

City Council Chamber, City Hall, Tuesday, November 18, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, November 18, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell and Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations and Ms. Marty Stein, Agenda Director present.

At 2:01 p.m. Mayor White called the meeting to order and stated that Council would begin presentations with Council Member Adams. Council Members Johnson, Sullivan, Holm, Garcia, Rodriguez, Brown, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she pleased to do this presentation, mostly because of who she was presenting it to; that Ms. Ronda Robinson and Covenant House Texas in celebration of their 25th anniversary of Covenant House Texas; that her history was dealing with homelessness and her first job was with Covenant House and it was a pleasure her former boss could stand with her and invited Ms. Ronda Robinson and those guests with her to the podium and presented them a Proclamation for providing emergency shelter, crisis intervention, transitional housing and community based services to homeless runaways and proclaimed today as "Covenant House Texas 25th Anniversary Day", in Houston, Texas. Ms. Robinson thanked all for the support the City of Houston had given to homeless youth and for joining them Thursday night in their plight for National Homelessness throughout the United States. Council Members Johnson, Sullivan, Holm, Garcia, Rodriguez, Brown, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones invited a representative, Ms. Abrams, from Boys and Girls Preparatory to the podium and stated that they had an election and the children actually gave speeches and cast ballots, they had launched a hands-on lesson in politics with a town hall meeting and election booths; and presented her a Proclamation proclaiming today as "Girls and Boys Preparatory Academy Day" in Houston, Texas. Council Members Johnson, Sullivan, Holm, Rodriguez and Lovell absent.

Council Member Green stated that over the past weekend he had the pleasure of spending the night in Sesquicentennial Park and worked with the ambassadors of Search and all had a great time; that Ms. Costas was the director of Search and invited her to the podium; Council Member Green stated that was the beginning of National Hunger and Homeless Awareness Week and more than 500 registered and they raised over \$70,000 to combat the issue of homelessness; and because of their commitment on raising awareness of homelessness presented a Proclamation to Ms. Costas proclaiming this week as "National Hunger and Homeless Awareness Week", in Houston, Texas. Ms. Costas stated that they put on an amazing first time event for Houston and they hoped it would continue to grow and it took young leaders to make it happen. Council Members Lawrence, Johnson, Sullivan, Holm and Rodriguez absent.

Council Member Green stated that the young ambassadors did a great job and the brain child of the sleep out was Noah Ratter, an employee of Aviation, he had walked from Houston, Texas to San Diego, California, to bring awareness of homelessness. Council Members Lawrence, Johnson, Sullivan, Holm and Rodriguez absent.

Council Members Adams, Brown and Garcia commended and congratulated all for all the outreach work done on such an important issue. Council Members Johnson, Sullivan and Holm absent.

Mayor White stated that they liked it when people came to spend money in Houston and when they celebrated a disciplined and achievement in lifestyle by young adults and now they got both because of the AAU's Junior Olympics coming to Houston; that he was talking about 16,000 participants and AAU was very important; that Mr. Bobby Dodd, president of AAU and Mr. Paul Cannon, a leading volunteer was present; that the AAU Junior Olympics would be the largest multi sport event in the United States that year and the economic impact of hosting this event was estimated to be over \$50,000,000; and presented a Proclamation to Mr. Dodd recognizing the 2012 Amateur Athletic Union Junior Olympics would be hosted in Houston at the George R. Brown Convention Center and Turner Stadium in Humble the last week of July and first week of August 2012 proclaiming today "2012 Amateur Athletic Union Junior Olympics Celebration Day" in Houston, Texas. Mr. Dodd thanked all for welcoming them in Houston on behalf of the AAU and all the athletes. Council Members Johnson, Sullivan, Holm and Rodriguez absent.

Council Member's Jones and Garcia commended the AAU for all they did and all they provided and expressed their excitement of the Junior Olympics coming to Houston. Council Members Johnson, Sullivan, Holm and Rodriguez absent.

Mayor White stated that they were also lucky to have Mr. Friedman at the head of the Sports Authority, with the melt down in credit markets and mismanagement of financial institutions that were supposed to have been sound; that the Sports Authority had to sort through quite a bit and they respected his work and thanked him for what he did. Council Members Johnson, Holm and Rodriguez absent.

At 2:27 p.m. Council Member Clutterbuck stated as they approached the upcoming week of Thanksgiving which became a national holiday in 1863 and today she would offer up as prayer a reading of portions of President Abraham Lincoln's Thanksgiving Proclamation and led in the pledge. Council Members Johnson, Holm and Rodriguez absent.

At 2:30 p.m. the City Secretary called the roll. Council Member Johnson absent.

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

Mayor White thanked the Mayor's Youth Council for being present and asked that they stand to be recognized. Council Members Johnson and Jones absent.

At 2:34 p.m. the City Secretary began calling the public speakers. Council Members Johnson and Jones absent.

Mr. Barry Rosette, 5015 Fannin, Houston, Texas 77004 (832-483-3231) appeared, presented information and stated that he brought pictures in relation to a problem they had with the storm sewer next to their child care center; that he was the facilities and development database manager of Nehemiah Neighborhood Center, a childcare center and they had been at 5015 Fannin for about 10 years; October 22nd there was a huge rain storm and the inner part of the city was flooded and at the corner of San Jacinto and Palm there was an inlet which did not drain and flooded the parking lot and began to enter the building; that the Fire Department was called and came out about 7:00 p.m. and led all through the high water to safety; and described the pictures in his packet. Mr. Rosette further stated that he called 311 on October 24th and had no response, called back in 2 weeks and was told the inlet was cleaned out. Council Members Johnson, Lovell and Jones absent.

Council Member Adams thanked Mr. Rosette for bringing the matter to the City of Houston, but on a good note, Public Works was aware of this and knew there was an expedited need for the repair; that upon his call to investigate they found out when cleaning it that there was a collapse and now they were getting in-house resources to complete this, but it would take 2 to 3 weeks for completion and would start the work right after Thanksgiving; and if he would like further information Mr. Gary Norman was present and could speak with him. Council Members Johnson, Sullivan, Brown and Jones absent.

Council Member Khan stated he did a fabulous job with his presentation; and upon questions, Mr. Rosette stated that he came because he had received no response after calling 311; and Council Member Khan stated that raised questions on policy of cleaning and then he had no response; and Mayor White stated that the PWD did know about the need for "X" amount of service, these could not be done over night; that he knew there was a schedule for after the Thanksgiving Day holiday and if there was a sewage backup, a line inlet problem or a water line break in a residential then there was a 24 hour, but on something bigger it may require a contractor; and thanked Mr. Rosette for bringing it to their attention. Council Members Johnson, Sullivan, Garcia, Brown and Jones absent.

Council Member Adams stated that when the phone call was made they responded immediately and found out what was wrong, but as soon as they found a collapse they should have called him and she would apologize for that and hopefully in the future they would communicate with the citizen to let them know what was found. Council Members Lawrence, Johnson, Sullivan, Garcia, Rodriguez, Brown and Jones absent.

Mr. William Wade, 1001 McKinney, Houston, Texas 77002 (713-751-1722) appeared and stated that he was a civil trial attorney in Houston and came before Council in June and was given one minute and left letters with each at the table and received two responses; that he was present as a citizen even though he was attorney for the Knetsar family; that he was speaking in relation to matters relating to public policy and information; that the case was a city owned dump truck went out of control and traveled over the length of a football field and destroyed three families in October 2006; that one was in a wheelchair with the adult version of scrambled brain syndrome and his client Adam Knetsar was diseased and the third gentleman suffered numerous broken bones; that their employee, Clinton Mitchell, had now been sentenced to five years in

prison for criminal negligent homicide and secondly, a state district judge recently ruled two caps applied here under the Tort Claims Act and it would authorize each of the three families to receive the maximum of \$250,000 under the controlling state law and even if that was paid the families had to pay much out of it to attorneys, liens, etc., that Council voted to spend thousands on whether Afro American police should have beards, etc., and he wanted them to decide if a life was worth no more than \$250,000. Council Members Lawrence, Johnson, Adams, Garcia and Jones absent.

Upon questions by Council Member Green, Mr. Rosette stated that the court ruled because of the Tort Claims Act two \$500,000 caps and within that \$250,000 caps per family; and he was asking they settle it within the Tort Claims Act; that he understood the city intended to appeal it. Council Members Johnson, Garcia and Jones absent.

Ms. Tracy Knetsar, 6827 Drewlaine Field, Katy, Texas 77449 (713-545-6978) appeared and stated that she was Adam Knetsar's widow because of the incident on October 24, 2006, by a City of Houston employee driving a dump truck negligently; that she wanted each to be in her shoes when she had to go home and tell their eight year old daughter her father would not be coming home; and she never received one phone call from anyone in the City of Houston with condolences and then her attorney told her there was a cap and her husband's life was only worth \$250,000 to someone and they needed to realize in certain instances the Tort Claims Act was ridiculous and this was one of those, three families here were affected, one man had to be fed by tube every three hours and could only give nods, no more conversation and another gentlemen had legs completely shattered and someone needed to be held accountable. Council Members Johnson, Garcia and Jones absent.

Council Member Khan thanked Ms. Knetsar for coming and stated that no words could effectively express the situation she was in, he was sorry for her and her daughter; and upon questions, Ms. Knetsar stated that she would trade all for her husband, now families had much to forgo and she wanted them to think of and consider that. Council Members Johnson, Garcia and Jones absent.

Council Member Clutterbuck stated that they appreciated her coming and Mr. Wade bringing it to Council's attention and she too offered her sincere condolences, when she first heard of this it was staggering and remarkable anyone survived; that she thought when Council Member Khan asked what it was they wanted Council to do it was because they were hampered at the table as they did not know the City Attorney's actions on the case or what the city's position was and if someone from the City Attorney's office could let them know what the city's position was so they could express the opinion of Council and respond more effectively to citizens; and Mayor White stated that he would say he did know the city did have counsel and so did the family and he was disturbed this could happen and disturbed that the medical was not covered by policy or comp or claim, but would also say in the conduct of their business with taxpayer's money, there were policies and precedents and good they had both career and non career working in the City Attorney's office to guide consistency through their policies when people were injured and the City Attorney would be available to brief any Council Member on the status of the pending litigation and the particular matter which would be if they filed a motion for rehearing in the near future. Council Members Johnson, Garcia, Brown and Jones absent.

Ms. Cathy Peirso., 7250 Dillon, Houston, Texas 77061 (713-545-7503) appeared and stated that she knew Ms. Knetsar for five years and privileged to know their family, but in October 2006 it came to an end, it's been almost two years her getting her life back and still it came and went; that her daughter had a hard time and would not have him to walk her down the isle or be with her when she was upset and the City of Houston needed to be responsible for the employees actions and it was past time for an update of hiring policies; and they should provide adequate compensation to the family. Council Members Johnson, Khan, Holm, Garcia, Brown, Noriega and Green absent.

Ms. Pat Schulte, 4414 Hickory Grove, Houston, Texas 77084 (281-463-6112) appeared and stated that she lost a dear friend in Adam Knetsar, he died a tragic death inflicted by a seemingly unremorseful City of Houston employee; that Adam was a kind, loving husband and father and worked hard to fulfill his and his family's plan and there was no amount of money that could cover such a deep wound. Council Members Garcia and Brown absent.

Ms. Magic Rubalcava, 10063 Lazy Meadow, Houston, Texas 77064 (713-461-0840) appeared and stated that you could not put a price on a man's life, memories would not be made and birthdays and anniversaries would not be made and he would not be there when a dad's presence would be needed, however you could put a price on income lost and growing medical bills they would have the rest of their life, no price for pain and suffering, but actual black and white loss of income, it seemed like a miscarriage of justice to put a man's loss to the same monetary cap of any number of lesser crimes and asked that black and white facts be considered. Council Members Garcia and Brown absent.

Mr. Michael Huffman, 38110 Donigan Road, Brookshire, Texas 77423 (no phone) appeared and stated that he was an employer for Adam Knetsar and he was a great employee and fantastic friend, a great human being; that he was a strong man and ran eight crews; that as a company they were required to carry more insurance to work for the City of Houston than the City of Houston was required to carry and that was outrageous; that this was a serious and dreadful thing that happened and he felt the laws needed to be changed and now he would like the Council and Mayor show the people were the city and step outside the Tort law and show Houston's greatness. Council Members Khan, Rodriguez, Brown and Lovell absent.

Mayor White thanked Mr. Huffman for coming and stated that the city did not provide counsel in the criminal trial for the individual; and Mr. Michel verified they did not; and Mayor White stated that what the jury must have heard in the criminal manslaughter trial resulted in a judgment of peers in the community being the individual would have that type of conviction on manslaughter was reflective of the real offense the jury took to the individuals conduct. Council Members Khan, Garcia, Rodriguez, Brown and Lovell absent.

Mr. Paul Rubalcava, 10063 Lazy Meadow, Houston, Texas 77064 (281-808-9607) appeared and stated that he was present to ask Council to look into Adam's case and see if they could help the family more than what was said they could. Council Members Khan, Garcia, Rodriguez, Brown and Lovell absent.

Ms. Cassia Blackmon, 4623 Glenvillage, Houston, Texas 77084 (281-330-3528) appeared and stated that today she stood on behalf of Adam Knetsar; that he was one of her best friends and his family became her family and she missed him daily; that she believed someone had to be responsible, he was put behind a vehicle and no matter who he hit he could kill them; that she was asking all to take care of wrongs on their watch, employees could be trained differently and screened differently; that he was an extraordinary man who went to work and now his life was gone and his wife and daughter were having to pick up pieces and go on; that others were also injured and lost and were now on a single income and needed assistance. Mayor White, Mayor Pro Tem Garcia, Council Members Rodriguez, Green and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell thanked Ms. Blackmon for coming and stated that they had been listening. Mayor White, Mayor Pro Tem Garcia, Council Members Rodriguez, Green and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Kenneth Yates, 12206 Wild Pine Drive #D, Houston, Texas 77084 (713-539-6569) appeared and stated that he met Adam about five years ago when he went to work at the company and when Adam was promoted over the field he recommended him to run his crew, after he ran it awhile he talked to him and said he was stressing out handling the safety for all the men and Adam said that was why he picked him to take his job, he needed to think about whether he wanted someone less concerned to take care of them all so he stayed; that Adam was all about responsibility and the City of Houston needed to step up and take care of their families. Mayor White, Mayor Pro Tem Garcia and Council Member Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Ron Knetsar, 17015 Cairnladdie, Houston, Texas 77084 (832-428-5775) was called and he and his wife appeared and Ms. Leslie Knetsar stated that she was Adam's Mom and his Dad could not get through the statement so she was present to read; that Adam was their only son and youngest child; he was his Dad's best friend and they shared numerous hunting and fishing trips; that he taught him about gun safety and how to hunt since he was around seven; that their last hunting trip was in 2006 and that time Adam watched out after him; that he was his pride and joy and when he was killed a piece of himself died and he would never be the same; that he grieved for him daily and all that he had lost in his wife and beautiful daughter and he grieved for what he and his wife had lost, their only son and his name died with him, he was the last male Knetsar and now had no opportunity to pass the name on; that his life and heart would never be the same and it was strange they were placed in a position of begging for one-third of \$750,000 rather than one-third of \$500,000; that so much more was deserving of the family and urged the right thing be done. Mayor White, Mayor Pro Tem Garcia and Council Member Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Noriega stated that she apologized to Mr. Glass, the next speaker, but she had to speak now, what a testament this was to have so many come on your behalf, one speaker stated that Adam was an extraordinary man and clearly he was and this was an amazing group of people and family, people who chose to advocate for others through their own losses; that several mentioned Tort reform and she was not a fan of Tort reform and frivolous law suits and someone explained to them that was why the Legislature placed a cap on damages, but her perception was this was a ploy by the

current Administration and the story they told to prevent having to pay more money; that in their case they were limited by state law and had no choice and she must apologize to them for that and the idea anyone would feel the need to defend their son's life in such a way she was sorry; that she did not know more of the specifics other than what was told today and as Council Member Clutterbuck stated they did need more information; that the Mayor said they had a responsibility because the people's money was what they were responsible for, but they also had responsibility to see justice done and do the right thing; and she was asking for a briefing on what needed to be done, etc., and they would communicate with them and finally she wanted to say how very sorry she was, this would be looked into and dealt with and to Tracy, Amber and everyone she was so sorry. Mayor White, Mayor Pro Tem Garcia and Council Members Lawrence, Sullivan, Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan stated that he was sorry for what he was going through, he was a dad himself and was trying to put himself in his shoes, it was an impossible task but with even the thought of being in his shoes he knew he did not want to be there; that he thought the city would do the right thing, but they needed to know what it was and they were limited to what could be done; that he was a strong believer in the power of prayer and he would pray for him and their family. Mayor White, Mayor Pro Tem Garcia and Council Member Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated to all the family she was very sorry what happened to their son; that Council Member Noriega was right, people did lobby for Tort reform and they could not adequately compensate someone for a very personal and tragic loss, but she too would have Legal speak with her. Mayor White and Mayor Pro Tem Garcia absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Holm stated that it was a tragedy their son's life was lost and to all family members and friends and through their grief she was sorry; that she hoped they could bring some resolution to everyone. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that if they could bring their son back they would do so; that she did not know if they could do what they wanted, but one thing she heard today was their son's wife said she never heard an apology from the city, no one called to say they were sorry and that was in their control and she apologized for them not doing so, she could speak for all her colleagues in saying they truly were very sorry for their loss and did apologize for not calling and conveying that. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Zyle Glass, 17807 S. White Court, Houston, Texas 77084 (713-705-2195) appeared and stated that he thought Council understood by the number of people who came and spoke today; that Adam was a very competent worker and extraordinary person to work with and was being groomed to run the company. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that they learned today what an extraordinary young man he was and she thanked all of them who came today to share that. Mayor

White, Mayor Pro Tem Garcia, Council Members Lawrence, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Stormy Newton, 10222 South Gessner, Houston, Texas 77071 (713-270-1943) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Elaine Rhone, 6118 Ridgeway, Houston, Texas 77033 (832-526-1675) appeared and stated that she applauded the Mayor and Council for their great job during Hurricane Ike; that today she was present regarding the PODS, point of distribution sites, in Houston and if other storms came through how would they make the POD situation better. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that all areas were being reviewed, what was done right and not so well so it could be improved on and one of those areas was distribution and Council Member Johnson had a committee reviewing and they could send her information on when those committees convened; and Ms. Rhone stated she was a student also and they did a feasibility report on the POD situation in Houston and thought maybe they could place an 800 number on amber alert signs so citizens would be aware of POD sites. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams stated that the 800 number was proactive in informing citizens and they as Council Members appreciated her coming. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Sharon Spencer, 5622 Green Timber Drive, Humble, Texas 77346 (310-968-0642) appeared, displayed pictures and stated that she wanted Council to imagine a big stadium, big entertainment and big Texas style party, why not throw a big inauguration party with fireworks, entertainment, t-shirts, etc., January 20, 2009 would be historical, it was no longer Black and White or Democrat or Republican, they should make history special for all and throw an unforgettable party. Mayor White, Mayor Pro Tem Garcia, Council Members Khan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Mr. John Murry, 8906 South Dairy Ashford, Houston, Texas 77099 (281-530-7922) appeared, presented a letter to Council Members and stated that he was a firefighter with the Houston Fire Department over the past 13 years with a stellar record; that he came today to plead his case with Council, he made a mistake rushing to resign his position; that he had a false positive urinalysis test and was at a loss as he knew he had not participated in such; that it took three weeks to figure out he was on a diet building his immune system which caused the false testing; tht the union helped and they went to the Chief's office and he said his hands were tied that he should go to the Mayor; that he fought this from day one and he loved his job, he was at one of the busiest stations in the city for 13 years and it was hard for him to get information needed with no insurance. Mayor White, Mayor Pro Tem Garcia, Council Members Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Lawrence, Mr. Murry stated that the Chief said his hands were tied because of policy, when a test came back he had to do what the policy said, it was the city who wrote it and he had been at Station 31 for 13 years. Mayor White, Mayor Pro Tem Garcia, Council Members Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Johnson, Mr. Murry stated that he resigned with advise from the union, they said no one had ever come through and won such a case and he would be able to keep his firefighter and paramedic certifications and continue to do the job he loved somewhere else; that after he resigned he was at a loss with the test coming back positive, he had no way of knowing what the products he was taking had in them; that you had three days to submit an appeal and he did not know until after the days had passed, he was having third party conversations with the union through the secretary as they were out of town at a convention; and Council Member Johnson stated that he would take a look at the case and then talk with him. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Green, Mr. Murry stated that he was never retested, they took two specimens; that retesting was a part of the appeals process; that he was going by advise given and they felt they gave the best advise based on information they had; that he never had a retest by his doctor either. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Adams, Sullivan, Khan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that she was looking at letters from Senior Captains and at his evaluation and he rated 4.5 overall which was outstanding; and to the Administration she would like to find out from the Fire Department what was going on; and Council Member Lovell stated that first of all nothing would be settled today and they were checking with the City Attorney's office to see exactly where they stood on this and the Mayor was listening; and upon questions by Council Member Lovell, Mr. Murry stated that he was not on the same diet, but his doctor never mentioned him taking another test, but he would have no problem doing so; and Council Member Lovell stated they were checking with the City Attorney and information would be given to the Mayor and someone would get back with him. Mayor White, Mayor Pro Tem Garcia, Council Members Clutterbuck, Adams, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Herb Davis, 6166 West Airport Boulevard, Houston, Texas 77035 (713-893-1291) appeared and stated that he was present to speak on behalf of John Murry, much was said here today which impacted this and one thing all must keep in mind was they could not eliminate the human element, the fact there was something beyond the science; that he had a background in health, science and systems analysis and it was him three weeks later who talked to John and his sister in law and understood they were on a hemp diet as it helped him boost his immune system and it was well documented at his physicians office; that they would like to think policies and testing procedures were absolute, but there were a number of things to consider and his brother in law, a firefighter of 13 years had a stellar record and deserved the opportunity to have

this made right. Council Members Sullivan, Khan, Holm, Garcia, Lovell and Green absent.

Council Member Lawrence stated that she was glad the Mayor was able to get out of his meeting and join them on this topic; that they invest a tremendous amount of money in firefighters and police to get them to that point and because they said if you resign with a positive drug testing it did not mean the policy should stay, just because that was the way it was always done did not mean it should be, they have been changing things over the years and now things were better; that to her 13 years seemed someone was making a career of it and maybe they should see what could be done; and Mayor White stated that he had a conversation with another firefighter 3 months ago and he was giving Council a thought or two; that he was going to be careful with what he said as they had particular cases before them including this one, but they also had policies they wanted administered regardless of who had the courage or wherewithal to come before Council; that they did need some criteria that might depart from the zero tolerance, no second chance, it should not give people incentives to embellish, but she made the point they invested a lot of money; that he wanted everyone treated the same way, but there was talent lost; that maybe a couple of Council Members may be willing to work behind the scenes to see how they could do this and if they were one of them he would ask they let Ms. Stein know; and in addition he thought this was something where Mr. Hall and Ms. Aldridge he would like them to not just discuss pros and cons but to come up with what alternatives were based on other cities. Council Members Sullivan, Khan, Holm and Garcia absent.

Council Member Adams stated if someone signed resigning from the city and underneath it said they would not seek employment within the City of Houston how could they go back with policy to change it regardless of reason of resignation; and Mayor White stated that he followed her reasoning and his comments were designed for rules to apply prospectively in the future, there could be pros and cons and he was reluctant to mention it in the presence of anyone, but he would say this was on his mind and he looked at a number of individual cases and refrained from making case by case decisions as a Mayor because fairness meant people in the same situation were treated equivalently and if Council Members were interested it may be worth taking another look at. Council Members Clutterbuck, Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent.

Mrs. Amelia Murry, 8906 South Dairy Ashford, Houston, Texas 77099 (281-530-7922) appeared and stated that John had submitted a resignation letter which stated he was not eligible for rehire and she had a copy of it and while he was in the office he was asked by the Chief to speak with Ms. Young, a city attorney, who stated he had to add the lines which stated "I would never seek or apply for employment again with the city" he never did that, it was dictated; that the Chief said the only one who could give his job back was Mayor White and also said they needed a meeting with the MRO which was the Medical Review Officer, the only person Mayor White would depend on for his decision, yesterday they had a resolution; that today they called Larry Dean who they were told to call and were treated rudely and told he did not care what the Chief said they would not give him a meeting with the MRO and they said he should call Chief Boriskie and he said he would and call them back, when he called back he gave them Rod Newman's number, the captain of Human Resources and he was also belligerent and said he did not care what the Chief said it was a closed matter. Council

Members Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Mayor White stated that he did not think anyone should have retaliation against anyone for bringing any matter they chose to the public hearing, but there was a first amendment and he respected those rights of every citizen; that sometimes when someone said don't spend any time because it would not go anywhere, sometimes it was no so much belligerent it was just shooting straight, but no one should not be able to express concerns. Council Members Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Green, Ms. Murry stated that her husband resigned August 11th he knew he wanted to resend the resignation with 24 hours; that about three weeks after the resignation they called Dr. Kitt, a City of Houston doctor who said yes, he probably tested positive because of his diet, but said he could not get involved and they should go to their own doctor for a letter; that they did not do anything illegal and they knew that was not the case, but he had been coming home with staph infections on a regular basis and that affected their lives so they had to do something to boost his immune system; that they had no lawyer at this time she talked to someone in Council Member Noriega's and Council Member Brown's office and every avenue traveled had a closed door and said they had to get to the Mayor; that they wanted to submit both resignation letters to Council so they could see the first said he resigned for personal reasons and the union was contacted by HR and HR said they had to send another letter and that one said he was not eligible for rehire and the Chief said the only reason he could not get back in was the resignation letter and he did not write it. Council Members Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent.

Council Member Adams stated that in the City of Houston they got randomly drug tested and on the form a question was if you currently took any substances or herbs; and upon questions, Ms. Murry stated that they asked if he was on any medications, anything they needed to be aware of, but they did not talk about natural food products or herbs; and it was said if they would have had the letter at the time of testing he would have had his job back, but they were not aware of it then. Council Members Johnson, Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent.

Mayor White thanked them for coming and stated that they were taking notes on this. Council Members Johnson, Sullivan, Khan, Holm, Garcia, Rodriguez and Noriega absent.

Mr. L. F. Wynne, P. O. Box 14757, Houston, Texas 77221 (281-753-7277) appeared, presented information to Council Members and stated that he went into a store and bought a motion activated security camera and paid \$640.00; that he was told if he had a problem he could bring it back so he took it home and could not get it to work and when he took it back was told they did not give refunds, it did not work and was not expected to work; that it was a piece of junk and he gave copies of letters he had written and calls he had made, the police said it was a civil matter and they could not make an arrest but the man was taking advantage of loopholes in the law; that he bought this at 1403 Westheimer Road and he seemed to have three shops around town; that he had lawsuits and was asking if there was any way they could shut him down. Council Members Johnson, Khan, Holm, Garcia and Rodriguez absent.

Mayor White stated to Ms. Vasquez what they could do would be to refer him to the Houston Bar Association or other site to see if someone could pursue the claim for him; that they could not give refunds; and Mr. Wynne stated that he was going to the courts for that; and Mayor White thanked him for coming and stated maybe someone watching would be warned. Council Members Johnson, Khan, Holm, Garcia and Rodriguez absent.

Mr. Johnny Bryant, 9797 Meadow Glen Lane #302, Houston, Texas 77042 (832-888-5031) had reserved time to speak but was not present when his name was called. Council Members Johnson, Adams, Khan, Holm, Garcia and Rodriguez absent.

Mr. John Rio, 7443 Riven Oak court, Cypress, Texas 77433 (281-858-5410) appeared, presented information and stated that he was present to speak on housing and homelessness, they had so much homelessness because they did not keep up with affordable housing and the safety net system failed a certain group of people and permanent support of housing was the most effective solution to ending homelessness for some, permanent affordable housing was closely linked with a range of services including those which help people get jobs and the housing was not a shelter or treatment center, it was housing and in order to achieve support housing operators needed to conform to high quality standards such as providing case management services with at least one case manager or social worker to every 15 or 25 tenants and that providers of supportive housing have access to reliable and renewable sources of funding; that finding suitable properties was not so simple a task as potential neighbors feared what was not true, fearing what might happen to them or their property values, however a study showed permanent supportive housing had a positive impact. Council Members Johnson, Adams, Khan, Holm, Garcia and Rodriguez absent.

Mayor White stated that he thought on this issue he was respectful of his point and agreed with it and thought for those people, one of the audiences it needed to be addressed more than the Council body would be the neighborhoods household by household; and Mr. Rio stated that he thought Council needed to be a part of that education in neighborhoods so they did not get a Bill in the Senate restricting locating of such projects as it was Senate Bill 177 being introduced by the Senator from the Sixth District. Council Members Johnson, Clutterbuck, Adams, Khan, Holm, Garcia, Rodriguez and Noriega absent.

Ms. Shantell Robinson, no address given (713-283-4161) appeared and stated that she was present to speak on homelessness, this was her second time coming and Council Member Jones said she would look into the matter at the Houston Housing Authority, but she got a couple of calls from her assistant and was told she could not speak with her; that Council Member Jones called her yesterday and said it was investigated which it was not and she wanted the right thing done, the people at the Housing Authority were wrongfully terminating people and she had been homeless since April; that earlier people were hooraying about sleeping outside for one day and she slept in her storage unit every day and she wanted help. Council Members Johnson, Khan, Holm, Garcia, Rodriguez, Brown and Noriega absent.

Upon questions by Mayor White, Ms. Robinson stated that she was told they terminated her because she had a prior conviction, it was dismissed by the way, and

probably 80% of the people on the program had something criminal; that they also said she threatened an employee which she did not and they said she stole government documents which was a copy of the actual housing packet they gave to her for her copy and she just took it back off the person's desk; that she did probation and she was wronged and wanted them held accountable; that the board of the Houston Housing Authority would not speak with her and they escorted her out of the building; that there were policies; and Ms. Robinson stated that she was not arrested she paid her bond and went to court and the case was dismissed, it was a Section 8 voucher. Council Members Johnson, Khan, Holm, Garcia, Rodriguez, Brown and Noriega absent.

Council Member Jones displayed paperwork and stated that was the thickness of her file in her office; that several people in her office worked with her and she spoke with her and she understood her frustration, they sent letters and received responses to different people and she had been working on her case since June 6th; and Ms. Robinson stated that she asked to speak with her and she had not returned her calls; that she had come to her office without an appointment and they tried to fit her in where they could; that she played a recording to them and said they had been disrespectful and they listened to the tape and it was very poor quality and she understood that her housing was not canceled because of anything which happened in 1991 or 1992; and Ms. Robinson stated that was in her letter; and Council Member Jones stated that she had mailed her information and it did not come back but she had said she did not receive it and they did not have authority to make the Houston Housing Authority do anything. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that some people felt others had not paid their dues to do whatever, but she worked for the Houston Housing Authority for over 6-1/2 years and kind of knew who to call and where to go; and upon questions, Ms. Robinson stated that she lived in a house with a Section 8 Certificate; and Council Member Adams stated that she applauded her for coming today; that some were going to be evicted and they were able to have them reinstated and she would like to meet with her after the meeting one on one and assist her in making a call and see if they could get further information; that the Housing Authority was not within the city's jurisdiction to assist but she would see what could be done with relationships already existing and let her know what could or could not be done. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he came before to Council regarding his daycare where a fire marshal came out and solicited his director for sexual gratuity and he thought it was taken care of, they got their permit, but now they had citations from the gentleman and he went to OIG but they basically said it was okay and found nothing wrong with what the fire marshal had done; that he thought here it was someone trying to investigate someone who knew too much about their wrong doing and he thought someone in the private sector should do the investigating. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she wanted to clear something up, the fact he got his permit did not absolve him from the responsibility of a citation and number two, the OIG did an investigation and found the allegations were unfounded. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Isaiah Stewart, 4616 Pickfair, Houston, Texas 77026 (713-675-6904) appeared and stated that he was present regarding a 911 call he made on November 13th; that he spoke to someone in the Mayor's Office and someone in Council Member Johnson's office and they said he could come in today; that his son was at his door on the 13th and they had an argument and he would not let him in, he asked him to go away and things got heated, he had closed the door on him and called 911 and after about five minutes he walked away; that police came about 20 minutes later and he walked out to the gate and stepped out to them and was asked why he made the call so he explained he had a son who was dangerous and he called them because he thought he would have to kill him, then the officer pulled him to the car and put handcuffs on him and took all out of his pockets and ran a criminal check on him, then he came back and undid his cuffs and told him to put his things back in his pockets and said it was his son and he only wanted a place to sleep. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he did not know the mindset of the police at that situation, but he called them under duress; and upon questions, Mr. Stewart stated that his son was gone when they got there, he was there when he made the call; that he was upset, the officer got no information on his son and he was dangerous, instead he treated him like a criminal; and Council Member Johnson stated that he would check with the Police Department and pull the report and see what happened; and he probably should have made a report and should still make one, but he would check on it. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Clutterbuck, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Eric Smith, 5007 Groveton, Houston, Texas 77033 (281-450-3844) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Jackie Murray, 9708 Hillcroft, Houston, Texas 77096 (713-728-2300) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Wayne Murray appeared and stated that ...Vice Mayor Pro Tem Lovell stated that the rules were the person reserving the time was the one who had to address Council. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck moved to suspend the rules to hear from Mr. Murray, Seconded by Council Member Adams, a vote was not called as a quorum was present and Mr. Murray was allowed to speak. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Wayne Murray displayed a sign and stated that he was a real estate broker in Houston and in business 30 years and he wanted to see if there could be changes in the sign ordinance; that they agreed there should be a sign ordinance, but they consistently had open houses and in the process they put out signs to attract people, they found by putting out eight signs they had tremendous attendance as compared to one or two signs; that their signs were \$9.50 a piece and they lost well over 100 this year and he thought something could be done and give variance to "open house" signs. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Murray for coming and stated that the challenge in writing the ordinance was crafting one that allowed temporary signage to encourage people to find the open houses and enjoy them, but not open the door to other bandit signs; that the Vice Mayor Pro Tem Sue Lovell was chair of the Quality of Life Committee and they were undergoing a review of the Sign Code and perhaps those present could be included; and Vice Mayor Pro Tem Lovell stated that she agreed, but they would probably not meet until after the first of the year; that since this was presented they would go through and review it and it was a challenge in regulating. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that Council was delighted to have people come with constructive suggestions. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Dorthy Dawson, 5859 Hirondele, Houston, Texas 77033 (713-733-8734) appeared and stated that she was a coordinator for the southeast quadrant of the city and the chain of command started with Judge Emmett and then Mark Sloan and Jackie Miller and then other coordinators; that she recently attended a committee hearing on actions taken after Ike chaired by Sylvester Turner and in the hearing Mark Sloan stated that they were only as prepared as the community was, but the community was not prepared; as a coordinator they were considered first responders and in the southeast quadrant they were the last to be contacted, the last to have PODs distributed and last to get lights; that Sheila Jackson Lee had to do an emergency POD replacement at a local church; that many people had no transportation and she took people around and they still only gave for one family; that her suggestion would be when the city and county got together for the next disaster they get with the light company and know where people were without lights, it took them two weeks, and they would know where the PODs were needed. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that in District E there were probably no PODs but that was up to the Council Member which was Council Member Sullivan and with being first responders and her being a Council Member the first person she called was Charles White for distribution, she asked if he could get vehicles and trucks to take to the area underserved and immediately Charles White and Rev. Nash, Sandra Hines, etc., they all came to the POD at St. Agnes to distribute out, so it was the Council Member to make connections with leaders and in her district they had about five and she contacted them and she agreed people did need to know their community leaders; and thanked her for all her work. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated scandal, corruption at its finest;; that court was being held now under his legal authority of the constitution; and continued expressing his personal opinions until his time expired. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown 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, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 5:09 p.m. City Council recessed until 9:00 a.m., Wednesday, November 19, 2008. Mayor White, Mayor Pro Tem Garcia, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, November 19, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:31 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:27 a.m. Mayor White called the meeting to order and stated that the first order of business was public hearings. Council Member Brown absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance for (MSD) for Houston Pavillions, L.P. for property located at 1210 San Jacinto Street - **DISTRICT I – RODRIGUEZ** – was called.
2. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance for (MSD) for InSite West Belt, L.P. for property located at 10651 Harwin Drive - **DISTRICTS F - KHAN and G – HOLM** – was called.

The City Secretary stated that Ms. Carol Ellinger of the Public Works Department would make comments on the 2 hearings. Council Members Johnson, Holm, Garcia, Brown, Noriega, Green and Jones absent.

Ms. Carol Ellinger, Senior Assistant Director of the Department of Public Works & Engineering, stated that the Texas legislature authorized Municipal Setting Designations or MSDs almost five years ago; that an MSD designated a particular parcel, beneath which contaminated groundwater is prohibited from use as potable water; that this state law is administered by the Texas Commission on Environmental Quality or TCEQ; that although TCEQ is the agency that issues an MSD, participation in the State program requires local support; that today they were holding a public hearing for two applications pursuant to city ordinance; that the first application was submitted by InSite West Belt, L.P. for 14.6 acres of land located at 10651 Harwin Drive, the site previously had manufacturing facilities that used chlorinated hydrocarbons as cleaning solvents. The manufacturing facilities have been removed and the site is currently used as a storage and distribution center, a site investigation performed in 2003 identified a variety of chlorinated hydrocarbons in groundwater, subsequent investigations installed permanent monitoring wells in two shallow water bearing units on the site to delineate the extent of impact; the results of the groundwater monitoring confirm impacted groundwater has not migrated off-site and appeared to be stable over time, however, four contaminants of concern still exist in the groundwater that exceeds human ingestion protection levels; that the second application was submitted by Houston Pavillions, L.P. for 4.3 acres of land located at 1210 San Jacinto Street; that in the 1950s the site had multi-use operations including auto repair and paint shops, and a printing shop, recently the site was used for 24-hour parking, historic operations are believed to be the source for the contamination and in 2006, excavation of contaminated soil was performed and no further response actions have been identified for the soil since the soil removal action, the groundwater concentrations in the same area have significantly decreased. Affected groundwater is confined to the shallow groundwater-bearing unit and monitoring results indicate concentrations were decreasing over time, however, four contaminants of concern still exist in the groundwater that exceeds human ingestion protection levels; that today's public hearing was a required step in the MSD process; that In August, separate written notices were mailed to property owners within 1/2 mile of each property and to owners and operators of water wells within 5 miles of each property; that the Department of Public Works and Engineering then hosted public meetings at each of the sites and based on the information supplied in the application, input from various City Departments, and input at the public meeting, the Director of Public Works and Engineering requested this concurrent public hearing and is currently preparing separate recommendations to support these two MSD applications; and depending upon the outcome of today's hearings, the Director of Public Works and Engineering will forward two requests to council to adopt an ordinance to support these MSD applications, the

ordinances would include all elements required by state law and article 13 of chapter 47 of the Code of Ordinances.

The City Secretary stated that no one had reserved time to speak on the two hearings and asked if anyone present wished to speak; after hearing none a motion was called to close the hearing. Council Members Johnson, Garcia, Noriega and Green absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Garcia and Green absent. MOTION 2008-0858 ADOPTED.

3. **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** – was called

Mr. Rick Vacar, Director Aviation Department, stated that this morning a hearing was before them which would lead to having protections for the airports going forward; that this was a result of experiences they had in the past, most particularly after they built the last runway improvements, part of the requirement from the federal government was that they acquire approximately \$45 million worth of homes as well as sound insulating certain departments and the like and a lot was not reimbursable which made it an airport cost passed on to the carriers; that the airport was significant in terms of economic impact, roughly \$24 billion a year into the system and the other part of this was federal requirements were that airport sponsors had a duty to protect the airports of incompatible land uses and it was a part of the statutory scheme of Chapter 241 of the State Code; that Eric Potts and Marlene Gaffrick, Director of Planning, had done the heavy lifting on this along with Council staff and the matter was handled extremely well with much public acceptance; and Mr. Eric Potts would talk about what was being proposed. Council Members Garcia and Green absent.

Mr. Eric Potts stated that the compatible land use ordinance and maps were prepared by staff and consultant teams presented at three public meetings, two public hearings and numerous stakeholders and business meetings, information was contained in the public hearing packets which outlined other airport regulations and in most cases the draft for Houston was less restrictive than regulations in other cities and it was for several reasons; Houston was not zoned, most cities with airport zoning already had restrictive land use, airport overlay zones were often used in addition to providing an additional layer of restriction; that staff and consultants sought to not over regulate and regulations were confined to two narrowly defined areas closest to the airports, not within the entire three by five mile box and single family homes were by definition an incompatible land use around airports and prohibited from building near most major airports, this draft took into consideration the existing neighborhoods around the airports and allowed for this continuation, in most zoned cities these would be deemed not conforming uses and not be allowed to expand, renovate or rebuild after a disaster, this draft did not supersede a more restrictive covenant which limited the use to residential, allowed for rebuilding in existing neighborhoods following a disaster, allowed for expansion of single family homes and staff was working with the implementation side to integrate the regulation into current review process and it was not anticipated that permit

review time would be delayed; that the proposed effective date was 60 days after the date of adoption allowing time for hiring staff and training and board of adjustment members would also have time for orientation. Council Members Johnson, Holm and Green absent

Council Member Lovell thanked all for their work and stated that this needed to go slow and it was the best course of action making sure all neighborhoods had input and understood it; that she would point out the FAA had nudged the city to do this and had invested about \$667 million in the development of the system and now wanted the city to place the regulations in place as other major cities and airports had; and upon questions, Mr. Potts stated that this year they received \$65 million from the FAA . Council Members Johnson, Green and Jones absent.

Council Member Sullivan stated that he wanted to bring to everyone's attention that the City of Humble issued a letter to Mr. Vacar and it was not mentioned; Mr. Potts stated that through the process they worked with the City of Humble because of contours in their penetration into the City of Humble and they had the ability to adopt their own rules, they had been going along with Houston and made the decision they were not ready to complete the action, but through their letter they stated they would keep the dialogue going and at the appropriate time, they were looking at doing regulations which would blend into the City's as well as what the FAA required; and Council Member Sullivan stated that he wanted to be public with it because they had met in a number of meetings and there was an open door of communication, many times there was misconception that the City of Houston was the bully, but he applauded all for giving them a fair opportunity to be a part of the process; that he met with Memorial Hermann Northeast Campus and they understood they were now sandwiched between two municipalities which may have conflicting guidelines. Council Members Johnson, Green and Jones absent.

Mayor White stated that many city employees and Council Members were involved in this and he thanked everyone for doing an excellent job in representing the City of Houston. Council Members Johnson, Green and Jones absent.

Council Member Brown stated that many were involved and he thanked them; that the City liked having good neighbor policies; that he read the master plan for all airports and they invested a lot of good money in master planning and it was paying off. Council Members Johnson, Green and Jones absent.

The City Secretary began calling public speakers.

Mr. Brandt Mannchen, 5431 Carew, Houston, Texas 77096 (713-664-5962) appeared, presented information and stated that he was present representing the Houston Sierra Club and they supported the concept of the regulations as they believed over the long-term they would reduce public noise nuisances and improve quality of life, but would make suggestions, under Section 9-373(c) board procedures, they did not support the position requiring four of five members of the board must vote in favor to reverse any change, a simple majority should do; Section 9-387 and 9-395 which dealt with appeals and holding a hearing and posting signs they believed 14 days or two weeks should be the correct period; and under Section 9-395 reasonably possible and

reasonable efforts should be defined so the public knew what those were. Council Members Johnson, Garcia, Noriega and Green absent.

Ms. Brenda Taylor, 7526 cypress Drive, Humble, Texas 77396 appeared and stated that she had the privilege of speaking at prior meetings and was a resident of Humble; that last Thursday they were notified by the City of Humble they chose not to participate in the zoning restrictions, they were given no explanation as to what process Humble was going to take and she was present to find what the Planning Commission and city's position was with regards to Humble; that she was disappointed in how the Commission handled her subdivision, since Spring they were told their subdivision was residentially incompatible, airport noise in a hazard area and now they were told it was not the case and all was fine even though her subdivision was directly at the end of a runway; and she was disappointed it had not been worked out prior to maps being drawn up; that she was happy Humble was being excluded at this time, but it gave no reassurance they would not be faced with the same. Council Members Johnson, Adams, Garcia, Lovell, Noriega, Green and Jones absent.

Council Member Lawrence stated that she would like questions answered to give reassurance and Mr. Potts stated that in reference to the discussion with Humble they continued to be in discussion as to what path they would take as well as the FAA had posted their decision to opt out of going with them; that they had a seat on the Airport Commission and that would stay as well as Pasadena's seat in case in the future they would address any changes. Council Members Johnson, Adams, Garcia, Lovell, Noriega, Green and Jones absent.

Upon questions by Ms. Taylor, Mr. Vacar stated that while they had the ability to ask Humble to do this they tried to make the entire venture a cooperative one and they were allowing Humble to work through their issues on it, in time he would suspect that they would become partners; and Mr. Potts stated that they had an environmental impact study ongoing for Bush Intercontinental and if there were any adjustments needed it would be done during the process; that preliminary data was being collected and the process would take 18 months to two years for completion and they were waiting to see what the FAA would tell them; that at this point leaving Humble out did not affect FAA funds. Council Members Adams and Garcia absent.

Upon questions by Council Member Sullivan, Mr. Potts stated that he had discussions with the FAA and they asked he hold positions for Humble for a while because if they had to go and amend they would have to ask the Airport Commission again to do it and they would like the process to work itself out between Humble and Pasadena to make sure they understood all the guidelines and what needed to be done to put in regulations. Council Members Clutterbuck, Adams and Garcia absent.

Mayor White stated that they were dealing with an independent body and hoped Humble would work through its processes. Council Members Adams and Garcia absent.

Mr. Rick Dickson, 7621 North Hollow Circle, Humble, Texas 77396 appeared and stated that he wanted to say he was for the land use management program, however, he had a few issues; that the City of Houston passed Senate Bill 1360 allowing jurisdiction over the airport, but yet with the law in place they allowed other jurisdictions to supersede their authority; and he wanted the City of Houston's assurance that the City of

Humble would not be included in land use management program in the future as Ms. Taylor asked; that by eliminating the City of Humble, they eliminated the noisiest subdivision at Bush, it was the only subdivision within the 65 decibel zone at Bush, how would they justify to the unincorporated Harris County areas they would let the loudest one go but keep them restricted and minimize their mortgage opportunities. Council Members Adams and Garcia absent.

Upon questions by Council Member Khan, Mr. Vacar stated that with respect to the placeholder position he did not expect Humble would be on the position literally of the Airport Commission, unless it came to grips with getting its own acts together and he was optimistic they would; that it would allow a transition for a meaningful part and with respect to growth Mr. Potts mentioned they were doing an environmental impact statement on additional development at Intercontinental airport and the end product of that would be a recorded decision and like the last environmental statement if there were areas like North Hollow affected then the FAA would require as an airport sponsor for those issues to be mitigated and that would be done irrespective of Humble. Council Members Adams, Garcia and Noriega absent.

Mayor White thanked Mr. Dickson for appearing and stated that he understood his point, it was a problem the City confronted when they dealt with multiple jurisdictions, many citizens with a variety of views and sometimes the process was not as tidy; and if he heard correctly they should be mindful and do things on a fair basis and that the squeaky wheel was not the one to get the grease, and they would take that into account. Council Members Cluterbuck, Garcia and Lovell absent.

The City Secretary asked if there were any others wishing to be heard and there being none a motion was made to close the hearing. Council Members Cluterbuck, Garcia and Lovell absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Sullivan. All voting aye. Nays none. Council Members Cluterbuck, Garcia and Lovell absent. MOTION 2008-0859 ADOPTED.

Mayor White stated that in the legislature Ms. Travis and her team did a tremendous job in building consensus to give them the authority as well as those at the aviation system. Council Members Garcia and Lovell absent.

MAYOR'S REPORT

Mayor White stated that he would highlight something significant they were doing today which had taken a lot of work by a number of people within the City, homebuilders, apartment association, professionals and others; that they would consider a new residential energy code during the meeting and it was a Houston style code and the important thing to take away was buildings built to the code should have about a 15% decrease in the utilization of power per square foot as those built simply in accordance with the prior code and it would benefit all Houstonians; that it was important to know they wanted to be vigilant and aggressive in making sure those who did underwriting underwrite loans based on the enhanced energy efficiency of new construction; and he appreciated the time and commitment made by the Greater Houston Homebuilders

Association and Houston Apartment Association in making sure Houston continued its progress. Council Member Lovell absent.

CONSENT AGENDA NUMBERS 4 through 40

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 and 4A

4. ORDINANCE appropriating \$194,830.90 out of the General Improvement Consolidated Construction Fund for Outdoor Seats for Miller Outdoor Theatre for the General Services Department – was presented. All Voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1017 ADOPTED.
- 4a. **AMERICAN SEATING COMPANY** for Outdoor Seats from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the General Services Department - \$194,830.90 - General Improvement Consolidated Construction Fund– was presented, moved by Council Member Khan, seconded by Council Member Garcia. All Voting aye. Nays none. Council Members Holm and Lovell absent. MOTION 2008-0860 ADOPTED

ORDINANCES - NUMBERS 5 through 40

6. ORDINANCE amending table 105.8 of the City of Houston Fire Code relating to a certain permit to use hazardous materials to correct a scrivener's error; containing other provisions relating to the foregoing subject; providing for severability - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1018 ADOPTED.
8. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and the **UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, in connection with a new terminal radar approach control facility (TRACON) at George Bush Intercontinental Airport/Houston - **DISTRICT B – JOHNSON** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1019 ADOPTED.
9. ORDINANCE approving Lease Agreement between the City of Houston, Texas and **HOUSTON MUNICIPAL EMPLOYEES FEDERAL CREDIT UNION**, as tenant, for space at 611 Walker **DISTRICT I – RODRIGUEZ** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1020 ADOPTED.
10. ORDINANCE approving and authorizing Lease Agreement (Parking) between the City of Houston, Texas, as landlord (the "City"), and Dorothy L. Conley, trustee of the Conley Residuary Trust created under Article IV of the last will and testament of Harry E. Conley, deceased, also known as the Conley Marital trust, ("Tenant") for approximately 20,716 net rentable square feet of parking space located beneath the N. Durham Drive Bridge between White Oak Bayou and the M. K. T. Railroad, Houston, Harris County, Texas, for five (5) years with three five-year renewal options, at a monthly rental of \$200.00 - **DISTRICT H – GARCIA** - was

presented. All voting aye. Nays none. Council Members Holm and Lovell absent.
ORDINANCE 2008-1021 ADOPTED.

11. ORDINANCE consenting to the addition of 28.0669 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent.
ORDINANCE 2008-1022 ADOPTED.
12. ORDINANCE consenting to the addition of 9.1467 acres of land to **GREEN TRAILS MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1023 ADOPTED.
13. ORDINANCE consenting to the addition of 121.297 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134A**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1024 ADOPTED.
14. ORDINANCE consenting to the addition of 331.295 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134B**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1025 ADOPTED.
15. ORDINANCE consenting to the addition of 104.496 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 134C**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1026 ADOPTED.
16. ORDINANCE consenting to the addition of 30.13 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 146**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1027 ADOPTED.
17. ORDINANCE consenting to the addition of 6.003 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 278**, of Harris County, Texas, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1028 ADOPTED.
18. ORDINANCE consenting to the addition of 3.019 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 367**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1029 ADOPTED.
19. ORDINANCE consenting to the addition of 13.788 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 67**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1030 ADOPTED.
20. ORDINANCE consenting to the addition of 11.7120 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 32**, for inclusion in its

district - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1031 ADOPTED.

21. ORDINANCE establishing the east and west sides of the 800 block of Tabor Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H – GARCIA** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1032 ADOPTED.
22. ORDINANCE establishing the east and west sides of the 800 block of Tabor Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H – GARCIA** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1033 ADOPTED.
23. ORDINANCE establishing the north and south sides of the 2300 block of Quenby Road within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C – CLUTTERBUCK** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1034 ADOPTED.
24. ORDINANCE establishing the north and south sides of the 2200-2300 block of Rosedale Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D – ADAMS** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1035 ADOPTED.
25. ORDINANCE approving and authorizing contract between City of Houston and the **EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC**, to provide \$202,811.00 in Community Development Block Grant Funds and \$75,000.00 in Housing Opportunities for Persons With Aids Funds for the HEART Program - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1036 ADOPTED.
27. ORDINANCE approving and authorizing contracts between the City and (1) **AAR INCORPORATED**, (2) **R&A BUILDING SPECIALISTS**, (3) **ORTHO CONSTRUCTION/RENOVATION COMPANY INC**, (4) **TREBOR INCORPORATED**, and (5) **WATSON CONSOLIDATED** for the City's Lead-Based Paint Hazard Reduction Control Program; providing maximum contract amounts - 2 years with 3 one-year options - \$12,500,000.00 - Grant Funds - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1037 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City of Houston and **GENERAL DYNAMICS ITRONIX CORPORATION** for Computer Software and Hardware Maintenance Services for the Department of Public Works and Engineering; providing a maximum contract amount - 3 years with 2 one-year options - \$799,190.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1038 ADOPTED.

29. Omitted
30. ORDINANCE making certain findings and approving the use of portion of Kingwood Park by the Houston Public Library Department as a site for the construction of a New Two-Story Public Library Building containing approximately 30,000 square feet and associated parking spaces, which improvements require the use of 4.845 acres (Parcel GY9-001) portion of the total 9.1206 acres of the Park Area; said findings made after a Public Hearing held at 9:00 a.m. on Wednesday, October 29, 2008, in the City Council Chambers, second floor of City Hall, Houston, Texas, pursuant to the provisions of Chapter 26, Texas Parks and Wildlife Code; making other findings and stating other matters generally relating thereto; providing for the effective date of such findings and approval - **DISTRICT E – SULLIVAN** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1039 ADOPTED.
- 30a. ORDINANCE approving and authorizing Interlocal Agreement and Lease Agreement between the City of Houston and **HARRIS COUNTY, TEXAS** for the design, construction, operations and maintenance related to the New Kingwood Library; authorizing purchase of current Kingwood Library by City of Houston from Harris County - **DISTRICT E – SULLIVAN** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1040 ADOPTED.
- 30b. ORDINANCE appropriating \$6,436,625.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing first amendment to a Construction Management-At-Risk Contract (approved by Ordinance No. 2008-0237) between the City of Houston and **SPAW GLASS CONSTRUCTION CORPORATION** for the Construction of New Kingwood Library; providing funding for engineering and testing services, Civic Art Program, and contingencies related to construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT E – SULLIVAN** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1041 ADOPTED.
31. ORDINANCE appropriating \$60,358.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Reconstruction of Hempstead Highway for IH-10 to Mangum Road; (approving by Ordinance No. 94-1052); WBS N-000611-0001-2 **DISTRICT A - LAWRENCE and H – GARCIA** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1042 ADOPTED.
32. ORDINANCE approving and authorizing an amendment to the agreement between the City of Houston and **BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1** for Sanitary Sewer Conveyance to the Blackhawk Wastewater Treatment Plant; providing a maximum contract amount - \$85,201.60 - Enterprise Fund – was pulled by the Administration and not considered. Council Members Holm and Lovell absent.
33. ORDINANCE approving and authorizing a contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 406** for Treated

Surface Water Supply - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1043 ADOPTED.

34. ORDINANCE appropriating \$4,095,058.24 out of Metro Project Commercial Paper Series E Fund, \$2,612,423.67 from Water & Sewer System Consolidated Construction Fund; and \$297,383.09 from Water & Sewer Contributed Capital Fund awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for Monroe Road Paving from Fuqua to Beltway 8 ("The Project"); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management; declaring the City's intent to reimburse all or part of the funds appropriated with proceeds of joint participation contracts with City of Pearland and HCMUD 382 ("The Joint Participation Contracts") - **DISTRICT E – SULLIVAN** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1044 ADOPTED.
35. ORDINANCE appropriating \$2,965,223.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D.L. ELLIOTT ENTERPRISES, INC** for FY09 Fire Hydrant Replacement; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingences relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1045 ADOPTED.
36. ORDINANCE appropriating \$964,377.00 out of Water & Sewer System Consolidated Construction Fund; awarding a contract to **TROY CONSTRUCTION, L.L.C.** for Wastewater Collection System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for the engineering testing, project management, and contingencies relating to the construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1046 ADOPTED.
37. ORDINANCE appropriating \$1,651,033.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-0118-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingences relating to construction of facilities financed out of Water & Sewer System Consolidated Construction Fund
38. ORDINANCE No. 2008-1011, passed first reading November 12, 2008

ORDINANCE granting to **J BAR CONTRACTOR'S SERVICES, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1011 PASSED SECOND READING IN FULL.

39. ORDINANCE No. 2008-1012, passed first reading November 12, 2008
ORDINANCE granting to **TAP ENVIRONMENTAL, INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-1012 PASSED SECOND READING IN FULL.
40. ORDINANCE No. 2008-984, passed second reading November 12, 2008
ORDINANCE granting to **LONGHORN BAG, LLC, A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. Council Members Holm and Lovell absent. ORDINANCE 2008-984 ADOPTED THIRD AND FINAL READING IN FULL.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

Council Member Noriega moved to take Item 26 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0861 ADOPTED.

26. ORDINANCE appropriating \$3,101,439.00 from TIRZ Affordable Housing Fund (Fund 2409); approving and authorizing the resolution of outstanding issues raised in HUD Monitoring Reports in 2003, 2004, and 2005 of the City's HOME, CDBG, and HOPWA Programs; authorizing the Mayor to execute necessary documents related thereto - was presented.

Council Member Noriega moved to suspend the rules to hear a review from Mr. Richard Celli on Item 26, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0862 ADOPTED.

Council Member Noriega stated to Mayor White that they wanted to go over this again and make clear to the audience what had gone on; and yielded to Mayor White.

Mayor White stated that in approximately in the Summer of 2007 in a Mayor's Report to Council he reviewed the objective of trying to resolve matters with HUD pending for years; that he recounted one of the things he found in coming into the job was in November 2003 there were a list of findings by HUD concerning a program and a suspension of that program during 2004 based upon programs prior to this administration there was another set of findings by HUD and he analyzed at length some

of the issues, one example was if a home was repaired that the repairs had been done up to the building code for a house which had not met the building code in other instances prior to the repairs and the repairs were directed to other issues besides the building code, there were issues whether houses were repaired up to that building code many years before they were re-inspected; that they consistently argue with HUD and he believed to this day HUD had available to it a number of remedies and the biggest remedy would be to change some policies and procedures and personnel, why should beneficiaries of the program be penalized; that his view was they should go after the subcontractor and not penalize the beneficiaries of the program or taxpayers; that HUD did have a fund which could be used for home and CDBG and they had not been successful and he did not believe they would be in persuading HUD that management changes alone and policies and procedure changes alone...that he thought people saw skills and professionalism they tried to bring. Council Member Lovell absent.

Council Member Noriega thanked Mayor White for explaining what had gone on, it was important the audience understand, she wanted it transparent and she would like assurance from Mr. Celli that conditions that created the need for this resolution had been fixed so they would not go down this again. Council Member Lovell absent.

Mr. Celli stated that he became involved with the Process in May 2007 with a trip to Washington, D. C., to visit with HUD officials there to begin negotiations on a settlement going back to findings the Mayor spoke of, back to 2003, and the City offered a settlement number and they came back with a different number and agreed in principal on the \$15.3 million to be paid back over a five year period and with that, during that period of time he was asked, as Director of Housing, what was going on with the HUD settlement and during that period he addressed it at different public venues saying they were negotiating a settlement and they had spoke of the dollar amount; that they were trying to negotiate an amount fair to the City and over a time frame where the City could pay it back, the process in paying back was on December 1st they would deposit \$3.1 million into the City of Houston's home account which would be able to use those dollars again for affordable housing, so they were not taking the \$3.1 million out of the affordable housing pool available to the City of Houston, they were taking \$3.1 million from the TIRZ account and depositing it into the home account, they were taking non federal dollars and making them federal dollars and they would be able to use them on affordable housing projects.

Council Member Jones stated that she spoke extensively with Mr. Celli and Marty and understood it was not tagable as there was no Council next week and there would be penalties if the first payment was not made by December 1st, but what gave her comfort was the debt was over \$40 million and it was negotiated to \$15.3 and it was to be paid over 3 years and that was extended to 5 years and the money was being put into the home funds; that the wrong doing was prior to this Administration and they were having to deal with it and she was pleased it was negotiated way down and as chair of the Housing Committee that was where she was on this.

Council Member Khan stated it was important the citizens knew this was a bad situation, when this Administration started in 2004 HUD was asking for one hundred twenty something million dollars, that was their initial assessment of what should be paid back and had valid reasons for asking; that he applauded the Mayor's leadership in putting those together on this and his hat was off to all those who worked so hard and

not a penny was leaving Houston when HUD wanted it to go back to Washington and all should rejoice in this accomplishment.

Mayor White stated that he believed if someone had a complaint or accusation against a city employee they should state the facts, to just attack without facts...; and he would also ask his colleagues to find out facts from all vantage points and if current policies were inappropriate then if someone brought it to his attention it would be considered

Council Member Lawrence thanked Mr. Celli for all his work and those working for him and his predecessors for getting their hands around this; that many hours were spent in negotiations with HUD; that there were mistakes and lack of leadership and the City had a list of some of the people who dropped the ball and made mistakes and she would like a list and those people not receive work from the city for so many years; that some make profit off shoddy work and they needed to say it was not the way the City did business; that people had to be accountable. Council Member Clutterbuck absent.

Council Member Holm stated that she wanted to reiterate some things said today; that the City was paying penalty for inappropriate work, this was not a condemnation of the Housing Department or the leadership there; and the price they were paying was because of poor practices in the past and like Council Member Lawrence she thought there should be a list of companies who helped them into this position and some type of repercussion to them. Council Member Clutterbuck absent.

Council Member Sullivan stated the TIRZ sent money to this account on a regular basis, he wanted the public to know they would not be taking money away from anything scheduled; and Mayor White stated that this also had to do with the point of transparency, he said to Council Members they would try and resolve this by virtue of a settlement with HUD and in fact they put in both the TIRZ budget and their debt service model and this had gone on an extended period of time; that he would retrieve what they did within the Mayor's Report where he actually spoke from notes to be sure it was not misinterpreted to make sure it was transparent and they had to segregate some TIRZ funds, it was his hope HUD would have relied on management changes and changes in practices and procedures.

A vote was called on Item 26. All voting aye. Nays none. ORDINANCE 2008-1048 ADOPTED.

5. ORDINANCE relating to Safety Codes adopted for the protection of lives and property from fire and other perils; adopting local amendments to the International Residential Code for One-and Two-Family dwellings and to the International Energy Conservation Code; and containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2008-1049 ADOPTED.
7. ORDINANCE adding a new Section 41-12, relating to Residential Subdivision Identification Markers, to Article I of Chapter 41 of the Code of Ordinances, Houston, Texas – was presented.

Council Member Holm stated that this item helped the City regulate and protect their property from encroachments and she applauded that it become a part of the permitting process, though she had questions pertaining to the existing subdivision identification markers and in Section G it said the subdivision identification markers located within the public right of way on December 31, 2008, must be registered with Public Works; that Public Works and Engineering Department should publish a form and no fees would be assessed for registration; that she did not know if there was another document which told how the process would be, how would they notify, she thought there could be thousands of the signs and was there a deadline to register and who would enforce it, etc., that she needed answers; and would tag Item 7. Council Member Garcia absent.

Council Member Holm stated that she had amendments she had not talked to the Administration about and she would lay them out for thought process and one had to do with the definition of marker, to amend it for two things, one was for the purpose of this section, that when they talked about a marker it was only markers within the public right of way and that they were not dealing with anything on private property and secondly she scratched for "with 50 or more single family residential homes" as it seemed to her if they were within the right of way it was their obligation in the future to have encroachment permits on anything which came into City right of way; and in section 41-12(b) there was a sentence at the end which said "a subdivision identification marker on private property must have a sign permit issued by the City's sign administration pursuant to the Houston Sign Code and she asked that sentence be scratched as it was irrelevant to encroachment. Council Member Holm stated that she presented those in writing and tagged the main item and the amendments. Council Member Garcia absent.

Council Member Clutterbuck stated that those were good suggestions and she wanted to thank Council Member Lawrence for her leadership and the Mayor's Administration for bringing it forward; that this came about with Public Works charging for signs in public right of way in what many believed to be a very large fee; that this injected commonsense and allowed neighborhoods to continue having their identity. Council Member Garcia absent.

Council Member Khan stated that he would like to be insured there were enough inspectors, if ordinances did not have enforcement what good was it. Council Members Cluttebuck and Garcia absent.

Council Member Lawrence stated that one thing she gave Director Marcotte full credit for was he took off blinders of inspectors and said when they went out not to just check one thing, they needed to look around and let them know what else was going on and that had increased awareness of what was going on and neighborhoods needed to be aware of it; and it was important for Council Members to keep data sheets on ordinances and when they were going into effect and then pass those on to their predecessors.

MATTERS HELD - NUMBERS 41 through 44

ORDINANCE approving and authorizing Interlocal Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Registration holds on vehicles with 1) Outstanding penalty for Photographic Traffic Signal

Enforcement System Violations (a.k.a the Red Light Camera System), and/or 2) Outstanding warrants for failure to appear or failure to pay a fine for traffic moving violations; providing a maximum contract amount - \$340,000.00 General and DARLEP Funds, **(This was Item 41 on Agenda of October 22, 2008 POSTPONED BY MOTION #2008-777, 10/22/08)** - was presented.

Council Member Noriega stated that she was offering an amendment, this item came up October 22, 2008, and they sent it back, currently laid out it said if you did not pay for your red light camera fine you would have your inspection held; that it was an interlocal agreement with the Texas Department of Transportation to hold the registration; that she had a written amendment which summarized said it would restrict the proposed agreement between the City and the Texas Department of Transportation for registration holds on vehicles with an outstanding penalty for red light camera violations only; that any agreement in the future to formalize an agreement with TXDOT for outstanding warrants for failure to appear or failure to pay a fine for traffic moving violations will require additional Council approval; and presented her written amendment.

I move to amend the Ordinance approving and authorizing the Interlocal Agreement attached thereto, between the City and the Texas Department of Transportation (TXDOT) - Item 41 on the November 19, 2008 Agenda, as follows:

1. Amend the caption of the Ordinance to read as follows:

“AN ORDINANCE APPROVING AND AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR REGISTRATION HOLDS ON VEHICLES WITH 1) OUTSTANDING PENALTY FOR PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM VIOLATIONS (A.K.A. THE RED LIGHT CAMERA SYSTEM), AND/OR, SUBJECT TO APPROVAL BY CITY COUNCIL, 2) OUTSTANDING WARRANTS FOR FAILURE TO APPEAR OR FAILURE TO PAY A FINE FOR TRAFFIC MOVING VIOLATIONS; PROVIDING A MAXIMUM CONTRACT AMOUNT; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

2. Replace the signature page of the Interlocal Agreement with the attached replacement signature page to remove the signature line for the Director & Chief Clerk of Municipal Courts Administration Department.
3. Replace Attachment F to the Interlocal Agreement with the attached replacement Attachment F to change the contact information and the type of account information.
4. Amend the Original Allocation of funds to be \$40,000.00 DARLEP Funds instead of \$340,000.00.
5. Amend Section 3 of the Ordinance to decrease the maximum contract amount from \$340,000.00 to \$220,000.00. The total allocation for this contract, including the Original Allocation and all Supplemental Allocations, shall never exceed \$220,000.00.

6. Add Section 7 to the Ordinance to direct the Houston Police Chief to commence the process of sending the City Scofflaw HPD's input files requirements to TXDOT to start the Registration Hold for red light camera violators as soon as practicable.

7. Add Section 8 to the Ordinance to direct the Director & Chief Clerk of Municipal Courts Administration Department to delay sending Municipal Courts' City Scofflaw data input requirement files to TXDOT until further approval by City Council. Council Member Garcia absent.

Mayor White stated that he supported the amendment; and thanked Council Member Noriega and other Council Members who helped this to move forward. Council Member Garcia absent.

Council Member Adams thanked Council Member Noriega for the amendment; and stated that there was a long process before a tag happened, but if she was a citizen and previously if she had to pay the red light fine through Municipal Courts, etc., it pulled up everything on her record and it let her know she was responsible for paying all the fines, but with the new changes would you still see all the fines; and Mayor White stated that he did not know but they would find out the answer. Council Member Garcia absent.

Council Member Holm stated on a point of clarity this agreement was interlocal with TXDOT in order for TXDOT to put the processes in place to withhold the future registration, but before implementation could occur there needed to be an interlocal agreement with Harris County for the implementation; and Mayor White stated that was correct; and Council Member Holm stated that she was asked to clarify that there would be no implementation of any of this procedure until there was a signed interlocal between the City and Harris County; and Mayor White stated that he agreed with that. Council Member Garcia absent.

Council Member Clutterbuck thanked Council Member Noriega for the amendment as she thought it clarified what they were doing, putting teeth into an ordinance passed several years ago; that she did not have an agreement in front of her and she wanted to make sure the amendment indicated the intent was to strike Phase II; and Mayor White stated that he was told that was the effect with this amendment and that was their intention. Council Member Garcia absent.

Council Member Sullivan stated that he had two questions on the amendment on number four, to amend to the original allocation of funds to be \$40,000DARLEP funds instead of \$340,000 was quite a difference and he wanted to know how those numbers were arrived at; and then in number five, the words "shall never", never was a strong word and he wanted to make sure that was the intent; and Mayor White stated that on the second point he would ask people to look at it and they would confirm that too him. Council Members Holm and Garcia absent.

Council Member Johnson stated that he wanted to know if warrants were issued for individuals, what the benchmark was for them to determine, often times they sent a ticket in the mail, how did they know it went to the proper individual; and Mayor White stated that they could make sure; and Council Member Johnson stated that he was going to tag the item for more information; and Mayor White stated that it could be

delayed, but it was delayed before; and asked who present could answer questions. Council Members Holm and Garcia absent.

Council Member Noriega moved the rules be suspended to hear from Mr. Feninger, seconded by Council Member Khan. All voting aye. Nays none. Council Members Holm, Garcia and Rodriguez absent. MOTION 2008-0863 ADOPTED.

Mr. Feninger stated that several weeks ago he sent out a document to Council Members and on the last page was a chronology of events and timetable; that the violation date, when the camera snapped the picture, ATS was the vendor and they then confirmed with TxDOT if it was a Texas plate and when confirmed they got into their system, it was TxDOT data, the same data used by Harris County, so whatever data they dealt with as TxDOT data was also Harris County data, when they got the plate they confirmed the owner of the vehicle, that was the official owner with the State of Texas at the time of violation and that was the key, so the document number they received was the title number and that title showed the owner of the vehicle, it was not the driver liable but the owner and that was a big difference between how this program functioned and the Courts; that when it was confirmed within 2 to 3 days after by a Houston Police Officer as they viewed the video to see that it was in deed a violation of Houston traffic laws and confirmed it, a notice was issued and that started the clock ticking and then 5 days was allowed for mailing and subsequent to that there was a 45 day window of time within which the owner could do several things, they could pay the fine, request a hearing, file a declaration of nonliability, meaning the car had been stolen or sold prior to the violation date or they were a rental car company and it was a driver and lastly they could do nothing and if nothing was done at the end of the 45 day period of time that by law was an admission of liability and second they waived their right to any further appeal and at this point it was over and it was simply a collection exercise; they would have received their first notice and ignored it and then they received a second notice which said if it was not paid within the next 20 days they would be sent to collection and if the City did approve this they would request the Texas Department of Transportation put a hold on the renewal of their vehicle, if they had not responded after 20 more days the third notice would go out stating they were now being sent to collection and a request was sent to the Texas Department of Transportation to put a hold on renewal of the registration of their vehicle; that the information the city had was directly linked to the owner of the vehicle and the owner would have received based upon the actual record within the Texas Department of Transportation as to the address of record. Council Members Holm and Garcia absent.

Upon questions by Council Member Johnson, Mr. Feninger stated that from the time of the ticket to the time of actual cutoff was 84 days and several notices would have gone out; that it was the address of record according to the state records in the Texas Department of Transportation, that was the legal address for that vehicle. Council Member Garcia absent.

Mayor White stated that when it came to a collection mechanism there were procedures he was sure they used like the national change of address, etc.; and Mr. Feninger stated that ATS, the vendor, had engaged a collection agency, Purdue Brandon, a local law firm, unfortunately that type of collection was ineffective, only about 18% of collections sent to collection had ever been collected and therein lied the problem; and the third notice sent out was sent by the collection agency and then a

fourth notice was sent; and Mayor White stated that he understood what Council Member Johnson said what if someone had moved, but he was sure people periodically checked what they sent out checking it against the National Postal Service Change of Address Database, they would find out the answer, the question was when and how frequently people who sent things out checked that database and they would find the answer out for the Council Member and if they did not why didn't they as all other collection businesses did Council Member Garcia absent.

After a lengthily discussion, Mr. Feninger stated that there were four ways to make payments, by phone using a credit card, by mail with check, on line with credit card and obtain a printed receipt or to the Municipal Courts make a payment and get a receipt; that on the two occasions where you got a receipt you could take the receipt directly to the Harris County Tax Office and they would honor it and release the hold and register your vehicle even though it took two days to clear your vehicle by the other methods and the maximum period of time to release your vehicle was two days time and the release would be done by ATS upon receipt of payment, ATS had to send a clear indicating payment and it was sent to TxDOT and they immediately cleared the hold, but you could take your printed receipt and immediately get it registered; that ATS received all incoming money and posted the account it was paid and then they would clear it, no city employee touched it, it went immediately to a lock box and they made posting to the individuals account promptly; that they could go pay at the Municipal Courts and immediately get a receipt and the City of Houston employee would access the ATS system and TxDOT would read it daily, the transmission of the file would be sent to them daily; that it was a maximum of a two day time to clear though it could in one day and even though a clear had not taken place, if they took their receipt Harris County would honor the receipt and register the vehicle; and Mayor White stated that he would ask that all persons, police and Municipal Courts Administration and others do quality control in this process so if for some reason it did not clear in a day or two the record would be clarified. Mr. Feninger stated that they could not make TxDOT clear the hold, but they could have an agreement with Harris County to register the vehicle; that the Municipal Courts were involved as they administered the hearings and people had that as an alternative to make a payment and get a receipt, 13,000 in the last two years went directly there and paid in person and take their receipt and register their vehicle at Harris County; that it may be possible to pay Harris County and ATS did in fact utilize the U. S. Postal Service change of address software; Mayor White stated that there were under the State Constitution various jurisdictions which touched part of this issue and they were trying to make sure there were consequences for those who ran red lights and wanted to wait to see what happened before they paid; that they should make progress when they could and then build from that point on to a better program. Council Member Johnson thanked all and stated that he was supportive, but the question with him was still the address; and Mayor White stated that it might be good to break it in pieces; that they met weekly to make sure there were good processes and whatever the system there would be people saying they did not receive notice and there needed to be a place where they rectified the situation and others paid their fine; and just because someone did not get notice it did not mean they did not run the light.

A vote was called on Council Member Noriega's Motion to amend Item Number 41. Council Member Sullivan voting no. Balance voting aye. MOTION 2008-0864 ADOPTED.

A vote was called on Item 41 as amended. Council Members Sullivan, Jones and Green voting no. Balance Voting aye. ORDINANCE 2008-1050 ADOPTED.

42. MOTION by Council Member Khan/Seconded by Council Member Sullivan to adopt recommendation from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) ANNUAL CONSOLIDATED WATER QUALITY (CWQ)** fee for FY09 - \$1,175,230.20 - Enterprise Fund, **(This was Item 7 on Agenda of November 12, 2008 TAGGED BY COUNCIL MEMBER KHAN)**, - was presented. All voting aye. Nays none. MOTION 2008-0865 ADOPTED.
43. MOTION by Council Member Lovell/Seconded by Council Member Khan to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Christy B. Smidt of Kerry R. Gilbert & Associates, Inc., on behalf of EBH Development Group, for abandonment and sale of Briarway Court from Briar Hollow Lane to its terminus and a 10-foot-wide prescriptive storm sewer easement, all located within the Ivy Oaks Subdivision plat out of the William White Survey, A-836, Parcels SY9-010A and SY9-010B - **DISTRICT G – HOLM**, **(This was Item 9 on Agenda of November 12, 2008 TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. All voting aye. Nays none. MOTION 2008-0866 ADOPTED.
44. ORDINANCE amending City of Houston Ordinance No. 2008-385, passed on April 30, 2008 which approved and authorized the submission of the 2008 Consolidated Action Plan (“Plan”) and various Federal Grant Applications, by making a substantial amendment to the plan to add a new grant application for the Neighborhood Stabilization Program in the amount of \$13,542,193.00 and to accept the aforementioned grant funds, if awarded - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GARCIA and I – RODRIGUEZ**, **(This was Item 22 on Agenda of November 12, 2008 TAGGED BY COUNCIL MEMBERS LOVELL, ADAMS and KHAN)** – was presented. All voting aye. Nays none. ORDINANCE 2008-1051 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Holm stated that when they adopted the FY'09 budget in July there were a couple of amendments she proposed which passed and they had to do with NSR projects and traffic projects, the speed mitigation devices, and at this point she wanted to put a reminder and nudge forward in the hopes by January 1, they would have a plan and method to where citizens could partner and help fund some of those desired devices without impacting people who had gone through the city processes and along the same line they had a project in District G which just started, an NSR project, and already they were receiving between 40 and 50 emails yesterday of city trucks and trucks relating to the project cutting through an adjoining neighborhood to get to it rather than using Voss Road or Westheimer and they contacted Public Works and she wanted to encourage an elimination of cut through traffic and the city and all others be sensitive to that and if they could get reassurances they would have implementation of the budget amendments by January it would be great. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Green and Jones absent.

Mayor White stated to Council Member Lovell that Council Member Holm's point, he thought it would be appropriate at some point to have the appropriate representatives, Mr. Norman of Public works, that this was up to the committee and committee chair, but thought it would be interesting to have one brief item on a council hearing; that Dan Menendez was deputy director for the construction management with Public Works and on projects involving some scale who by name in the department was responsible for having some meeting with the contractor to discuss the ingress and egress of heavy trucks and storage of construction materials; that at the OTC senior people gave a speech and began by saying how people get out of the room if there was a fire and at the beginning of a project there should be stuff which involved traffic flows and how vehicles got in and out and where materials were stored and he hoped this was done on projects over a certain scale and they should make sure it was done and if they did they should get a report and if they did not they should find out why not and if she could hold a meeting on it that would be great and if they could get a report from Mr. Norman on those who were responsible it would be great. Council Members Lawrence, Johnson, Khan, Garcia, Rodriguez, Green and Jones absent.

Council Member Brown stated that there was disappointing news on Houston economy from the Center on Public Policy about economic growth, but encouraged all in Houston to be optimistic about the economy, he met with realtors who told him the housing market was holding up pretty well. Council Members Lawrence, Johnson, Khan, Garcia, Rodriguez, Green and Jones absent.

Council Member Brown stated that Houston entrepreneurs told him they met with a number of Chinese businessmen and investors who wanted to come to Houston and set up manufacturing plants relating to green technology and that should be encouraged and maybe have a formal process welcoming people around the globe, maybe an Office of International Marketing and Development to ease the transition. Council Members Lawrence, Johnson, Clutterbuck, Adams, Khan, Garcia, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that he had the pleasure of attending the lecture at the University of Houston by Thomas Friedman and he talked about his book Hot, Flat and Crowded and he said good things about Houston, that they were on the leading edge of the green revolution in this country; and encouraged all to read it. Council Members Lawrence, Johnson, Clutterbuck, Adams, Khan, Garcia, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that he would also mention new thinking, maintaining their core of values and traditions, but new thinking; that in Thomas Friedman's book he gave suggestions, moving forward with the carbon tax, penalizing those not energy efficient and rewarding those who were. Council Members Lawrence, Johnson, Clutterbuck, Adams, Khan, Garcia, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she wanted to say she went to a ceremony at the HCC Southeast Campus near Gulfgate Mall and they recognized staff for what they did during the Hurricane Ike POD distribution experience; and as all went into Thanksgiving she wanted to remind everyone on how much we all had to be thankful for,

and ask all to look around and see who still needed help. Council Members Lawrence, Johnson, Khan, Garcia, Green and Jones absent.

Council Member Clutterbuck stated that she wanted to acknowledge a new friend, Daniel Lynch, a student at Houston Christian High School; and asked he stand to be recognized. Council Members Lawrence, Johnson, Khan, Garcia, Green and Jones absent.

Council Member Clutterbuck stated that she wanted to mention many good people worked for the city and did a phenomenal job during Hurricane Ike and the cleanup, Director Marcotte attended a leadership event recently and was asked to highlight one or two heroes who performed above and beyond and he said he could not do it because there were hundreds, if not thousands, who fell into the category and Public Works continued to get letters of appreciation to her office; and it was a privilege to say she worked with them. Council Members Lawrence, Johnson, Khan, Garcia, Green and Jones absent.

Council Member Clutterbuck stated that she had several exciting events she participated in this week and one was the ground breaking ceremony for Fire Station 37, long overdue, and she was delighted those firefighters would have a decent place to operate out of and it was LED certified and energy efficient and environmental sound. Council Members Lawrence, Johnson, Khan, Garcia, Green and Jones absent.

Council Member Adams stated that she wanted to congratulate Velma Laws and TAC, yesterday the MWBE conference to attract area subcontractors to apply to the city to work on the Clinton Climate Initiative Energy Conservation Project, and yesterday was declared Retrofit Houston Day, TAC, the energy partner with the City of Houston hosted the event and invited those present with TAC to stand and be recognized. Council Members Lawrence, Johnson, Khan, Garcia, Green and Jones absent.

Council Member Adams congratulated her brother-in-law, Keith Norwood, for being sworn in last night Sheldon ISD for board position number two, she was proud of him and thanked him for his work in the Sheldon ISD area. Council Members Lawrence, Johnson, Khan, Garcia, Green and Jones absent.

Council Member Adams wished all a Happy Thanksgiving, next Thursday and asked all to remember those who had not. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Green and Jones absent.

Council Member Adams stated that Neighbors to Neighbors kicked off this Saturday and was a huge success and it would continue through November 29, 2008, and if anyone needed help bringing debris to the front of their homes they should contact 311 and they would make sure volunteers were placed there to help. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Green and Jones absent.

Council Member Adams stated that they were asking all to look for volunteer opportunities during Thanksgiving and one would be at the Sunnyside Multi Service Center assisting the YWCA with providing meals to seniors who were homebound. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Green and Jones absent.

Council Member Adams stated that with every opportunity she liked to thank her staff for the tremendous job they did throughout the year and unfortunately they were going to lose a member of the team, Christopher Banks, worked hard in District D and had now accepted position at another organization and he would be missed. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he wanted to invite all of District I and his colleagues to the District I Family Day this Saturday from 3:00 p.m. to 9:00 p.m. at Discovery Green; that they would have puppet shows, dance groups, movie, free food, immunizations, etc. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he thanked the Mayor for agreeing to send the speed hump program to TIA for review, he had an upset constituent and there might be improvements made to it. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that yesterday he attended the swearing in ceremony of Judge Ed Emmett and extended greetings on behalf of his colleagues and the Mayor and congratulated him. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that Ms. Stein sent out a call to all Council Members to be a member of and participate in the subcommittee from TIA which would deal with water issues and the Coastal Water Authority and only Council Member Jones had responded at this point and he would encourage others to volunteer and be on the committee. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that all was rolling well for the groundbreaking of the Kingwood Library and the ceremony would be Saturday, December 13, 2008, at 10:00 a.m. and all Council Members were invited and thanked Susan Christian and her group for making arrangements and while he was at Harris County yesterday they voted on the interlocal agreement and he was able to thank them for their assistance in the project. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he attended a group meeting in Clear Lake called the Clear Lake Civic Club League, they met last Saturday to discuss results of a lawsuit between the Clear Lake City Water Authority and a private golf developer and the court ruled against the Clear Lake City Water Authority and citizens were upset, but they would appeal the decision and hopefully prevail in the long run; and he thanked all those citizens for fighting for what they thought was right. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan congratulated Dan Menendez as the new deputy director of Public Works Engineering and Construction Division, he was making rounds to

Council Members now and they appreciated him coming and talking to them about projects in the districts. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that with respect to people using public rights of ways he had a meeting last week with Sudden Link the cable provider for Kingwood, they discussed construction activities in Kingwood and his concern they use extreme caution when working in the right of way and be vigilant in helping protect the infrastructure because any damage would be serious and they would likely be held accountable and Comcast was coming in later to talk to him about the same construction projects in Kingwood. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she would like to join Council Member Sullivan's committee. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that they too would miss Chris Banks, his hard work and sense of humor. Council Members Lawrence, Johnson, Clutterbuck, Khan, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell distributed SPARK Park Calendars and stated that she wanted to remind all this was the SPARK School Park's Program 25th Anniversary, this was SPARK Park Week and congratulated the founder of the SPARK Park School Program and president of the board of directors a fellow Council Member Eleanor Tinsley and also thanked Kathleen Ownby, executive director, SPARK Parks were throughout HISD but also in other areas such as North Forest, Spring Branch, Aldine, Alief, Galena Park, etc. and this week they kicked off with Meadow Wood Elementary by receiving a Mayor's Proud Partner Award from Mayor White and named the many schools participating in SPARK Week 2009; and thanked all for their hard work. Council Members Lawrence, Johnson, Khan, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that in the SPARK calendar for August the great sculpture at Sharpstown High School was a cousin of the flaming chicken adorning the Downtown Fire Station and he wanted his friend Wayne Dolcefino to know; and on behalf of the entire arts community he would say they greatly respected video arts because they realized even those arts which simply resembled reality but different from reality had a place and that included journalism as well. Council Members Lawrence, Johnson, Khan, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:15 a.m. Council Members Lawrence, Johnson, Khan, Garcia, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

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

/S/Anna Russell

Anna Russell, City Secretary