

City Council Chamber, City Hall, Tuesday, October 28, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 28, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney, Ms. Debra McAbee, Division Chief, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Mike Sullivan out of the city on city business.

At 2:08 p.m. Council Member Khan stated that they had some very special presentations and the first was by Mayor Bill White. Mayor Pro Tem Garcia, Vice Mayor Pro Tem Lovell and Council Members Johnson, Adams, Holm, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that it was really special to be able to honor Girls, Inc., and asked the girls present to come up to the podium to be recognized and presented a proclamation to the organization that proclaimed Tuesday, October 29, 2008 as Girls, Inc. Day in Houston, Texas. Mayor Pro Tem Garcia and Council Members Johnson, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Members Jones, Clutterbuck and Noriega congratulated Girls, Inc. and thanked Mayor White for recognizing them. Mayor Pro Tem Garcia and Council Members Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Johnson stated that it was an honor to present the 2008 Mayor's Disability Advocate of the Year Awards and recognized Mr. Joe Hallmark, a graduate of Texas A&M, Ms. Debra Newinski, Artistic Director of Dyanisis Theatre and Mr. H. D. Woodruff, III, better known as "Trey", and Mayor White presented each with the 2008 Disability Advocate of the Year Award. Council Member Clutterbuck absent.

Council Member Jones stated that in 1981 Mr. Michael Segal was a promising premed student at the University of Texas at Austin, that unfortunately he and his girlfriend stopped to get gas and he walked inside and found himself in the midst of an armed robbery, he was assaulted and then shot in the back of the head; they killed the promising career of a future surgeon but did not kill the determination of a man with a caring heart; that after his encounter and a long and difficult rehabilitation he went on to graduate with the highest honors, and was now a social worker at Memorial Herman Hospital in Houston and a highly sought after motivational and inspirational speaker, and Mayor White proclaimed Tuesday, October 28, 2008 was Michael Segal Day in Houston, Texas. Council Members Clutterbuck and Holm absent.

Mr. Segal stated that it was an honor but thought he was not so special, that everybody had their own obstacles in life, that his hopes and prayers were that each one of them could find a way to overcome their own obstacles, that his wife Sarah had been with him since the beginning, that his daughter was away at college and his family and friends all were wonderful. Council Members Clutterbuck and Holm absent.

At 2:26 p.m. Mayor White recognized Council Member Khan for the prayer and pledge of allegiance, and Council Member Garcia invited

Council Member Khan stated that today was the celebration of the Holy Festival of Diwali and was one of the most celebrated religious festivals all over the world, and invited one of the

most revered figures, Dr. Prem Chand Shridhar with Arya Samaj of Greater Houston to lead them in the prayer, and Council Member Khan led all in the pledge of allegiance.

At 2:28 Mayor White requested the City Secretary to call the roll. Council Member Sullivan out of the city on city business.

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

Council Member Khan moved to suspend the rules to add Mr. Mandar Apte to the non agenda speakers list for one minute, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Sullivan out of the city on city business. Council Member Jones absent. MOTION 2008-0796 ADOPTED.

At 2:29 Mayor White requested the City Secretary to call the list of speakers. Council Member Jones absent.

Mr. Chris Hutto, 1336 Westheimer, Houston, Texas 77023 (713-533-2903) appeared and stated that he was present to lend his support for their vote tomorrow rescinding the Bicycle Ordinance, that he wanted to thank everyone who helped to get the ordinance to this point, especially the administration and Regulatory Affairs Office; that it looked like in the first year the City would save almost \$100,000 by rescinding the silly, outdate, 40 year old ordinance. Council Member Rodriguez absent.

Council Member Adams stated that she wanted to thank Mr. Hutto for his diligence and research in the matter. Council Members Garcia and Rodriguez absent.

Mr. Jerry Brewer, 30010 Common Scenic View Dr., Huffman, Texas 77336 (713-647-1299) had reserved time to speak but was not present when his name was called and Mr. Samuel Emerson appeared. Council Members Garcia, Rodriguez and Noriega absent.

Council Member Khan moved to suspend the rules to substitute Mr. Samuel Emerson in place of Mr. Jerry Brewer, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Sullivan out of the city on city business. Council Members Garcia, Rodriguez and Noriega absent. MOTION 2008-0797 ADOPTED.

Mr. Samuel Emerson appeared and stated that Mr. Brewer believed that Mr. Christopher Emerson was innocent. Council Members Garcia, Rodriguez and Noriega absent.

Council Member Green stated that Mr. Brewer's topic was DNA Testing Crime Lab Investigations and asked Mr. Emerson to give them information as to how Mr. Brewer was related to the DNA Crime Lab investigation, and Mr. Emerson stated that he could not answer that question, that he just came to speak on behalf of Mr. Brewer who was a friend of the family. Council Members Garcia, Rodriguez and Noriega absent.

Ms. Queen Jefferson, 5590 Crane St., Houston, Texas 77026 (832-322-2576) appeared and stated that she was present on behalf of Mr. Christopher Emerson, that she had known him for seven years and she believed he was innocent. Council Members Garcia, Rodriguez and Noriega absent.

Upon questions by Council Members, Ms. Jefferson stated that she was supporting Mr. Christopher Emerson and from what she knew they had never tested his DNA, that he was innocent, that the Crime Lab had never tested his DNA; that he was not in jail, that he was

present in the audience; that he had not been treated fairly in the justice system, that his case was still open as far as she knew. Council Members Garcia, Rodriguez and Noriega absent.

Mr. Mandar Apte appeared and stated that he was represent to the Art of Living Foundation, a non profit organization affiliated with the United Nations, the founder of the organization was a spiritual leader, His Holiness Shri Shri Ravi Shankar, that he had been a Nobel Peace nominee for the last few years and together with Council Member Khan's office they had a very beautiful event in City Hall, a reception in his honor and he would pass an invite to all of them; that the other event he was doing was meeting the honorable ambassador at the Baker Institute of Public Policy and speaking to the students at Rice on the subject of "Where Are The Peace Makers", that it was a public event so the City Council and the City of Houston was welcome to attend. Council Members Garcia, Rodriguez and Noriega absent.

Council Member Khan stated that Shri Shri Ravi Shankar, His Holiness, would be in Houston from Wednesday, October 29, 2008 until Sunday November 2, 2008, and Council Member Jones stated that the Nobel Peace Prize was a huge award and she hoped he would win it. Council Members Holm, Garcia, Rodriguez and Noriega absent.

Mr. Alex Aslm, 7250 Harwin, Houston, Texas 77036 (713-539-0010) had reserved time to speak, but was not present when his name was called. Council Members Holm, Garcia, Rodriguez and Noriega absent.

Mr. Jim Purtee, 25211 Burgh Castle Dr., Spring, Texas 77389 (713-898-5176) appeared and stated that he owned Purtee and Associates which owned Houston Balloons and Promotions, LLC; that he would like to address the prospect of banning inflatable's from the City, that inflatable's were attractive, fun, economical and effective advertising vehicle for many business, that they were passing out information for them to read, that inflatable's were used and wanted because of their appeal, cost effectiveness and positive impact on sales in the business community, who uses them, businesses, communities, civic organizations and even FEMA was currently using them to pin point their locations, that with regard to businesses, to ban them actually sloped what was otherwise a level playing field, offering small and medium size businesses an opportunity to compete with major advertisers like WalMart, Ford or Lowes, who spend countless millions on TV, newsprint and radio, that it allows a small businessman to compete for the drive by business; that small business wants the product, they need the vehicle, that he had a list of 1,000 small and medium businesses in and around Houston who just his business had provided inflatable's to over the past several years, they had voted with their wallet as to the importance of an inflatable; that he felt that the inflatable's should be in their own category with regards to a new ordinance, a subcategory apart from streamers, pennants, flags, etc., that inflatable's were owned by the inflatable company and maintained as such, that flags, streamers and pennants were bought, put up and forgotten about until they got in disarray. Council Members Holm and Garcia absent.

Upon questions by Council Members, Mr. Purtee suggested that the permitted process be streamlined and put on line, and further suggested that a monthly fee be charged and that the installer, his company for example, be responsible for getting the permit and not the client, that would insure that the permit was pulled; that he felt because the industry, for all intents and purposes, was self regulating and there should not be a time restraint on how long inflatable's should be up; that there were HOA organizations that did not allow them so there would never be an explosion of inflatable's, that the current permitting process, of which he passed out a copy of the permit application, was really not workable; that there was a lot of work that needed to be done in rewriting it, and he thought it was only right to involve the inflatable industry, a nationwide industry, in the rewriting of any ordinance, at least give them an opportunity to have some input. Council Member Garcia absent.

Council Member Clutterbuck stated that many places around town had Christmas decorations up, that some of those decorations were extremely large, some of them were larger than the inflatable's and were definitely attention getting devices, that those would be up until after January 2009 and she thought what they were trying to accomplish needed to try to balance as many things as possible, that since they did vote it out of committee she understood it was coming back to committee and she would like a procedural explanation for that to. Council Member Garcia absent.

Mayor White stated that he understood it was based on the various issues that she raised and Mr. Purtee and others; that getting input from the members of the public was important and he understood that Chair Lovell, on November 6, 2008, was having an additional hearing, that he thought there was going to be another Council committee in their attempt to try to build consensus; that he thought a number of people understood that they take pride in the appearance of their community and needed some rules so that the rules applied with a level playing field. Council Member Garcia absent.

Upon questions by Council Member Adams, Mr. Purtee stated there was a group or organization that represented his type of business, which was a nationwide organization, the IADA, Inflatable Advertiser Dealers Association that many of them were a member of which required a minimum insurance and installation standards, that they meet yearly at a convention; that they found out through backdoors at the eleventh hour that it was even being considered, that no one informed the organization or business owners of the changes; and Council Member Adams stated that she supported where they were trying to go with the ban and why but thought they needed to look at it to see if there were solutions because she knew that monitoring was the issue with the City of Houston and how do they do that, that she would like for them to look at solutions and questions and to get some things answered because she was looking at the quality of life and the livelihood of the individuals who owned those type of businesses, how do they balance it all, and Mr. Purtee stated that they felt there was just not enough known about their industry, that after Hurricane Ike tore up businesses up and down Interstate 45 his company had more than 2 dozens businesses begging for an inflatable to let people know they were in business and had power, to let people know that they were open, that they provided a real tangible and effective function for the small business people and medium size businesses in the City as they did across the Country. Council Member Garcia absent.

Council Member Lovell stated that they were going to bring it back to committee at 3:00 p.m. on November 6, 2008 so they could have some more input; that she wanted to make it clear that they were not banning the devices, they were not telling him that he could not sell them and had to go out of business, they were just going to try to find a balance of how they regulate and do it; that she had continually asked for someone to give her the statistics to prove that the devices actually brought in more business, that nobody had been able to give her the statistics, the proof that they actually did work and would ask that they give it to her before the November 6, 2008 meeting, that she wanted the survey that she was told was available that would show that these brought in 30% to 60% more business. Council Member Garcia absent.

Council Member Holm stated that several months ago they did pass it out of committee, basically a totally different ordinance, but one of her concerns was what did it mean, and Mayor White stated that some things were more fully vetted when they reached the Council table and some less and required reconsideration, and Council Member Holm asked if basically passing something out of committee was not an affirmation that it was going to move forward, and Mayor White stated that he thought that was right, that the committee structure was very valuable, that when they did not have it they found themselves having to refer things back to committee for more details from time to time. Council Members Johnson, Khan, Garcia and Green absent.

Ms. Erica Haywood, 3333 Fannin, Ste. 111, Houston, Texas 77004 (713-987-4092) appeared and stated that she was a Texas native from San Antonio and had been living in Houston for about 15 years; that after Hurricane Ike a lot of things changed for her, she was displaced and was currently living between Houston and Atlanta, that she was finding that they had a very bad breakdown in communication when it came to the residents of the City getting the benefits that had been promised to them, that after the hurricane a lot of the non profits and government agencies were claiming to do things and then refusing to do them, so she was asking the City Council and the Mayor would come together with some of the State and federal representatives to implement some kind of committee to specifically address getting resources for the residents that were displaced and affected by the hurricane, especially for families, students, minorities and people who were incarcerated, the conditions in the jails were horrible right now, that students were being displaced, that she was a college student and suffering a lot of discrimination due to the fact that she was a displaced resident and she hoped that they would implement some more creative efforts to assist them; that she called some of the staff people that worked for some of the representatives in her area, they were very disrespectful to her and hung up the phone in her face and did not send her the release forms to get her inquiries done, that the staff was just implementing some very negative responses toward the community and she hoped they would address their staff in reference to this, that she wanted to bring those issues to them today and hoped they would implement some kind of committee, especially in reference to the nonprofits. Council Members Johnson, Clutterbuck, Holm, Garcia and Green absent.

Mr. Christopher Emerson, 3504 Vintage, Houston, Texas 77026 (713-673-0103) appeared and stated that he wanted to briefly elaborate on the amenities of manifest destiny, were they not a nation of principles, humanity and the administration of justice, yet, he was compelled once again to bring worthy attention to the perpetuation of a travesty of justice, that on June 21, 2007 a motion for DNA testing was filed on the behalf of Christopher Emerson in the 177<sup>th</sup> District Court emphasizing Innocence Apparent and also notifying the honorable court that the same letter was sent to the Justice Department, that obviously the most important motion was contravened, disregarded, that after attending the rally to oust Chuck Rosenthal, the very same motion was once again filed to no avail, that it was not justice delayed, quite lucidly justice denied, that according to the law a citizen was not subordinate to the public servant, rather the public servant was and sworn to take an oath to be loyal to the service of his citizens; that when public servants made phone calls which led to the detorment of fundamental rights protected by the constitution in Houston they had a problem, that John Cornyn bragged that they needed to run Washington like they ran Texas, that he countered that they needed to run Texas like Craig Watkins ran the Dallas DA office, integrity, fairness and an overzealous interest in the restitution of freedom to the wrongfully convicted, that Texas did not need a redundant proliferation of reprehensible blatant cronyism nor Cornynism; that this was no oxymoron, had Ted Pole been his judge he never would have been convicted nor would he be before the City Council propogating a noble plea of justice for all, that the spirit of Senator Joe McCarthy cried out for reform, should the public servant be held to a higher degree of accountability or should the citizen suffer and wrestle for his innocence; where was their commiseration, where was their equal protection, that just freedom on Friday a person made national attention by falsely claiming that someone carved a B on their face; that mental illness was cloaked in secrecy while the innocent suffered and wrestled for their freedom, that he did not suffer the atrocity by himself nor was he alone, that many loved ones dreams had been shattered, their lives had been shaken and altered their foundation, that it was these broken spirits which fueled and drove his impotence to drive and go forward to the manifest destiny of exoneration. Council Member Johnson, Clutterbuck, Holm, Garcia, Lovell and Green absent.

Mayor White thanked Mr. Emerson for being present and for offering his remarks and perspectives with them. Council Members Johnson, Clutterbuck, Holm, Garcia, Lovell and Green absent.

Mr. Gregory Johnson, 3405 Vintage, Houston, Texas 77026 (713-671-0969) appeared and stated that he was also present representing Mr. Christopher J. Emerson, that Chris was innocent and they were asking the Council to reach into the justice system they had and ask that a motion to suppress his DNA be issued before the courts, that he needed to be acquitted, that he was the one who took Chris downtown to turn himself in for questioning some 15 years ago, that they were told to pick him up in a couple of hours and the next thing he saw Chris on Live at 5, 6 and 10, accused of rape, that rape was a heinous crime, a crime of sickness and Chris was not sick; that as he looked around the room he saw "the people were the city", well the people were standing asking for justice. Council Members Johnson, Clutterbuck, Holm, Garcia, Lovell and Green absent.

Mayor White stated that there was the importance of people getting things off their chest, but there were processes for challenging convictions and he was sure they had the opportunity to talk to individuals to familiarize themselves. Council Members Johnson, Clutterbuck, Holm, Garcia, Lovell and Green absent.

Council Member Jones stated that Mr. Johnson had asked for a motion to suppress DNA, and Mr. Johnson stated that they wanted Mr. Emerson's DNA to be tested, that the test was never done and they were asking that his DNA be tested, and Council Member Jones stated that they could call the Innocence Project and if they believed the person was innocent, after they had vetted, then they would work on the case, that there was a group at the University of Houston Law Center and they may want to call them. Council Members Johnson, Clutterbuck, Holm, Garcia, Lovell, Noriega and Green absent.

Mr. Raza Abbas, 5003 Antoine, No. M, Houston, Texas 77092 (832-208-6930) appeared and stated that he was present to speak in favor of the attention getting devices, that being a member of the small business community he would like to add that a businessman would not invest in any form of advertising if it did not help; that one of the Council Members asked for a data collection or some kind of information and he thought that Jim already had a list of almost 1,000 of his clients who had been using the attention getting devices, that it helped them tremendously, that yes, they could ask every customer if they walked into the store by looking at the attention getting device or by looking at their sign, that it would be a lengthy process, a complete non utilization of their time, and the valuable time of the City Council Members, that his basic point was that a small businessman would not invest in anything that did not benefit that business; that these were some of the very economic advertising that they used, inflatable being the cheapest source of advertising for them; that with the economy heading the way it was if they planned to ban or stop this it would diversely affect them, they would suffer even more. Council Members Johnson, Clutterbuck, Holm, Garcia, Rodriguez, Noriega and Green absent.

Upon questions by Council Members, Mr. Abbas stated if they were trying to reduce the signage and the attention getting devices, why start with the small guy, why not start with the big guy who if his billboard was down had the option to get on the radio or television, why start with the small folks whose entire livelihood and getting additional business solely depended on the economical means of advertising; that he had a cellular business and was located on Antoine, Bissonnet and his location that was devastated by Hurricane Ike was on Fuqua and South Post Oak, that he used the inflatable devices on and off, that in June and July was when they do not use them because sales for their industry was not at it's peak; that he had never had complaints, on the contrary he had compliments because it increased the traffic flow in the parking strip, that it drew more people and had a ripple affect in the positive sense for all of his neighbors. Council Members Johnson, Clutterbuck, Holm, Garcia, Noriega, Green and Jones absent.

Mr. Cory Marver, 8181 Fannin, No. 1813, Houston, Texas 77054 (214-392-5993) appeared and stated that he was a small business person, Spirit Halloween Super Stores was his business and he was the owner/operator, that it was October 28, 2008 and he was at Council instead of his stores because the inflatable business was a pretty important issue in his mind, that he was a seasonable business and he had to get as much exposure as he possibly could in a very short window of time so the inflatable's were crucial, that he used them about six weeks out of the year because he was only opened for seven or eight weeks, that as soon as he opened he got those things up, that he had locations occasionally that did not have the exposure that they needed and these inflatable's helped him get that exposure; that he had been driving traffic into his stores for the past several weeks with the use of the inflatable's; that they were actually raising money for the Texas Children's Hospital, the Child Life Department, with in store donations from customers and they were actually able to raise about \$50,000 they were going to be donating and they were able to do it because of the additional traffic they were driving to the stores with the inflatable's, that he could not afford to spend \$5,000 to \$7,000 per month for a billboard, that he had lost a store in Galveston and had to canceled his entire billboard program but kept his inflatable program in place because that was the most cost effective way for him to drive traffic into his stores. Council Members Johnson, Clutterbuck, Holm, Noriega, Green and Jones absent.

Upon questions by Council Member Khan, Mr. Marver stated that he employed about 350 to 400 people in his shops, that if they banned the use of the devices there probably would not be much advertising at all, that the inflatable gets the attention and exposure that he needed for his customers. Council Members Clutterbuck, Holm, Noriega, Green and Jones absent.

Mr. Abraham Alon, 7815 Hillcroft, Houston, Texas 77081 (713-779-1777) appeared and stated that he was present in objection to the proposed ban on attention getting devices, that obviously it was important to a lot of people, that he was sure that they all knew that every district had a life of it's own, although it was influenced by what happened in the City as a whole, in the State and Country, the fabric of the district life was made up of different ethnic groups, the housing and property values and it's businesses, that he ran a small dealership on Hillcroft and collected and paid thousands of sales tax and tax dollars each month, that he had employees, people with families, that they generate work directly to wrecker services, auto parts shops, mechanical shops, electrical automotive, body and tire shops, title service companies, insurance agents and CPAs and many other businesses in the district, that his dealership was a vital part of the economical health of the district, why would they want to hurt it, that after all almost 50% of his business came from people who pass by when they manage to get their attention, that when they drive down a road in any city and see colorful streamers they knew before they got there that it was a car dealership, just as they recognized the McDonald's arches from far away; that brand recognition was very important to a small business if they did not have the mega bucks to spend on advertisement, that in a very competitive business environment a little getting attention was sometimes the difference between make or break; that the argument of attention getting devices had become an argument about aesthetics, that he was afraid that within the argument the social and economical values were forgotten and yes aesthetics was a matter of opinion, that beauty was in the eyes of the beholder; that last week he conducted a mini survey amongst many people and he could not find one who thought that the devices were a blight, so he was asking the City Council to not lend their voice to the destruction of business in their districts, please vote against the ban. Council Members Clutterbuck, Adams, Holm, Garcia, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Steven Williams, No Address, No Phone had reserved time to speak, but was not present when his name was called. Council Members Clutterbuck, Adams, Holm, Garcia, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Ms. Savannah Taplin, 1116 Summer St., Houston, Texas 77007 (713-391-5128) had reserved time to speak, but was not present when her name was called. Council Members Clutterbuck, Adams, Holm, Garcia, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Ms. Doris Kemp, 6000 Telephone Road, Houston, Texas 77087 (713-641-5311) appeared and stated that she was present before and thought the issue had been resolved but saw that it had not, that she was talking about eviction, that she had been living at 7225 Bellereve but they had a fire on November 26, 2007 and they said they were going to move back within two to six months but they still had not moved back, that they had some people who lived on the north end of the apartments and they had moved back now but they had not called her, that she lived at Bellereve for seven years and now she had been at 6000 Telephone Road, where she had to move because of the fire and had been there since January and now they were trying to evict her, that the assistant manager said she threw a phone at her and she did not do that; that she had to use the Metro Lift to get around and she did not have a phone, but AT&T waived the charges and let them get a phone in at Telephone Road and she had a phone now, but when she first moved there she could not call Metro Lift and they had to call to check on their rides, that at the desk they had a phone and they could call to check on their rides, that she went to check on her ride and the secretary would dial the number and give her the phone, but on Wednesday night when she went to check on her ride she asked to use the phone and the Assistant Manager was there and she asked if she would call and check on her ride and she did not get up so she waited, that another man came up, who lived there and she came from her desk to talk to him, and she asked the assistant manager to check on her ride and she said to wait a minute and be patient, that she talked to the man and did not check on her ride, so they were trying to evict her. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Adams, Holm, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Rodriguez stated that Mr. Michelman, Housing Authority, was present in the audience to talk with her to make sure that she had a place to stay. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Adams, Holm, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James D. Robinson, 3602 Burke, Pasadena, Texas 77540-2353 (713-378-0693) appeared and stated that he came for help from the Mayor and the Council Members to get a supplemental accident report from the Houston Police Department, that he needed it for insurance issues, that last year some guy who was working with the insurance company and the Houston Police Department hit him after he had come home from a club, that he had been drinking and was arrested for a DWI, that the investigating officer falsified the arrest report and put that he (Mr. Robinson) had hit him from the rear end whereas actually he had hit (Mr. Robinson) from the side and that allowed the guy who hit him to go and collect insurance from his company; that he thought that he did it on purpose, that if they take the law into their own hands he seemed it was important to have the issue of responsibility going side by side with taking the law into their own hands, as far as the law of liability was concerned, that there were two papers that he had passed out to the Council Members, one was a copy of the letter to the insurance company asking them to expedite the claim and another one was a copy of the form from the Houston Police Department Internal Affairs, that he had filed a sworn complaint with them and they had done the investigation and had all the pertinent details, that he was asking the City Council and the Mayor to ask the Chief of the Houston Police Department to please comply with the law and allow him to get a copy of the supplemental accident report because technically the Captain of Vehicular Crimes or Accident Division were saying that it was a felony for the investing officer to falsify an accident report whereas on these type of special operations when they find out that someone had been drinking they come and disable their vehicle so that a police officer can be called to arrest the guy for a DWI, that technically it was not against the

law if they were going to issue the supplemental accident report, so that was why he was present to ask the Mayor and City Council's help in asking the Houston Police Department to please comply with the law and allow him to get a supplemental accident report, that the Police Chief was putting his foot down and not allowing him to get the supplemental accident report which he needed for insurance purposes for the damage that was caused by the person that was working with the Houston Police with their knowledge, that he needed the money very badly. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Adams, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Lieutenant Gallier was present in the Council Chamber who he could speak with about the report and see if he could assist him with that. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Adams, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Terry Thompson, Post Office Box 1735, Houston, Texas 77251 (No Phone) had reserved time to speak, but was not present when her name was called. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Adams, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Ezekiel Moore, Jr., 3422 Prudence, Houston, Texas 77045 (713-433-8480) appeared and stated that he was President of the Townwood Civic Club and was present to thank the Mayor and City Council for approving the speed humps, that he wanted to thank Council Member Adams and her staff for working with them in the community, that they really appreciated it. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Adams, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Jorgetta Williams, Post Office Box 42505, Houston, Texas 77242 (713-314-7546) had reserved time to speak, but was not present when her name was called. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Adams, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Minor Payne III, 11503 Fawngrove St., Houston, Texas 77048 (281-788-8612) had reserved time to speak, but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Adams, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Jacqueline Jackson, 15923 Highland Brook, Houston, Texas (832-883-6420) had reserved time to speak, but was not present when her name was called. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Adams, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. David Williams, 4319 Charleston, Houston, Texas 77021 (713-747-1966) had reserved time to speak, but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Adams, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Leara Brown, 15434 Indiana Wood, Missouri City, Texas 77489 (832-921-5387) appeared and stated that she was present to speak on behalf of the wives, children and families of the Black officers who had been directly affected by the discriminatory policy of the Houston Police Department, that they felt that the City Council had to know about the implications of their situation because if they were not informed now they would never know, they were not impotent, they had the power to address the issues, and prevent the excesses of unchecked powers in the City, they should make it their business, that they could save lives from pain and address the issues when they were needed; that for almost four years the wives had to provide support for their courageous men who had suffered losses and job functions, self esteem, self respect and their sense of responsibility; that there had been times when they all felt like quitting and asking their husbands to give up the fight for their rights, that it had been long and hard and nobody cared, that the husbands leaned on the wives but the wives had nobody to lean on, that they had to be strong for their families or their worlds would have crumpled or exploded, that there had been sickness and pain and tears, but the laughs had been few, they had lived on the stressful edge of emotional disaster every day, however the greatest casualty may not yet be known, the children, they were in a situation not of their own making and they do not understand the heavy vibrations that crowd every corner of their home and each day of their lives they only feel, that only time would tell the affects of this ordeal on their impressionable minds, that adults had been developed with thick skins and could bounce back but with the children one could only wait and see and hope, that the wives and the husbands were helpless to do anything else, that the children had no defenses, that they all prayed that the ultimate price in the ongoing fight for their rights would not be paid by their children; to Mayor White, the Chief of Police was his choice and it spoke to his judgment, it was time for him to be the leader they thought him to be, that the African American community was watching Mayor White, please end the racist policy, that there was supposed to be a mediation on Monday, could he please tell them if they had come up with a settlement for the Black police officers. Mayor White and Council Members Lawrence, Clutterbuck, Adams, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that she could not tell Ms. Brown if that had happened, that it was an issue that they were still discussing and there were some reports that had come out, that she did not believe that they had come to any final conclusion on it. Mayor White and Council Members Lawrence, Clutterbuck, Adams, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Travis Johnson, 9301 Wheeler Ave., Houston, Texas 77004 (713-393-2335) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Lawrence, Clutterbuck, Adams, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Verne Leblanc, 11201 Veteran Memorial, No. 1902, Houston, Texas 77067 (281-570-8110) appeared and stated that she was present to voice their concern and chose them as their caretakers to listen to their concerns and to act on them; that they had always been told that the civil behavior was key to good relations, they had been respectful, that they deserved and demanded equal respect, that during the last meeting Mayor White decided to leave, the elderly of the SHAPE Community Center, who came to Council, and Mayor White walked out like he did not have to put up with them, that was the most disrespectful thing he could have done, that the video of the meeting would forever show that he made no excuses, that his disregard for Black people was clear, that if he did not intend to slap them in the face that was even worse, that meant that he was even conscious of what was done, that they did not call that impolite, they called it hateful on a day when they asked for his leadership on resolving a clear racist policy, that his first response was to speak of it as support, and walking out on it was an ultimate racist insult to all the Black citizens who had taken the time out of their lives to come and talk to him; that regardless of the intentions Black viewers throughout the City

felt that sitting in a blunt disrespect was also noted that some White Council Members chose to be absent, that his position had been well documented, that it got worse, Council Member Lawrence asked one of the elders who sent them down here, that she may not have been aware of the implication as if African Americans did not have the brains or civil awareness of plain gumption to do something for themselves, why would someone else have to put them up to it, why would they stand up for equal rights, that they were considered radical and that point of view fell just short of being called uppity, that they respectfully asked that they take care of dealing with African Americans in the future, do not do what comes so naturally, it was only motivates them to come back again and again. Mayor White and Council Members Lawrence, Clutterbuck, Adams, Khan, Holm, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that for Ms. LeBlanc to accuse the Mayor was extremely unfair, that this Mayor did the City's business, that at a time when they were dealing with issues like Hurricane Ike and had to get up and talk on the phone with FEMA, trying to recoup their money, or taking take care of business did not mean that the Mayor did not listen to what they were saying, that at times he had to go to the back and talk on the phone because it would be far more disrespectful to sit at the Council table, on the phone, while the speaker was talking, that at times he is in the back and hears everything that they say and they all listen to what they have to say; that everybody at the Council table can go in the back and still hear what the speaker was having to say; that they wanted to clear up that they were not disrespectful and was not racist to get up and walk out of the room when a speaker was speaking. Mayor White and Council Members Lawrence, Clutterbuck, Khan, Holm, Rodriguez, Noriega and Green. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

After further discussion, Council Member Garcia stated that this was a policy issue and there was litigation behind the issue and there were a lot of other complexities attached to the issue and some that prohibited them from talking about it. Mayor White and Council Members Lawrence, Clutterbuck, Khan, Holm, Rodriguez, Noriega and Green. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. LeBlanc stated that she was sorry if she had offended anyone. Mayor White and Council Members Lawrence, Clutterbuck, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Loutrice Hicks, 7612 Rhobell St., Houston, Texas 77016 (832-722-1981) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Lawrence, Clutterbuck, Khan, Holm, Rodriguez, Noriega, Green and Jones. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. David Bush, 106 Bream St., Haines City, Florida 33844 (863-581-7293) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Lawrence, Clutterbuck, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Charles Mamou, 13330 Insight Ln., Houston, Texas 77045 (832-894-0574) appeared and stated that he was present to talk to them about a case of racial profiling that he experienced with the Houston Police Department; that on March 11, 2008 he was stopped by a police officer, that at the time he was stopped about five or six different cars and vans pulled up with plain clothes policemen, that the police officer that stopped him in the patrol car came up to his door and he was fixing to open the door and he said "your window doesn't go down" and he said "yes it does", and he said to step out of the car, that he looked like he was about to run anyway and he said he had no reason to run, so when he got out of the car he had his concealed handgun license, his drivers license and his insurance in his hand, that he told him

(the officer) that he had a gun, and the officer asked if he had a gun and he said yes he did, so at that point he slammed him on the trunk of his car, put the handcuffs on him so tight, he asked if he could loosen them a little, he did not, that by that time the plain clothes police officers came up so he asked him if he could tell him what was going on and he did not answer him, so the plain clothes police officers made a joke about it that if he would have tried to do something to him that they had his back, covered and all, so he asked him again, the police officer who stopped him, why did he stop him, and he did not answer him, that he asked him this on four different occasions and he did not answer him, that he asked the officer to call a sergeant and he told him no on five different occasions, so then the plain police officers came up and asked him if he had anything illegal in his car and he said no he did not have anything illegal in his car and without consent, any consent forms or whatever, they searched his car in and out, that he said what was it they were looking for man and they never did answer him, that when he came back, the plain clothes police officers came back, he told the police officers who had stopped him that he was clean and they could let him go and he said no he was not going to let him go, that he was going to give him some tickets, so the police officer gave him two tickets, one for no insurance and the other one for failure to use signal in changing lanes, that he had the tickets with him. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White recognized Council Member Adams, and she stated to Mr. Mamou that she would give him a couple of seconds to complete his statement Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Mamou further stated that the officer wrote him a ticket for failure to indicate lane change, that he was on Tierwester and Carter, a two way street, why would he be trying to change lanes on a two way street, that he (the officer) did not show up for neither one of the hearings at court when he went to court. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions and discussion by Council Members, Mr. Mamou stated that he went through the Internal Affairs Division, they sent him a letter with the Mayor's, Chief of Police and Council Members names on it, and Council Member Adams stated that Lieutenant Collier was present in the audience and when the Council Members finished addressing him he could meet with him and he would be able to see how he could assist him and get further information from him. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

After further discussion by Council Members, Mayor White stated that there were two processes, and he speaks with Chief Hurtt as well, that people here did not tolerate something that was racial profiling, that as he had heard Chief Hurtt say in many cases they did recruit police officers from society and until there were people who had no stereotyping in society it was going to be hard to eliminate but they needed to be forever vigilant, that there was a process first having to do with the things that they were cited and it was a municipal courts process, that people appear or fail to appear for a variety of reasons within their municipal court process, that the disposition was, of dismissal, where somebody was ready to go to trial but those who had the evidence did not appear, that happened to citizens from every background, they had not adopted a policy that would penalize somebody for making a citation, because there was a whole variety of reasons why people did not appear, including testifying in other cases, that would say somehow a police officer was terminated if they failed to appear in court, that often citizens were relieved when people did not appear in court and the City Council was upset for them not appearing in court where there had been a violation; that the other issue that was raised, about getting his life back in order, he understood what he was saying, that there

was a process for investigating violations, that he was familiar with a number of cases that had come up through the Internal Affairs Division, that he thought if they looked at their command staff and the values that it embodied that there was a lot of care and scrutiny put into the Internal Affairs investigations and he could not sit here if it was a police officer talking about him (Mr. Mamou) and he was not present, frankly by his temperament and training he would not judge what happened based upon one party's side, that they probably could not resolve those before the City Council, but most likely if they did then they would not be able to do other useful things; that he had been in the back to deal with something involving the Houston Hope neighborhoods and then two other things, that last week it was FEMA, he had to excuse himself and do something and he heard a speaker, while he was trying to work in back, accuse him of various things because he left, that he wished he could be here 40 hours and be the judge for all these things but he probably could so this officer, in the Council Chamber, was going to have to take the complaint, and then the final thing was that he thought law enforcement officers were not perfect, that they might check that a few years ago there was somebody who was real close to him who was pulled over for failure to have lights on at night when she borrowed his car, there was probably more scrutiny than most, but there was a system of justice and that was through the Municipal Court System or the judicial system; that one of the things that Internal Affairs did, where there were multiple officers present, was that they get an account from a number of different officers, that one of the things that they had done in order to try to improve the quality of justice in this community was to try to get a very diverse group of people from different backgrounds and different perspectives in their police force and they were working hard on that every day, so he thought, based on what he had heard, the City of Houston had made progress, was it perfect, no, but he would just address some of those issues to him that he did to think they could adjudicate, and he would say to Members of the Council, that until they got some of the information on this he would not judge against him or judge for him, that in this case it would take a real process to figure out exactly what went on and on what basis citations were issued. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

After further discussion Mayor White stated that he did not want to suggest to anybody that a traffic citation was insignificant and he thought most of them thought probably if people were violating traffic laws they ought to be cited, and if they were not they should not be cited. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Adams, Mr. Mamou stated that it was September 2, 2008 when he received the letter and J. A. Lampignano's name was at the bottom of the letter. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams asked if there was an internal investigation and once they closed it could that same case be reopened again if they found out additional information, and Mayor White stated that he was not speaking on behalf of the Police Department or IAD, but his belief would be that it would be based on whether there was some new evidence, that he believed that Mr. Mamou stated that there was more than one officer; that he was also expressing to citizens who may be watching and to his fellow Council Members, and he would say it to assist those who may be seeking redress through an Internal Affairs process, that there were some things which were the focus of an investigation, for example, if somebody said it was improper for somebody to fail to appear at a hearing on the citation, that would not be something for Internal Affairs, it would just a matter of policy, something for which an officer could or should be disciplined, that if somebody said, what happened was that he had his certificate of insurance and he showed it to all these officers and then there was an investigation and all those officers said no, that was not at all what happened, and generally the presence of more than one officer could give a citizen some comfort because officers were interviewed; that he was dealing with

one case in his pile where somebody told somebody something that was not quite right in connection with an IA investigation that was now leading to some disciplinary proceedings, that was something that was sort of notorious within the department that Chief Hurtt does not tolerate; so if it was that somebody made up a citation of a citizen, obviously if somebody fabricated a citation then they were going to have to prove that, that normally that could not be proven simply because there was a swearing match between the officer and the citizen about the incident, that if that were the case then that would really supplant or put on the whole Municipal Court System, and it was true, and he would tell them, that the conduct of individual officers and their histories were examined by Internal Affairs in connection with particular investigations, so he was not saying that if there was nothing new, then they were not going to appeal internal investigations, that he understood what Mr. Mamou was saying if there was no street where somebody could turn into and it was a one way street if there was no turning motion and there was a one lane street, then that was something they would bring to the officer or gentleman and see where it was, was it near an intersection or was it not near an intersection, etc., that they could not try that here though; that he was not siding with him or against him because there had been some cases where citizens had insurance but they did not have it with them, he just did not know, that he would say when more than one officer was present usually that assured a better outcome of an investigation for citizens; that it was true that within neighborhoods where there had been a disproportionate number of victims of crime that there was, with a diverse and professional police force, there were a higher concentration of police; that he did not know the facts of Mr. Mamou's case, but for those who were stopped in connection with traffic violations, that often arrests, dealing with other matters, were made lawfully in connection with people who were apprehended for traffic violations, that did occur and that was one of the reasons why, and there was enhanced enforcement of traffic from time to time. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Joyetta Young, 1605 Bluebonnet Place Circle, Houston, Texas 77019 (713-652-5741) appeared and stated that June 4, 2008 was the worst day that she had in her life when her sister called her at work and told her that three Houston Police officers shot and killed her son, they shot them 3 times in the back at 8501 Broadway and her life had not been the same; that the officer had harassed him throughout the time that he was going to visit her mom's house off of Broadway and this particular morning they said that they thought he had a gun; that in the newspaper it said that they thought he had a gun, that the only thing that he had was a cell phone, that he was on his way home to go and keep his kids while his wife went to school, that nothing had been done, no justice had been served for her, that the holidays were coming up and she did not have her son, that her son had always been a caring person and had always walked her close to the bus stop and had always shown her his love, and she wanted to know why was the police officer who killed her son still working on the Houston Police Department force as of today; that two months prior to that Officer Shane Nash shot somebody else's son in the back, but nothing had been done, that right now she could say that she did not hate nobody but she disliked him, that if they could not trust a police officer then who could they trust besides GOD. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he wanted to thank Ms. Young for coming down and expressed sympathy for her loss; that he did not have all the facts of the particular case here, and asked Ms. Young if she said the case was still under investigation both by Internal Affairs and the DA's office, and Ms. Young stated that they investigated and on August 27, 2008 the grand jury acquitted them, for what reason she did not know, that they said they had a witness, two fourteen year old Hispanic boys, what were they doing up at 5:45 a.m. on a Wednesday morning; that when they killed her son it was on live TV and she was on her way to work and when they shot him her sister called her and said it was concerning Terrance and she said she had just gotten off of the phone talking to Terrance that night, what was wrong with him, and

she said they had just killed him, that he was running across Broadway, that he had his bicycle but if he was running how could they say that the police officers life was in fear, when they were running and pushing a bike, that she wanted to know why he was still on the force, that if she had to take it to Washington D.C. or the Supreme Court she was going to do that because she felt that no mother should have to go through something when Texas Law said they could not shoot nobody in the back, but they shot her son in his back three times, and Mayor White asked if she knew whether the matter was still under investigation, and Ms. Young stated that they closed the case and she wanted the case reopened because she did not think the officer was still supposed to be working for the City of Houston, trying to protect the City of Houston, that she had been living in the City of Houston for 45 years and they never had to go through something like this, that she had relatives that were HPD officers and that afternoon, one of her friends who was a police officer right now, she told him that was her son who got killed that morning and he said that he would hate to be in that police officers shoe's that killed her son, and she asked why, and he said because he just screwed up a lot of stuff, and he said that she had to do what she had to do, so it took her four months to come to Council and it may take her four years to stop but she wanted justice done; that the incident happened on June 4, 2008 at 8501 Broadway, that it happened at the Crescent City Apartments; that they did a press conference with Quannel X on June 12, 2008 at the apartments, that the people did not want them there, but she told the manager that the only thing she wanted to do was to see where her son took his last breath, that was the only thing she wanted to do, that they had taken her son, her friend, her oldest child and she displayed a picture of her son. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Kelvin Brown, 1605 Bluebonnet Place Circle, Houston, Texas 77019 (713-652-5741) was present but indicated that he did not want to speak. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Earline Lee, 1605 Bluebonnet Place Circle, Houston, Texas 77019 (713-652-5741) appeared and stated that she believed her older brother was murdered in cold blood by Officer Shane Nash, that it had been four months since her brother's death and she felt like justice needed to be done; that how often did HPD just murder someone, someone's loved one, and get away with it, that from the autopsy he was shot three times in his back and she felt like it was unnecessary force, that Officer Bruce Williams got on TV and was telling a lot of lies about her brother, like what type of person he was, that regardless of that he was still a human being; that they said he had a weapon but no weapon was found, and drugs, but nothing was found but a cell phone, that she was extremely upset that the officer was going to try to get away with murder, that she would never see her brother again and she had to look at her niece and nephew and think that they were going to be raised without a father figure. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

After discussion by Council Members, Council Member Johnson stated that they had some serious allegations made against the City, that it puts the City in position where they must enforce or put in place, not necessarily for the shaving incident, a citizen review board in which the citizens of the City should have a voice when it came to reviewing cases by which they felt they had been discriminated against, racially profiled or just outright racism done by any elected official or the Police Department, they needed to have something in place that gave them a voice, that there needed to be a third party that gave the individuals an opportunity for them to go to Internal Affairs and file a complaint, that he was asking some kind of review because the citizens of the City needed a voice. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that when he had looked at some of these cases, including police shootings, he tried to understand both what the process was in detail and what all the evidence was, that he wanted the citizens to know that in cases involving police shootings that result in a death that the Police Chief personally follows these cases and brings some of the issues to him because he knew they were serious, they had a big City and it was important, that they had before, with the Chief, made a decision to strongly urge indictment of an officer who shot a juvenile and indictments for officers of other things, and he thought the sentiment expressed by the police officer to the mother of the deceased was accurate, that given the various levels of scrutiny that were involved and the very great seriousness with which a shooting was treated, as he had told her he sure would not want to be in the shoes of that officer because he knew the conduct would be greatly scrutinized, that he had talked to parents of young people who had been shot by officers and had looked at the facts of individual cases of those, and probably was mindful and respectful of somebody's dreams and hopes and loves and cares when it came to not being a debater about what the facts would or would not be to some mother, who they could all sympathize with those grieving for the loss of a son or daughter, but they would not make a lot of progress and after a while they would tend to, if they made this particular hearing a tribunal for making judgments about the conduct of individual officers, that they would have to revise the form and have many trials because all of them had been accused of things, that there was nothing wrong and thought probably every citizen in the community knew what it was like in the workplace to be accused of something they did not do, that he did not know what the facts were but he imagined the worse thing that they could accuse somebody of, that he would like to be there when he was accused of that thing, and they had to balance that a little bit in their discussions but that was not to trivialize, that it was a very serious matter and from time to time they may involve issues, that he was involved in a couple right now, that involved the disciplinary processes within their Police Department, that by no means was the command staff and the Chief considered to be lenient or look the other way if there was a failure to follow the procedures that would result in the death of a person; that if anything there would be people who thought some of the procedures may be on this and other types of misconduct to strict, but they did understand it. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that Houston did need a citizen review board and the reality was that Houston was still a racist City, and continued to voice his personal opinions until his time expired. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Mr. Vivek Goel, 8450 Cambridge, Houston, Texas 77054 (713-240-9981) had reserved time to speak, but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Eugenia Brown, 14250 Kimberley, No. 3214, Houston, Texas 77079 had reserved time to speak, but was not present when her name was called. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

At 5:06 p.m. The City Council recessed until 9:00 a.m., Wednesday, October 29, 2008. Council Member Sullivan out of the city on city business. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (No Quorum Present)

The Houston City Council reconvened at 9:00 a.m. Wednesday, October 29, 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 and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Ronald C. Green absent on personal business.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:22 a.m. Mayor White called the meeting to order and stated that the first order of business was a public hearing. Council Members Clutterbuck, Adams, Holm, Garcia and Brown absent.

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

1. PUBLIC HEARING regarding the construction of the new Kingwood Library on 4.845 acres (Parcel GY9-001) within the Kingwood Park located at 2700 Bens Branch Drive and Bens View Lane - DISTRICT E – SULLIVAN – was called.

Mr. John H. Liles, Jr., Senior Assistant City Attorney, Legal Department, Real Estate Division stated that he was present for the public hearing relating to the request of the City of Houston Parks and Recreation Department and the Harris County Public Library to use a portion of Kingwood Park for construction of a library containing approximately 30,000 square feet along with associated parking spaces; that the hearing was being conducted as required under chapter 26 of the Texas Parks and Wildlife Code which required the Council, before approving such change of use of a portion of the Kingwood Park tract, to hold a public hearing to determine there was no feasibility or prudent alternative to the proposed use or taking of a portion of Kingwood Park for the project and that it included all reasonable planning to minimize harm to the park as a park and recreation area resulting from the proposed use or taking of a portion of said park and here to testify in support of those findings was Mr. Joe Turner, director of the Houston Parks and Recreation Department and Ms. Rhoda Goldberg, Interim Director, Harris County Public Library. Council Members Clutterbuck, Adams, Holm, Garcia and Brown absent.

Mr. Joe Turner, Director Houston Parks and Recreation Department stated that although the site located at Ben's Branch Drive and Ben's View Lane was designated for use as a park the Kingwood community would be better served to develop a portion of it for city services,

particularly a library, the 30,000 square feet library would replace an existing 12,000 square feet county facility and there was no additional surplus land they had currently to work with; that the current library would be converted into a community center to complement services provided by the new library; that they were using Kirksey Architecture and it would have a LEED certification by the U. S. Green Building Council; that the parkland was 9.12 acres and the building footprint and parking would occupy 1.52 acres and there would be 3.33 acres left for future parking, storm detention, landscape preserve and hopefully the Kingwood Garden Club would use some of the area and the remaining 4.27 acres would be left undisturbed in the current natural state. Council Members Clutterbuck, Adams, Holm and Garcia absent.

Ms. Rhoda Goldberg, Interim Director of Harris County Public Library thanked Mayor White, Council Member Sullivan and Harris County Commissioner Jerry Eversole for the lead in developing a partnership that would result in the new library for the Kingwood Community and stated that as all said the current 12,000 square feet building was too small for the growing community and the new 30,000 square feet facility would increase computers from 28 to 127, increase public meeting and study space to include two large meeting rooms, conference room and five small study rooms; that the site would accommodate the new library with a minimum loss of trees and parking and future parking was planned for areas having no trees. Council Members Clutterbuck, Adams, Holm and Garcia absent.

Council Member Sullivan stated that this may be one of the best projects and largest capital non infrastructure project in District E and Kingwood area and they fully supported it; and thanked all supporters. Council Members Clutterbuck, Adams, Holm and Garcia absent.

Mayor White thanked Ms. Goldberg for joining Council today at the table and for all work done by the Harris County Libraries; that the more things they can do like this the better the taxpayers would be served; and thanked all concerned. Council Members Clutterbuck, Adams and Garcia 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 hearing none asked for a motion to close the hearing. Council Members Clutterbuck, Adams and Garcia absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Clutterbuck, Adams and Garcia absent. MOTION 2008-0798 ADOPTED.

2. PUBLIC HEARING regarding amendments to the Project and Financing Plan for TAX INCREMENT REINVESTMENT ZONE NUMBER NINETEEN (UPPER KIRBY ZONE) DISTRICTS C - CLUTTERBUCK and G – HOLM – was called.

The City Secretary stated that no one had signed up to speak at the public hearing and Mr. Fiederlein would speak on the hearing. Council Members Clutterbuck, Adams and Garcia absent.

Mr. Fiederlein stated that on September 24, 2008, the Board of Directors of the Upper Kirby TIRZ approved a proposed amendment to the financing plan and forwarded those to the City of Houston for consideration; that the public hearing was a statutorily required part of the city's review process and each Council office was given a copy of the second amendment and an official city statement had been distributed to each Council Member today; that the amendment was to provide for the acquisition of property for a future civic center complex in the Upper Kirby area and the general location was at and near the intersection of Richmond and Wakeforest adjacent to Levy Park and the land acquisition cost was estimated to be 12.4 million; that currently there was no civic center complex in the Upper Kirby district and future

design and construction would be funded from a variety of sources including private fund raising and the amended plans also provided for the Upper Kirby Redevelopment Authority to issue debt to fund the acquisition and other projects detailed in the amended plans; that City staff worked with the TIRZ on the proposed amended plan and would at a subsequent Council Meeting bring forth a recommendation to approve the plan amendments. 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 hearing none asked for a motion to close the hearing. Council Members Adams and Garcia absent.

Council Member Clutterbuck thanked all for their work on the item and stated today they were joined by Mr. Buddy Bailey and Mr. Jamie Brewster the president and executive director of the TIRZ and this was a result of their combined vision; that this was the only TIRZ so far having operated completely debt free and they were completely financing the massive reconstruction of Kirby north of 59; that she thanked Mr. Rick Campo for holding to the land; and she was very supportive of the item. Council Members Johnson, Adams and Garcia absent.

Council Member Brown seconded all Council Member Clutterbuck said and thanked all those involved and stated Houston needed more of this, it would improve the tax base and make the whole area more livable; and he supported the item. Council Members Johnson, Adams and Garcia absent.

Council Member Holm commended the TIRZ for all their coordinated efforts. Council Members Johnson, Adams and Garcia absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Garcia and Jones absent. MOTION 2008-0799 ADOPTED.

Mayor White thanked all for being present and stated that both hearings were an indication of the act of involvement of Council Members in trying to identify high priority projects; that he needed Council Members help, Council Member Lawrence was with him in endless meetings and they were all public dollars and it needed to be put to work for the common good; under the laws and rules of the TIRZ the TIRZ funds could be used for places of public assembly outside the TIRZ boundaries and he wanted to see public entities as they collect money for particular purposes invest it and it was important Council Members and the Administration take a look at these; and with that the public hearings were concluded. Council Member Garcia absent.

#### MAYOR'S REPORT

Mayor White stated that his report was something which kept him up last night and he thought he expressed sentiments of many around the table which he was proud of Council Members they were leaders of the City of Houston and an insider, there were 21,000 people working at the City of Houston and each at the table was a city employee; that from time to time conduct of a city employee may be criticized but he asked that all make sure they have all the facts before criticizing an employee; that Council Members may disagree but did not indulge on personal attacks, it was important to respect one another, he was not sure what he would do but it was not going to be nothing if someone brought the politics of personal destruction to campaigns waged in the last several days of a campaign; that he wanted people to run on their records and issues and not the basis of politics as personal destruction; that he was also thinking of the Mayor Pro Tem who he knew personally to be a person of high integrity and hard work, he knew his wife, family and if someone wanted to engage in personal attacks on the Mayor Pro Tem then he viewed it as an attack on him and would respond so; that he did not know anything else there was that they did to try and avoid the politics of innuendo and

personal destruction and he hoped those who stayed on this body after him would stick up for their colleagues; that people should run on their records.

Council Member Khan stated that he appreciated what was just said; that this was very important, in general the public did not appreciate if a person tried to get involved in personal destruction; that what he said was so true, around the table they have their share of disagreement, but it never clouded judgment and what he said was true and he never found Mayor Pro Tem Garcia any less than an outstanding public servant and his personal integrity and attention to detail and his willingness and commitment to public service was beyond any doubt and he respected him and his family and he had earned his respect around this table and this city.

Council Member Lovell moved the rules be suspended to take Items 38, 38a, 38b, 38c and 38d out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0800 ADOPTED.

38. ORDINANCE appropriating \$2,879,890.00 out of Police Consolidated Construction Fund and approving and authorizing a System Procurement Agreement between the City of Houston and MOTOROLA, INC for the Public Safety Radio System Project; authorizing the expenditure of grant funds in the amount of \$12,993,456.00; providing a maximum contract amount – (This was Item 15 on Agenda of October 22, 2008, TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK) – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-952 ADOPTED.

38a.ORDINANCE appropriating \$773,181.98 out of Police Consolidated Construction Fund and approving and authorizing Lease Agreement between the City of Houston and 2550 NORTH LOOP WEST LP, for the Lease of Office Space at 2550 North Loop West relating to the Public Safety Radio System Project; providing a maximum contract amount – (This was Item 15A on Agenda of October 22, 2008, TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK) – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-953 ADOPTED.

38b.ORDINANCE appropriating \$100,000.00 out of Police Consolidated Construction Fund and approving and authorizing contract between the City of Houston and MILLER & VAN EATON, P.L.L.C. for Legal Services relating to the Public Safety Radio System Project; providing a maximum contract amount – (This was Item 15B on Agenda of October 22, 2008, TAGGED BY COUNCIL MEMBER HOLM) – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-954 ADOPTED.

38c.ORDINANCE appropriating \$137,877.34 out of Police Consolidated Construction Fund for Purchase of Furniture, Information Technology Equipment and Security Equipment for the Public Safety Radio System Project – (This was Item 15C on Agenda of October 22, 2008, TAGGED BY COUNCIL MEMBER HOLM) – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-955 ADOPTED.

38d.CONTRACT RESOURCE GROUP, LLC for Office Furniture from the State of Texas Procurement and Support Services Contract for the Information Technology Department - \$80,991.54 – (This was Item 15D on Agenda of October 22, 2008, TAGGED BY COUNCIL MEMBER HOLM) – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0801 ADOPTED.

Council Member Holm thanked Mayor White for his leadership in the assistance of a

critical component of a system needed to move the city forward and address security and well being and also thanked Michelle Mitchell who spent much time explaining and providing the financial component all needed to be able to understand and accept and support.

CONSENT AGENDA NUMBERS 3 through 33

ACCEPT WORK - NUMBERS 5 and 6

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$674,262.15 and acceptance of work on contract with AMTECH ELEVATOR SERVICES, for Elevator Renovation at 8000 North Stadium Dr., WBS D-000113-0002-4 - 2.98% over the original contract amount - DISTRICT D – ADAMS – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0802 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$436,150.00 and acceptance of work on contract with BOYER, INC for Lift Station Piping and Valve Replacement - Various Lift Stations, WBS R-000267-00C3-4 0.28% under the original contract amount - DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; F - KHAN; G - HOLM and I – RODRIGUEZ - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0803 ADOPTED.

PROPERTY - NUMBERS 7 and 8

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David Evans, McDonough Engineering Corporation, on behalf of the Most Reverend Daniel Cardinal DiNardo, Archbishop of Galveston-Houston, his successors in office or assigns, for the use and benefit of Holy Rosary Parish, for abandonment and sale of Berry Street from Milam Street to Louisiana Street, and a ±7,700-square-foot parcel being portions of Lots 7, 8 and 9, Block 16, in exchange for the conveyance to the City of a 50-foot-wide utility easement and a 25-foot-wide sanitary sewer easement, all located in the Main Street Addition, Parcels SY8-087A, SY8-87B, VY8-053 and DY8-096 - DISTRICT D – ADAMS - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0804 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 13A

9. SHI GOVERNMENT SOLUTIONS, INC for Maintenance Agreement for McAfee Virus Check Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Information Technology Department - \$266,952.00 - Central Service Revolving Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0805 ADOPTED.
10. RELIANCE LABEL SOLUTIONS, INC for Printing, Library Cards for the Library Department \$137,250.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0806 ADOPTED.
12. TOTER, INCORPORATED for Automated Refuse Containers (Two-Wheel Carts) from the

Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Solid Waste Management Department - \$578,440.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0807 ADOPTED.

13. ORDINANCE appropriating \$112,667.00 from the Limited Use Roadway and Mobility Capital Fund for the purchase of Professional Services for the Deployment of the Infor 7i Work and Asset Management (WAM) System in the Traffic and Transportation Division (TTD), WBS N-000650-0049-3 – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-956 ADOPTED.

13a.EMA, INC through the Cooperative Purchasing Program under Section 211 of the Government Act of 2000 in the total amount of \$112,667.00 for the Deployment of the Infor 7i Work and Asset Management (WAM) System in the Traffic and Transportation Division (TTD) - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0808 ADOPTED.

#### ORDINANCES - NUMBERS 14 through 33

17. ORDINANCE approving and authorizing contract between the City of Houston and CHILD CARE COUNCIL OF GREATER HOUSTON providing up to \$597,694.00 in Community Development Block Grant (“CDBG”) Funds for the Implementation, Oversight and Delivery of a Child Care Program – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-957 ADOPTED.

18. ORDINANCE approving and authorizing contract between the City of Houston and CHILD CARE COUNCIL OF GREATER HOUSTON providing up to \$623,453.00 in Community Development Block Grant (“CDBG”) Funds for the Implementation, Oversight and Delivery of a Juvenile Delinquency Prevention Program – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-958 ADOPTED.

19. ORDINANCE approving and authorizing contract between the City of Houston and CHILD CARE COUNCIL OF GREATER HOUSTON providing up to \$2,026,597.00 (Emergency Shelter Grant Funds - \$1,326,597.00/Community Development Block Grant Funds - \$700,000.00) for the Administration of an Emergency Shelter Grants Program – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-959 ADOPTED.

20. ORDINANCE approving and authorizing contract between the City of Houston and the HEALTHCARE FOR THE HOMELESS-HOUSTON to provide \$117,180.00 in Community Development Block Grant Funds for the Administration and Operation of Project Access, which offers transportation services to homeless individuals and families seeking health care and supportive services – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-960 ADOPTED.

21. ORDINANCE approving and authorizing Subaward Agreement between the City of Houston (City) and BAYLOR COLLEGE OF MEDICINE (Baylor) for the Healthy Kids-Houston: An Integrated Community Program for the Prevention of Obesity Among Minority Children (Program); authorizing the Director of Parks & Recreation Department (Director) to act as the City’s representative to approve and accept funding from Baylor in the amount of \$109,205.00 for the program; declaring the City’s eligibility for receiving such funding; and further authorizing the Director to apply for an accept all subsequent awards of funding, if

any, pertaining to the program and to execute any future contracts with Baylor pertaining to the receipt of grant funding from the United States Department of Agriculture (USDA) Cooperative State Research, Education and Extension Service (CSREES) for the program – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-961 ADOPTED.

23. ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and VANGUARD CAR RENTAL USA INC formerly NATIONAL CAR RENTAL SYSTEM, INC for certain premises at William P. Hobby Airport - Revenue - DISTRICT I – RODRIGUEZ – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-962 ADOPTED.
25. ORDINANCE approving and authorizing Purchase and Sale Agreement between Almeda Holdings, Ltd., and the City of Houston, Texas, Purchaser (the “City”), for 9.617 acres, more or less, of improved commercial land in fee (Parcel CY3-009A) and an easement over 4.047 acres, more or less, of improved commercial land for a Buffer Zone Easement (Parcel CY3-009B), at 12317 Almeda Road, Houston, Texas, for construction of a Biosolids Handling Facility and the Expansion of the Almeda Sims Wastewater Treatment Plant - DISTRICT D – ADAMS – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-963 ADOPTED.
27. ORDINANCE approving and authorizing contract between the City of Houston and MERCER(US), INC for Financial/Human Resources Consulting Services; providing a maximum contract amount \$75,000.00 - General Fund – was pulled by the Administration and not considered.
28. ORDINANCE awarding contract to SQUARE D COMPANY (formerly known as ECP TECH SERVICES) for Maintenance and Repair Services of Electric 138KV Substations for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,596,254.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-964 ADOPTED.
29. ORDINANCE appropriating \$2,947,389.00 out of Water & Sewer System Consolidated Construction Fund (8500), and awarding contract between the City of Houston and CORRPRO COMPANIES, INC for the Corrosion Prevention Program; providing a maximum contract amount WBS S-000037-0003-3 – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-965 ADOPTED.
31. ORDINANCE appropriating \$2,970,115.00 from the Metro Project Commercial Paper Series E Fund and \$168,003.00 from the Water & Sewer System Consolidated Construction Fund for the City’s Cost Share in the Design and Construction of Bunker Hill from Long Point to IH-10 pursuant to the Engineering and Construction Agreement between the City of Houston and THE MEMORIAL CITY REDEVELOPMENT AUTHORITY dba TIRZ #17 REDEVELOPMENT AUTHORITY (approved Ordinance No. 08-0624), WBS N-000767-0001-4, S-000521-0047-4, R-000521-0047-4 - DISTRICTS A - LAWRENCE and G – HOLM – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-966 ADOPTED.
32. ORDINANCE approving and authorizing Sanitary Sewer Service Agreement between the City of Houston and HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 406 – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-967 ADOPTED.

33. Omitted

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MISCELLANEOUS - NUMBERS 3 and 4

3. REQUEST from Mayor for confirmation of the appointment of MR. BRYAN B. SÁNCHEZ to Position Seven of the REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS (EAST DOWNTOWN ZONE) BOARD OF DIRECTORS, for a term to expire July 6, 2009 - was presented, moved by Council Member Khan, seconded by Council Member Garcia.

Council Member Rodriguez thanked the Administration for recommending Bryan Sanchez who was extremely talented and well educated and very excited and eager about the task.

A vote was called on Item 3. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0809 ADOPTED.

4. RECOMMENDATION from Director Administration & Regulatory Affairs for adoption of Alcohol-Free School Zone for the SER-Niño's Charter School located at 5815 Alder pursuant to Section 109.33 of the Texas Alcoholic Beverage Code and Section 3-2 of the Houston Code of Ordinances - DISTRICT C – CLUTTERBUCK - was presented, moved by Council Member Khan, seconded by Council Member Garcia.

Council Member Clutterbuck stated that she supported the item and thanked former Council Member Ray Driscoll for his hard work as he was on the board of SER- Niño's Charter School.

A vote was called on Item 4. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0810 ADOPTED.

PROPERTY - NUMBERS 7 and 8

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Lars E. Monson of Brown & Gay Engineers, Inc., on behalf of Willowick Place at River Oaks, L. P., a Delaware limited partnership (Willowick Place at River Oaks GP, LLC [Frederick R. McCord, President], General Partner), for the abandonment and sale of Las Palmas Street right-of-way and a 10-foot-wide water line easement, located between West Main Street and West Alabama Street, in exchange for the conveyance to the City of a 65-foot-wide utility easement, out of the A. C. Reynolds Survey, Abstract 61, Parcels SY8-061A, SY8-061B and VY8-052 - DISTRICT C – CLUTTERBUCK – was presented, moved by Council Member Khan, seconded by Council Member Garcia.

Council Member Brown stated that Item 7 had to do with vacating Las Palmas Street to facilitate Willowick Place and he commended the city working with the developer as it was a first class project.

Council Member Clutterbuck stated that she too supported the Item, but residents wanted to come and speak about it next week; that it was an existing condo complex and the developers wanted to make it a gated community and reduce density; and tagged Item 7. Council Member Green absent on personal business. Mayor White absent. Mayor Pro Tem Garcia presiding.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 13A

11. ACTION TARGET, INC for HPD Qualification Pistol Range through the State of Texas Building and Procurement Commissioner's Contract (TXMAS) for Houston Police Department \$1,592,137.00 - Police Consolidated Construction Fund – was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Council Member Green absent on personal business. Mayor White absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0811 ADOPTED.

ORDINANCES - NUMBERS 14 through 33

14. ORDINANCE AMENDING ARTICLE XII OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Bicycle Permits – was presented.

Council Member Clutterbuck stated that the item was amending the Code of Ordinances relating to bicycle permits and she thanked Alfred Moran, Director of Administration, for his hard work on the item; that he was going through the vast number of permits required in the City of Houston and straightening them out; and Mayor White stated that one goal they had and maybe someone should review and this was true with the City Attorney's Office was if there were things on the book which did not make sense and not enforced then they should be taken off the books.

Council Member Holm stated that she too appreciated Mr. Moran looking at the issues, so often Council Members had no clue how some things were put on the books and they created documents and maybe Mr. Moran or his department should examine from their perspective what they might be creating in terms of enforcement, sometimes when they passed ordinances they may not be clearly defined enforcement that may down the road create and it may clarify from the beginning their purpose and give it objectivity; and Mayor White stated that he agreed with that.

A vote was called on Item 14. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-968 ADOPTED.

15. ORDINANCE authorizing the issuance of City of Houston, Texas Airport System Senior Lien Revenue Bonds or Senior Lien Revenue Refunding Bonds as may be further designated and described herein and providing for the payment thereof; authorizing the Mayor and City Controller to approve the amount, Interest Rate, Price and Terms thereof, determine the Outstanding Bonds or Notes to be refunded and defeased, and approve certain other procedures and provisions relating thereto; authorizing the refunding and defeasance of certain Outstanding Airport System Senior Lien Commercial Paper Notes, certain Outstanding Subordinate Lien Revenue Bonds and certain Obligations relating to Special Facilities Bonds; approving the sale of the Bonds and authorizing the execution and delivery of one or more Bond Purchase Agreements, one or more Escrow Agreements, and one or more Paying Agent/Registrar Agreements; authorizing the purchase of Bond Insurance and one or more Reserve Fund Surety Policies; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; making certain findings and other declarations necessary and incidental to the issuance of bonds; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Member Rodriguez absent. ORDINANCE 2008-969 ADOPTED.

16. ORDINANCE relating to the Retail Water and Sewer Rates of Southern Water Corporation; approving an increase to the rates that shall constitute the legal rates of Southern Water Corporation within the City of Houston until changed as provided by the Texas Water Code; providing for the filing of rate schedules and tariffs; providing for the repeal of conflicting ordinances; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a repealer - DISTRICT B –

JOHNSON – was presented.

Council Member Johnson thanked Mayor White for his attention to the item with Southern Water Company and thanked Alfred Moran, Tina Paez and Melba Pourteau for the excellent job they did; that last week they had a public hearing on this particular water company that increased its rates by close to or well over 60% on their rates, which obviously he and Mayor White felt to be absurd, now while the company had not had an increase in over 23 years, the company, he thought they all agreed, had done great works throughout their tenure as being a water company for that area, an area that was annexed back in the 70's, that he thought it was necessary for them to come up with a rate that would have been, especially in these economic trying times that they were living in, to come up with a rate that he thought, something that the ratepayers in that area could easily swallow as opposed to the 60%; that while he was not in favor of any increased rate for the water company, but thought that at the same time they had been able to demonstrate and the Mayor worked very diligently to make sure that they did recoup some of their cost that they incurred by running this water company, but they wanted to make sure that they were not just getting a windfall in this new rate, that this was a rate that they would be taking back to TCEQ and he hoped the TCEQ understood and saw it their way, but also hoped and understand that they were going to fight this thing all the way through to insure that they were protecting the rate payers of the area, that again he wanted to thank Mayor White for his leadership on this and was very much support of the item.

Mayor White stated that before this vote, and he would ask the City Secretary that some of the minutes of this discussion at the Council table, as usual, be carefully transcribed, but in this particularly carefully transcribed, and to Mr. Michel that the minutes be accurately summarized and they would be voted on, to remember they review the minutes in the next session and those minutes ought to reflect this discussion that they were having; that that he was putting him on the spot here without citing both the section of the Texas Water Code and the TCEQ rules, they provided that the Commission was only to consider information that was available to the local government entity or the governing body, the body with the original jurisdiction, the City, was that correct; and Mr. Michel stated that was correct, the standard that was available at the time of the hearing; and Mayor White stated that the information that was available at the time of the hearing, and the hearing occurred last week; that the only information that he personally, and correct him if he was wrong, there was information that was contained in a filing by the applicant, a second filing of the applicant, which were introduced into evidence and they also admitted into evidence other information including tables prepared by the City expert, was that right, and Mr. Michel stated that was correct and he thought there was some testimony from citizens from a prior hearing, but it would be those three items.

Mayor White further stated that he wanted to be clear that he knew of no information that was available, and there were other City employees, that was available to them other than what was provided to them at the hearing or the application by the various rate payers, that he was not aware of any other information, at least available to him and if there were any other Council Members who had any other information separate and apart of what they presented at the hearing, he hoped that people had an opportunity to speak now; that they could suspend the rules if there was any person, any interested party present here that believed the City had information that was not in the application, the errata or the second application and the testimony in the exhibits in the information in the public session then if they could identify themselves they could have leave for them to provide that information at this late date, it might not influence the decision, but at least it would be available to them; and asked if there was anybody here who believed that they had any information available to them other than the applications and the errata and the various exhibits marked, and if there was not let the record reflect that nobody had come forward; that he wanted to say to the governing body and to the City of Houston and to various staff and to the Council the fact that the law did provide that on hearing before the TCEQ, the TCEQ could only consider those matters, that information that

was available to this body; that was what the law said, that when it said appeal de novo it was an appeal based on the information, the factual record developed before the governing body, otherwise, the idea of having exclusive original jurisdiction would make no sense and nobody had disputed either that interpretation of law or the information that was provided to them by the company; that there was some lore out there that he heard that people could simply ignore these proceedings and then sort of try a rate case in the TCEQ, but that was not what the statute provided, that the statute did not say that, it said there was an appeal de novo, and it said that the only information was the information that was presented and then that information would be conveyed along with the minutes of this meeting and this ordinance; and this also should reflect in their action here that various findings of fact that they had agreed where the testimony that was presented, the uncontroverted testimony, presented by the evidence; that this body had reviewed all the evidence that was available to it and that they acted on the law as interpreted by Council concerning the reasonable rates as allowed under Texas law; and Mr. Michel stated that was an accurate summary of the law and what was presented.

A vote was called on Item 16. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-970 ADOPTED.

22. ORDINANCE approving and authorizing the Mayor to accept Federal Aviation Administration (FAA) Grant offers up to \$75,000,000.00 for various projects at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; declaring the City's eligibility for such grants - DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ - was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-971 ADOPTED.

24. ORDINANCE appropriating \$300,000.00 from Equipment Acquisition Consolidated Fund 1800 and approving and authorizing payment for land acquisition costs pursuant to a Commercial Contract - Improved property between the City of Houston and American Opportunity for Housing - Concord at Williamcrest, LLC, Seller, for the purchase of a tract of land containing 10.8243 acres, more or less (Parcel BY9-006), out of JM Bartlett Survey, Abstract No. 152, in Harris County, Texas, for purposes of expanding Marian Park, with the Houston Parks Board paying the balance of the purchase price, plus all closing costs associated with this transaction DISTRICT C - CLUTTERBUCK - was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-972 ADOPTED.

26. ORDINANCE approving and authorizing contract between the City and JOHN HALL PUBLIC AFFAIRS, INC for Consulting Services related to environmental matters; providing a maximum contract amount - 1 Year with two one-year options - \$378,000.00 - General Fund - was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-973 ADOPTED.

30. ORDINANCE amending Ordinance No. 2005-822 (passed by City Council on June 29, 2005) to increase the maximum contract amount for contracts with GTE MOBILNET OF SOUTH TEXAS LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS BY SAN ANTONIO MTA, LP, it's General Partner and SAN ANTONIO MTA, LP, d/b/a VERIZON WIRELESS BY VERIZON WIRELESS TEXAS, LLC, it's General Partner, and approving and authorizing first amendment to contract with AT&T MOBILITY NATIONAL ACCOUNTS, LLC (FORMERLY NEW CINGULAR WIRELESS NATIONAL ACCOUNTS, LLC) for Wireless Communications Equipment and services for Various Departments - \$2,367,811.25 - Central Service Revolving Fund - was presented, and was tagged by Council Members Johnson and Lawrence. Council Member Green absent on personal business.

MISCELLANEOUS

34. RECEIVE nominations for Position 7 on the PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, for a two-year term – was presented.

Council Member Rodriguez nominated Ms. Janiece Longoria for Position 7 on the Port of Houston Authority of Harris County and distributed her resume.

Council Member Garcia moved to close nominations for Position 7 on the Port of Houston Authority of Harris County, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0812 ADOPTED.

35. RECEIVE nominations for Position 10 on the HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS, for a two-year unexpired term that will end on March 1, 2010 – was presented.

Council Member Lovell nominated Mr. Douglas Elliott for Position 10 on the Houston Archaeological and Historical Commission Board of Directors and distributed his resume.

Council Member Khan moved to close nominations for Position 10 on the Houston Archaeological and Historical Commission Board of Directors, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0813 ADOPTED.

36. RECOMMENDATION from Director Houston Airport System to conduct a public hearing on the proposed airport compatible land use regulations and accompanying maps for George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Field (EFD) DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 19, 2008 – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0814 ADOPTED.

MATTERS HELD - NUMBERS 37 through 39

37. AZTECA SYSTEMS, INC for Software Application and Maintenance Support Services for the Workorder Management System (Citywork) for Department of Public Works & Engineering \$110,000.00 - Enterprise Fund – (This was Item 11 on Agenda of October 22, 2008. TAGGED BY COUNCIL MEMBER JONES) – was presented, moved by Council Member Khan, seconded by Council Member Garcia.

Council Member Khan stated that he was in support of the item, but he wondered why they were buying additional software when they had a competent program; and Mayor White stated that he thought it a valid question and would get an answer for him.

Council Member Jones stated that she tagged the item last week as she was concerned about the proprietary nature of the contract, Mr. Norman helped her understand and that was why she would support it.

A vote was called on Item 37. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2008-0815 ADOPTED.

39. ORDINANCE approving and authorizing contract between the City and MAXIMUS

FINANCIAL SERVICES, INC for Cost Allocation Plan Services for the Department of Finance; providing a maximum contract amount - 3 years with two one-year options - \$298,461.00 - General Fund – (This was Item 22 on Agenda of October 22, 2008, TAGGED BY COUNCIL MEMBER JONES) – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2008-974 ADOPTED.

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

Council Member Rodriguez stated that he would be hosting his first Fright Fest at Ingrando Park Halloween night from 6:00 p.m. to 9:00 p.m. and he thanked all who helped put the event together and invited all.

Council Member Rodriguez stated that November 22, 2008, he and his wife would be walking to fight Diabetes, a 5K run and 3Kwalk at Minute Maid Park and encouraged all to go to [www.diabetes.org](http://www.diabetes.org) and navigate and sign up and join their team.

Council Member Rodriguez stated that it was an honor to attend mass last Sunday with the Houston firefighters, it was the Firefighter Mass at the new co-cathedral of the Sacred Heart and he thanked the Diocese for recognizing the first responders, it was an inspiring and moving mass, he appreciated the great men and women who were first responders.

Council Member Sullivan stated that last Thursday night District E hosted a public meeting at the University of Houston, Clear Lake to roll out a new master plan for Sylvan Rodriguez Park and he thanked all who helped and facilitated the meeting, it was a long-range plan which would require private funding to accomplish all goals, but it was exciting and they had 110 acres.

Council Member Sullivan stated that this morning there was a pre-bid conference going on now for contractors wanting to bid on the Million Tree Program; that SPD had done a good job formulating and developing a contract and he was looking forward to seeing the bids in Council. Council Member Garcia absent.

Council Member Sullivan thanked all involved at the public hearing for the Kingwood Library this morning, they were excited to see the project moving forward and getting close to ground breaking. Council Members Johnson and Garcia absent.

Mayor White stated that if it was okay with the chair of the Transportation and Infrastructure Committee, the Vice Mayor Pro Tem, he would like to note that Council Member Sullivan was acting in accordance with his request in trying to identify areas for oversight of an entity called the Coastal Water Authority and there were several issues involved, part of the stewardship of the taxpayers dollars meant money, basically public money invested in the public's interest, and not just warehoused or what have you and he would ask any Council Members interested in things like why there were tens of millions of dollars never spent and accumulating at low interest rates or the cost structure of the organization, which he was not prejudging, he was just saying as related to other public entities, and he would appreciate her taking an interest in that and thought they should also consider a public hearing on it; that whatever entities served the city or region who had financial capacity ought to do their bit in making sure that improvements were made in the region of water conservation, water supply, etc., and if others were interested in the project he would ask the chair to consider a subcommittee of the committee which looked at this and work with the Administration to make sure there was good oversight of that body. Council Members Johnson, Garcia and Noriega absent.

Council Member Lovell stated that on Thursday, November, 6, 2008, 3:00 p.m. they would have a Quality of Life Committee and revisit and have more discussion on attention getting devices; that it was voted out of committee, but they wanted to make sure when the subject was voted on all felt they

were able to be heard. Council Members Johnson, Garcia and Noriega absent.

Council Member Lovell stated that early voting was still going on and next Tuesday, November 4, 2008, was Election Day and all should vote. Council Members Johnson and Noriega absent.

Council Member Lovell stated that she wanted to wish her son, Robbie, a happy birthday as he would be turning 14 years old Sunday. Council Members Johnson, Noriega and Noriega absent.

Council Member Lawrence stated that Council Member Clutterbuck set the bar high last year for the Council Member Clutterbuck goals and her office led in the Kiss the Pig Contest on November 5, 2008, the offices had been great and this was a time they could give to whomever they were passionate about; that they were now \$300.00 away from their \$10,000.00 goal; and thanked all; that few Council Members were under the \$500.00 per office and the pig would be present. Council Members Johnson and Noriega absent.

Council Member Lawrence stated that she would like a history report to say Stephen F. Austin's birthday was November 3rd. Council Members Johnson and Noriega absent.

Council Member Garcia stated that they were having a tree planting with the Parks Department at 1:00 p.m. tomorrow and about 90 trees would be planted along Harrisburg and thanked Parks for their efforts. Council Members Johnson and Noriega absent.

Council Member Garcia stated to all parents they should make sure to go over all safety rules with their children before going out Halloween night, make sure their costumes did not trip them and that they could see through their masks; and reminded all motorists to exercise extra caution on Halloween because of all the children and keep it an enjoyable experience for generations to come. Council Members Johnson and Noriega absent.

Council Member Garcia stated that they would be celebrating the Seventh Annual Monster Mash at Moody Park, done in collaboration with State Representative Jessica Farrar and located at 3725 Fulton, Friday evening from 6:00 p.m. to 9:00 p.m. and all should come by. Council Members Johnson and Noriega absent.

Council Member Garcia stated that the Second Annual Fall Fest would be held at Proctor Plaza Park at 803 West Temple, Friday from 6:00 p.m. to 9:00 p.m.; and encouraged all to enjoy the Halloween spirit and have fun. Council Members Johnson and Noriega absent.

Council Member Garcia stated that he wanted to thank a member of the Mayor's staff, Cheryl Murray for sharing an idea that with the tragedy of the recent drowning, he noticed a pump on the bottom floor of the Annex Parking Garage and wondered if it would be possible, when inspections were done at complexes if an unsafe pool was spotted they have a system to do an immediate drain; and Mayor White stated to Council Member Lawrence that this was an issue which Council Member Clutterbuck spoke of once; that they were tight with dollars, but Council Member Garcia was talking about a remedy where when they saw unsafe pools and he thought the whole issue of tools they had available where there was a lack of safety and standards in a complex they may want to have a hearing at some point about the use of those tools, maybe Ms. Bailey could research strategies in other urban areas of how they dealt with unsafe multifamily complexes and whether or not there were circumstances where they should have... and he was thinking of the City Attorney's Office also on whether or not there should be mandatory injunctions sought, some intermediate step between the citations and pulling certificates of occupancy, so a hearing on that and then also maybe join with Council Member Noriega on the progress that had been made, which was considerable, since the passage of the multifamily ordinance dealing with places of excessive crime, actions taken by the Fast Team, etc., he thought it was about time for a hearing combining all those issues. Council Members Johnson and Sullivan absent.

Council Member Khan stated that Council offices relied on their staff and many times they were under paid, over worked and under appreciated, but they valued each, but one staff member Benjamin Hernandez, was moving and joined the City of Houston Health and Human Services Department and would work with the director of special projects and they congratulated and wished him the best on all his endeavors. Council Members Johnson and Sullivan absent.

Council Member Khan stated that a common, mutual friend, Mr. Devain Klotz, an outstanding engineer and Houstonian was elected president of the American Society of Civil Engineers and that was the oldest organization of national engineering society and represented more than 141,000 civil engineers worldwide and he would be installed on November 8th in Pittsburg, Pennsylvania during the business meeting at ASC and he knew he would do a wonderful job. Council Members Johnson and Sullivan absent.

Council Member Brown stated that he wanted to remind everyone that an election would be held November 4th and urged all to vote early or on the 4<sup>th</sup> and introduced masked visitors to Council, Senators Obama and McCain. Council Members Johnson and Sullivan absent.

Council Member Brown stated that he wanted to let all his colleagues know tomorrow at 10:00 a.m. they would hold their Sustainable Growth Committee Meeting with his vice chair Council Member Rodriguez and they would discuss urban farming and urban gardening; that they would also discuss electric cars; and invited all. Council Members Johnson and Sullivan absent.

Council Member Brown stated that with what Council Member Garcia said they probably needed more apartment inspectors, if they could find it in the budget, he thought they had seven and if they could get to ten; that many apartments built before 1973 were shoddily built and were fire traps and dangerous to all who lived there and they should be inspected and brought up to code. Council Members Johnson and Sullivan absent.

Council Member Brown stated that he passed out information on what Tulsa, Oklahoma, did to bury power lines, the power company implemented a program in 30 neighborhoods and it was very interesting, they had a special tunneling machine and the cost to take existing lines and put them underground with cable, telephone and fiber optic was about a half a million a mile which was a very different number than they heard from utility companies; and if they had a 25 year program to bury the lines it added \$2.50 a month to a utility bill and they gave neighborhoods an opportunity to opt into the program or not. Council Members Johnson and Sullivan absent.

Council Member Brown stated that on Items 18 and 19 regarding a social safety net where they provided services or grants to social service agencies to help families with abuse problems, homelessness and seniors he would like to see an evaluation of the net result of the city's investment in the programs, a lot of agencies were involved and were they reducing the homeless, because just spending money on something did not mean you were solving a problem and an evaluation would be helpful. Council Members Johnson and Sullivan absent.

Council Member Clutterbuck stated that she too wanted to congratulate Benjamin Hernandez, he had a sense of humor and would be missed. Council Members Johnson and Sullivan absent.

Council Member Clutterbuck stated that November 8th, Levy Park, Saturday was a Food and Wine Festival and proceeds would support Houston veterans, it was in the Upper Kirby Area and there would be over 100 wines and food from wonderful restaurants; that it was all you could eat and tickets were \$35.00 in advance at Whole Foods Market and it was the Red, Wine and Blue Festival. Council Members Johnson and Sullivan absent.

Council Member Clutterbuck stated that she attended a festival last Sunday in Old Braeswood

Park which was created over 80 years ago and they helped to rededicate the park and raised matching funds to help the Parks Department revitalize it; and thanked Ms. McGovern who gave generous private donations to help facilitate the park; that the late Dr. McGovern and Mrs. McGovern were tremendous assets to the community and were amazing in their support of the arts, libraries, parks and many other interests; and they had a great day. Council Members Johnson and Sullivan absent.

Council Member Noriega stated that she wanted to mention Rebuilding Together Houston, a nonprofit organization which provided home repair for low-income, elderly and disabled Houston area home owners and this Fall Repair Blitz took place on October 18th and October 25th and about 125 crews recently participated; that city workers were on crews and this was the first time the Council also had a crew, that she thanked all who participated in the work and in feeding all the workers; that it was very rewarding. Council Members Johnson, Sullivan and Rodriguez absent.

Council Member Noriega stated that she too wished Benjamin Hernandez much luck. Council Members Johnson, Sullivan and Rodriguez absent.

Council Member Clutterbuck stated that regarding the apartments and pool incident, she could not say how disturbing it was to her having a drowning in an apartment complex, deaths were terrible and a toddler was particularly tragic and she thought they should look at not leaving the premises until something of that magnitude was secured; that pools, particularly murky ones were a hazard established; that things that might be common to other complexes such as the collapsed ladder not too long ago she felt they may need to partner with the Apartment Association Management Teams and have a system of email blasts where they could do their own inspections, the city would probably never have enough inspectors to make sure every property was secured properly and they may need something both formal and informal, official and unofficial, other options would be helpful; and she appreciated everyone's concern. Council Members Johnson, Sullivan and Rodriguez absent.

Council Member Lawrence stated that there was a problem now over the city with the fences down, many pools were exposed and many were called in to 311; that maybe those calls should be prioritized and maybe get pools drained or some foundation to help put fences up, many were waiting for insurance money to put fences back up; and Council Member Noriega stated that she felt people would be willing to work with them but awareness needed to be raised. Council Members Johnson, Sullivan and Rodriguez absent.

Mayor White stated that he would take it that also meant parents using commonsense like draining their pools. Council Members Johnson and Sullivan absent.

Council Member Adams stated that she wanted to congratulate and support Council Member Rodriguez on his nomination of Ms. Longoria to the Port Authority and she congratulated Ms. Longoria. Council Members Johnson and Sullivan absent.

Council Member Adams stated that this Saturday she would ask anyone living in the District D area to join her for the Sterling High School Homecoming Parade; that Clyde Drexler would be there representing his school. Council Members Johnson and Sullivan absent.

Council Member Adams thanked Mayor White for looking at ordinances and stated whatever taskforce needed to be put together to look at the ordinances and permitting process...; that some of the administrative cost for the permitting, it cost more than to actually give the permit and she would like to see what was enforceable and what was not. Council Members Johnson and Sullivan absent.

Council Member Adams stated that last Saturday she had the great pleasure of speaking to over 300 students from various HISD middle and high schools for the Choices Program to educate on appropriate choices and it was a great event. Council Members Johnson and Sullivan absent.

Council Member Adams stated that this week McGregor Park challenged her to promote fitness and get healthy and she thanked Patrice for training her and her staff this week and if anyone wanted to join them they were welcomed. Council Members Johnson and Sullivan absent.

Council Member Adams stated that tomorrow she and the American Heart Association would be educating people about the power to end strokes; that over 700,000 happened yearly and 150,000 died and yet stroke was a preventable condition; that they would be at the Palm Center tomorrow from 2:00 p.m. to 4:00 p.m. and all would be provided a First Aid Kit. Council Members Johnson and Sullivan absent.

Council Member Adams stated that she was very proud to be a District D Council Member and she congratulated all District D residents for voting early and in huge numbers; that the West Gray Multi Service Center, the highest turnout location in the county, turnout was up to 194%, at the Sunnyside Multi Service Center it was up to 212% and at the Power Center turnout was up to 325%; and encouraged all to keep it up. Council Members Johnson, Clutterbuck and Sullivan absent.

Council Member Jones stated that her former constituent services director Will Trevino recently married and got a job in a Council Member's office in Ft. Worth and she was sad to see him go and did not know if he could be replaced. Council Members Johnson, Clutterbuck and Sullivan absent.

Council Member Jones stated that the apartment complex she understood had 252 citations and if the city could not sue them after a certain number of citations she would like them to be shut down; that a child was now dead. Council Members Johnson, Clutterbuck and Sullivan absent.

Council Member Jones stated that the Survivor Challenge was a wonderful event and she thanked all the many who helped and made it possible. Council Members Johnson, Clutterbuck and Sullivan absent.

Council Member Jones stated that Sunday they went to the Red Cross Shelter at former Spa Oshans and six people were washing and breaking down cots from the Hurricane Ike victims and if anyone wanted to volunteer they were overwhelmed; and she thought from now on she and her son would volunteer. Council Members Johnson, Clutterbuck, Sullivan and Lovell absent.

Council Member Jones stated that all her friends loved Houston and wanted to come back for the challenge next year; that since Mayor White was the honorary chair she had an autographed t-shirt which he was presented. Council Members Johnson, Clutterbuck, Adams, Sullivan and Lovell absent.

Council Member Rodriguez stated that he forgot to wish former Council Member Alvarado a happy birthday, she celebrated October 21st and was 21 again. Council Members Johnson, Clutterbuck, Adams, Sullivan and Lovell absent.

Council Member Khan stated that he wanted to share a town hall meeting called Ike Assistance and hosted by Congressman Al Green, October 29, tonight, at the Sharpstown Community Center at 7:00 p.m. and was in connection with FEMA, Small Business Administration, Department of Housing and Urban Development, Texas Workforce Solutions and Pakistan Chamber of Commerce. Council Members Lawrence, Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Khan wished a happy Diawli to all his friends in the Hindu community and all over the world, many celebrations were going on and they would be hosting his Holiness Sri Sri Shankar, a humanitarian and spiritual leader and the celebration would be at Jones Hall this Saturday at 4:00 p.m. and all were invited to celebrate in the Celebration of Life. Council Members Lawrence, Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Khan stated that they would be having a Turkish Culture Children's Festival on November 1 and 2 in Hermann Square in front of City Hall, it was a premiere festival in Houston and he congratulated all Turkish community members and all who helped to make the event possible and all were invited. Council Members Lawrence, Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Khan thanked his friend Mr. Gatti and his radio program which was at 1460 am, they dedicated free of charge air time for public service announcement for election purposes and between 5:00 p.m. and 6:00 p.m. invited people and encouraged listeners to vote. Council Members Lawrence, Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Khan stated that this was a historic election and history would be made no matter who won and no one should miss out; and all were urged to vote early or election day. Council Members Lawrence, Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Jones stated that one challenge they had was Dragon Boat Races and all thought it wonderful and all should go to Buffalo Bayou and see what they had for citizens and in celebration of veterans they had the Fallen Veteran and teams went through obstacle courses; and a local named Monique Bud won the challenge. Council Members Lawrence, Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Mayor White stated that there would be an expert taskforce looking at avoiding power outages and they must be experts because the learning curve was too steep; that they also needed a special Council Subcommittee and Council Member Brown talked about this and a couple of other Council Members were interested and if they would like to participate the focus would probably hearing in late January or February stage when enough homework had been done to make it more productive and if they would let Ms. Stein know of their interest he was sure they could be accommodated. Council Members Lawrence, Johnson, Clutterbuck, Sullivan and Rodriguez absent.

There being no further business before Council, the City Council adjourned at 11:06 a.m. Council Member Green absent on personal business. Council Members Lawrence, Johnson, Clutterbuck, Sullivan and Rodriguez absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

---

Anna Russell, City Secretary