend the gala by calling the Crime Stoppers office. Council Members Johnson, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Mayor White asked Council Member Lawrence if she would be holding a hearing on Monday concerning the roof stuff, and Council Member Lawrence stated that the time had not been set, but it would be in the afternoon; that the fund Hero was now one of the CMC funds, that they had the 100 Club that did great work in recognizing public servants who lost their lives in the line of duty to serve the public, and the fact of the matter was that they had civilian employees who did some things that were very risky to protect the public, that unfortunately they had two people from Right-of-Way Maintenance, protecting the public, and they had families, they were great people, and now they had a vehicle that was one of the CMC so they knew there was the ability to do donor direction in CMC and CMC was important and he would ask people to keep that in their thoughts; that he was going through thank you notes for individual City employees, that they would never get out of Council if he started to read what individual City employees did who were working extremely long shifts and did things way outside their line of duty during Hurricane Ike, but he say to his fellow elected officials, thank you for continuing to do what they did so well, which was saying a job well done to the City employees for working so well. Council Members Johnson, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Garcia stated that wanted to offer appreciation to their City employees, that he wanted to thank Jack Henagrith and John Izeman, they had been getting a lot of complaints from the residents around the West End Park and they had done a lot to deal with the drug trafficking that they had in the area, so he wanted to thank them because it had been noticeable to the improvements that they had worked to implement out there working alongside his staff, but more importantly they did it all without missing a beat going from Hurricane Ike to going back to business as usual, which was important for their citizens to recognize; that he wanted to thank Mayor White for continuing to recognize the value of the City employees; that he wanted to invite everyone to Saturday's parade, that Wheatley High School would be having their parade between 10:00 a.m. and 11:00 a.m. and would start at 4420 Lyons Avenue, so he wanted to encourage people to participate and support the Wheatley Wildcat Family for their homecoming parade, that the game would be that evening at 7:00 p.m.; that the First Ward, Crockett Elementary Neighborhood Cleanup would be from 8:00 a.m. to 12:00 p.m., that the kids would be working to recycle items that they pick up, they would separate the cans and the paper after the cleanup, that they wanted to thank Lawrence Spence, the Environmental Education Program Educator for Crockett Elementary; that they also wanted to recognize the contributions of Ms. Dorothy Hubbard, who had been a tremendous leader in their community for many years and wanted to keep her family in their prayers. Council Members Johnson, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Brown stated that he wanted to say a few words about moving the City toward a smart electrical utility grid, that on National Night Out he spent several hours in the Clear Lake area, where if they looked closely they would see that the commercial and residential electrical lines were underground and they were buried in the mid 1960's by Friendswood Development and by Dell Webb Corporation, who initially developed the very efficient and attractive planned community of Clear Lake City, that he talked to the residents, many of who had lived there since 1965, and they said they never had any real power outages, there had never been a maintenance problem with the underground line or flood damage to the underground lines, and in one neighborhood, which was an evacuation zone, the power was never lost, that the most anyone said that the power was out in the Clear Lake City, that he talked to, was three or four days, so he thought that as they looked toward hardening their utility grid and making Houston less vulnerable to hurricanes that they could use Clear Lake City as a model; that he wanted to talk about the issues of rules, that his Dad always said "son you have to play by the rules", that he thought it was the American way and nobody had any problem with rules, that his Dad also said, "we are a government of laws not of men", that was something that came out of World War II, that he would say in relation to that, whether it was the issue of the standards they talked about for roofers, an issue of rules, and many other things, that their rules had to be fair and impartial, they could not reward one interest group and punish another interest group, they did not want that in the City of Houston, and they had to encourage competition and innovation, that to him that was the delicate balance that they worked towards. Council Members Johnson, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that following up on the roofing issue and making sure that their consumers were protected, she would continue to encourage the consumers, and hoped that the local media sources would also do the same, to do their homework, that they had a number of organizations out there that did advertise for reputable roofing companies, that the Houston Area Roofing Contractors of Texas, had over 125 members and they were all listed on their website, [www.haccat.com](http://www.haccat.com), that additionally the Better Business Bureau had a listing of over 200 accredited and approved roofing contractors that operated within 25 miles of Houston; that today they were having a Hurricane Ike Financial Impact Committee meeting at 3:00 p.m. in the Council Chamber; that on November 8, 2008 they would be celebrating the Red Wine and Blue Festival, sponsored by the Houston Intown Chamber, at Houston's Levi Park, that the proceeds would go to benefit Houston area veterans, that it would be from 12:00 p.m. to 5:00

p.m., that Levi Park was located on Eastside just south of Richmond and north of Highway 59; that she wanted to bring to their attention that this was Breast Cancer Awareness Month, that many of them had been touched personally by that terrible disease and she thought that early detection was essential to prevention. Council Members Johnson, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to remind everyone to get the current issue of Intown Magazine, which had a photo on the cover of his colleague, Anne Clutterbuck. Council Members Johnson, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:48 p.m. Council Members Johnson, Khan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary