

City Council Chamber, City Hall, Wednesday, January 14, 2009

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 14, 2009, 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, James G. Rodriguez, Peter Brown, Sue Lovell, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney and Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director, Citizens Assistance Office and Ms. Debra Dillard, Citizens Assistance Office; and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Melissa Noriega out of the city on personal business.

Note: Council Member, District H Position vacant.

At 8:32 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 called on Council Member Adams for a special presentation that was time sensitive. Council Member Holm absent.

Council Member Adams stated that they were celebrating the US Paralympics Military Program and wanted to acknowledge Sarita Whiting from Adaptive Recreation Staff, an Army volunteer, Johnny Banda, an Adaptive Recreation volunteer, Athlete of the Marine Corp, that he acquired a disability while serving in Japan and Osio Flores, a wheelchair athlete and sports volunteer, and asked that they come forward, that the Houston Parks and Recreation Department and the US Paralympics, a Division of the US Olympic Committee had partnered to create the first annual Medal and Muscle Expo, sponsored by the US Paralympics Military Program, specifically designed for the injured military men and women, to take place on January 17, 2009, and Mayor White proclaimed Wednesday, January 14, 2009, as US Paralympics Military Program Day in Houston, Texas. Council Member Holm absent.

Mayor White stated that Buddy Grantham had brought this to his attention some time ago and not a week goes by that he did not get some feedback from their veterans of what it meant that the City had embraced it's veterans in so many ways, that they thank him but in large part the thanks goes to Mr. Grantham. Council Member Holm absent.

Council Member Jones stated that she wanted to welcome the Military Para Olympic Games, that in 1987 the Para Olympic Games were at Robertson Stadium at the University of Houston, that she had the opportunity to work with them then; and Mayor White stated that they wanted to thank them all for being with them and looked forward to the seventeenth. Council Member Holm absent.

At 9:34 Mayor White called on Council Member Lovell for the prayer and pledge of allegiance. Council Member Holm absent.

Mayor White requested the City Secretary to call the roll. Council Member Noriega out of the city on personal business. Council Member Holm absent.

Council Members Khan and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Holm absent. MOTION ADOPTED.

At 9:36 a.m. Mayor White stated that they would move to the public hearing. Council Member Holm absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for 5610 Company LLC for site located at 5610 Polk - **DISTRICT I – RODRIGUEZ** – was called. Council Member Holm absent.

The City Secretary stated that they had one public speaker who had signed up and Ms. Carol Ellinger, P.E., Public Works Department, would make comments prior to hearing from any of the speakers. Council Member Holm absent.

Ms. Ellinger stated that as they may recall the Texas legislature authorized Municipal Setting Designations almost five years ago; that an MSD designated a particular parcel beneath which contaminated groundwater is prohibited from use as potable water, that the State law was administered by the Texas Commission on Environmental Quality; that she was present because, although TCEQ was the agency that issued the MSD, participation in the State program required local support, that today they were holding a public hearing for an application submitted by the 5610 Company for 22.5 acres of land located at 5610 Polk; that the designated property was used for commercial and industrial purposes, this area was developed as early as 1929 and a process tank, the source of chromium, was removed in 1997, that chlorinated solvents, commonly used by metal finishing plants, were also present at this site, that investigations had failed to find a clearly identifiable single source for the chlorinated solvents, and some of the plumes were commingled; that chlorinated solvents were no longer in use, the area had also been monitored for several years, that contamination within the designated groundwater appeared to be stable within the bounds of the designated property based on this monitoring data, however four contaminants still existed in the groundwater and they did exceed State levels; that today's public hearing was a required step in the MSD process, that on October 24, 2008, written notices were mailed to property owners within ½ mile of the site and to owners and operators of water wells within 5 miles, that the Public Works and Engineering Department then hosted a public meeting at the E.B. Cape Center, which was located near the applicant's site, and based on the information supplied in the application, input from various departments, and input at this public meeting, her director had requested this public hearing, that depending upon today's outcome, the Director of Public Works and Engineering would request that Council adopt an ordinance to support this MSD application, that the ordinance would include all elements required by State law and Article 13 of Chapter 47 of the Code of Ordinances. Council Member Holm absent.

Mr. Andrew Fono, 5610 Polk, Houston, Texas 77023 appeared and stated that he was present on behalf of 5610 Company, LLC, that 5610 Company was the MSD applicant and he wanted to thank them for the opportunity to come before them, they were present to provide them an opportunity for any questions they may have. Council Members Johnson, Holm and Jones absent.

Council Member Brown asked why a Municipal Settings, MSD, was beneficial to them and helped economic development in the City of Houston, and Mr. Fono stated that it was part of the Brownsfield initiative that the State of Texas and other states throughout the Nation had instituted, that it was another Brownfield's Program that helped develop unused and impacted properties into useable properties that could benefit not only the applicant but the surrounding communities; that what it did, for example 5610 purposes, they had been wanting to expand their operations and this particular MSD Program, once it was passed by City ordinance earlier and implemented in November 2008, gave 5610 Company the opportunity to expand it's operations into a parcel of land across the street that had been unused for years, that it was an industrial facility that was not only unused but had certain levels of contamination under the property, that with this expansion it also creates more jobs for the community because it gave 5610 Company an opportunity to increase it's employment base, that it also, because it took an

unused piece of industrial property into a useful industrial property, increases the tax base and increases the property values not only for that particular property but the properties around it, that it also took what was formerly an eyesore and turned it into a more, not only aesthetic appealing, but more profitable for the community as a whole, industrial facility that formerly was lying vacant, that by engaging into this particular program it also supported the City's initiatives in launching the MSD Program, that this particular property had been identified through work they had with the City as a very good candidate for the MSD Program, that they had not met any kind of resistance or problem so far, they had their first public hearing back in November 2008 and it was what he would consider a very successful hearing and he would let the Assistant City Attorney and the Assistant Director of Public Works comment on any positions the City had on that meeting, but it was a very successful meeting and probably the biggest benefit to the community was the fact that they had taken an abandoned industrial piece of property and turned it into something that could be useful, increase the tax base and increase property values for everybody around. Council Members Johnson, Holm and Jones absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Rodriguez. All voting aye. Nays no. Council Member Noriega out of the city on personal business. Council Members Johnson and Jones absent. MOTION 2009-0010 ADOPTED.

At 9:44 a.m. Mayor White stated that they would move to the public session. Council Members Johnson and Jones absent.

Mr. Vidal Martinez, 875 Fisher, Houston, Texas 77018 (713-705-1310) appeared in opposition to Agenda Item 13, presented information and stated that he was a resident of District A and practicing lawyer in Houston and on many boards, etc., including the Houston Hispanic Chamber of commerce and the National Association of Latino Elected and Appointed Officials (NALEO) and representing the Hispanic community in Houston, Austin and Washington, D. C.; that he believed the item should be tagged to consider two points, Council Member Garcia was sworn in as Sheriff and his district position was vacant which left the largest Latino population in terms of numbers and percentage unrepresented for 129 days. Council Member Jones absent.

After a very lengthy discussion, Mr. Martinez stated that he was representing the Hispanic Forum, Hispanic Chamber of Commerce, NHPO and himself, no one from District H, but he lived a few hundred feet away; and Council Member Rodriguez stated that the City Attorney said a special election must be ordered on the next authorized uniform election day occurring before the general election in May and he did not recall him coming when Council Member Sekula-Gibbs resigned and he felt people should have their say and vote; and Mr. Martinez stated that he was sure he did not want people unrepresented for five months; that he did not oppose the election, but wanted someone appointed in the meantime; Council Member Lawrence stated that millions was spent for an election for five months previously and she would like someone appointed, but who would not run in the next election; Mayor White stated that his thoughts were law and not policy; that state law required the city to hold a special election in May unless the law changes and this was the first he heard of appointing someone in the interim, but wanted to do what citizens in the district wanted; Upon questions by Council Member Brown, Mr. Martinez stated that a representative had been appointed to District H before for Council Member Gorczynski and there were other appointments such as Controller, etc., and the City Charter called for it and thought it could be on the next Agenda; Council Member Johnson stated that he understood the election was law but laws were written to be changed and would like to not spend money unnecessarily but at the same time give voters their voice; Council Member Green stated that each district had six Council Members and there was no district not represented with the five At-Large Council Members, but was with the opinion an election was a good thing; Council Member Clutterbuck stated that she expressed

opinion in the past for need of being able to appoint a caretaker and plenty were capable of being appointed and then they just not run in the election as Mr. Martinez's comments did beg the same question; Mayor White thanked Mr. Martinez for his comments in his normal prepared manner also in writing and he would ask the City Secretary to make a copy so all would have full benefit of the written comments; Council Member Holm stated she agreed state law should be changed and not opposed to a caretaker as they did for Controller and thought the City of Houston being the only one to have to hold an election was unfair; Council Member Khan stated that a Latino did not have to be in office to represent Latinos, each Council Member was responsible for giving proper representation; Council Member Lovell stated that it was only Houston the election applied to and would ask the Mayor to figure a way to repeal this in the future; Mayor White stated that when putting something on the legislative agenda it should represent the Council body as a consensus; Council Member Jones stated that she agreed the lobby team should work on it, but was concerned about who would decide who represented the open district and would ask Mr. Michel if there was something prohibiting Council legally from appointing a caretaker and if they did appoint thought they would need citizen input; and Mayor White stated to Mr. Michel the city had a procedure for filling vacancies and then the state enacted a statute and it depended on how the two were interpreted together and was mindful of not taking a position which enhanced the power of the Mayor; Council Member Rodriguez asked Mr. Michel if there was a delay on calling an election how would it impact candidates wanting to run in May and Mr. Michel stated the impact would be they could not solicit or receive funds on a special election until it was called; and Mayor White stated there were two issues, one Mr. Michel gave opinion on in calling a special election and another having to do with appointment of a caretaker; and the election would be in May so he was focusing on whether they called it sooner or later.

Ms. Morgan McCarley, 4629 Woodside, Houston, Texas 77023 (281-691-3296) appeared and stated that she had been employed at CES Environmental about two years and was excited to work for a company committed to improving the environment; that lately customers questioned their integrity and it was upsetting to have to defend the company in that way, she would not work for a company who was not legitimate. Council Members Johnson, Sullivan, Holm and Rodriguez absent.

Upon questions by Council Member Jones, Ms. McCarley stated that she wanted to invite Council Members to see how the company operated; and Council Member Jones stated that she understood economic times and people needing their jobs and received letters on how CES hired many people, paid many taxes, charitable work, etc., and she commended them, but it concerned her when she heard they were putting things in the water system and having explosions, etc., she was concerned for people living there and was for having the courts figure out who was right and wrong. Council Members Johnson, Sullivan, Holm, Rodriguez and Green absent.

Mr. Durim Tafilaj, 4904 Griggs Road, Houston, Texas 77021 (832-330-8372) appeared and stated that he also worked for CES for about two years and the water the Council Member mentioned, he was part of the extensive analysis the City of Houston conducted and he brought them samples and they had been complying and as a good neighbor they did cleanup around Walling and they helped businesses to be in compliance with the environment and that was a big benefit in general and they took all preventative measures but they did use things other companies built and could only assume it would do its job. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that CES sent memos to employees and Council Members and the community regarding the position of the City of Houston and so they could be aware it was an issue which had gone on almost three years, she hated to hear them say they were terminating people because the city's suit was forcing them to because of economic times, but

there were three explosions and the other issue was Council Members had to take a stand for the residents around the center and for the employees who worked there; and upon questions, Mr. Tafilai stated that he felt every person took a risk every day they went to work and things were unavoidable; and Council Member Adams stated that their letter had false information as she had went on tour of the plant and met with Mr. Winkler and other personnel; that she knew CES did lend employees money, etc., they did positive things, but it was incorrect that Council Members were not visiting the center, etc. Council Members Johnson, Sullivan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that CES did send a letter to employees and it said Council Members Adams and Jones refused to meet with them and turned Council against them with untrue facts and they were to blame, but no one signed it to take responsibility for it and she responded to the company that the Agenda Item regarding their company passed with a vote of all Council Members present and the Mayor, it was unanimous to pursue legal action against them; that she gave CES kudos for their good works but it did not absolve them from being responsible. Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Tafilaj for coming and expressing his concerns; that he had not seen the letter referred to, but there was no lawsuit filed just because an elected official complained, it was based on a thorough legal review and he understood many companies were undergoing economic distress but if it was the position of a company they could not retain employment unless it violated laws then they could not buy into that and insisted upon compliance of laws. Council Members Lawrence, Johnson, Clutterbuck and Holm absent.

Ms. Wessie Scyrus, 2901 Fulton, Houston, Texas 77009 (713-237-0713) appeared and stated that in September she lost her foot and part of her leg with complications because of diabetes and as a resident of public housing she wanted to know what assistance she could get from Housing as it would not be possible to roll a wheelchair in and they would not respond to her request for a wheelchair ramp and she learned the Housing Authority was not prepared to deal with many residents needs and issues and found the housing for handicapped individuals were one bedroom and did not meet their needs. Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Mayor White stated that Mr. Jeff Anderson with his Office for People with Disabilities was present and she could express concerns to him; and Ms. Scyrus expressed thanks for the wheelchair ramp provided. Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Ms. Avernia Waddle, 921 Lucky, Houston, Texas 77088 (281-447-4890) appeared and stated that she was U. S. representative for the Duel International Development Fair and present to let the city know what was going on, they had been created to alleviate poverty in Africa and she had a member of Parliament from Cameroon present to partner with some businesses in Houston and they would be having a tradeshow in Cameroon where they would exhibit equipment and tools and allow them to better their standards of living. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Waddle stated that the tradeshow would be held in Doula in April every year and the first would be in 2009 and they were looking for a caravan of delegates to go to Cameroon and Mr. Ekindi, the member of Parliament would speak on that. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Mr. Jean Jaques Ekindi, 921 Lucky, Houston, Texas 77088 (281-447-4890) appeared and stated that he extended sincere wishes to the Mayor and Council Members and he was from Cameroon in Africa and a member of Parliament and Secretary of Finance Committee of the National Assembly of Cameroon and a Municipal Counselor in Doula, the major city of his country and he was happy to see today democracy at work; that economic links, international corporations, cities and municipalities were in need of everything in Africa, but focusing on free aspects, equipment for roads and building maintenance and garbage and transportation, they could not afford new equipment and needed low technology and second hand equipment, those the city used no more and they would like to see strong economic links between Houston area companies and those of Cameroon and he would like Doula and Cameroon included in the City's International Corporation development. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones thanked Mr. Ekindi for coming and stated that she was glad Ms. Waddle was doing something to help eradicate poverty. Mayor White, Council Members Lawrence, Johnson, Adams and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan welcomed Mr. Ekindi for coming and stated that he was a strong believer in people partnerships and being leaders in helping to develop in various countries in improving quality of life and if the world did more of that it would be more peaceful; and upon questions, Mr. Ekindi stated that he came to Houston yesterday and Council was his first contact and hoped there would be more, but the basic aspect was to bring together people of technology; and Council Member Khan stated that he could not promise results but he would try to do his part in helping him to achieve his goals. Mayor White, Council Members Lawrence, Adams and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Kelly Cripe, 1600 Smith, Houston, Texas 77002 (714-480-3003) appeared and stated that she was present regarding the Bureau of Animal Regulations and Care; that following her past remarks in September she received several derogatory emails from a member of Annise Parker's staff for which she never received explanation or apology and hoped today's remarks would yield better results; that last week she had a conversation about BARC with a reporter and realized she had virtually the same conversation and with the same reporter five years ago and such little effort had been made by the city and with such little commitment from Bill White that BARC was in the same deplorable condition it was in five years ago and thousands of adoptable dogs and cats were still being killed at the hands of poorly trained, unprofessional and at times unlicensed staff and before they were killed they languish in horrendous conditions while no real effort was being made by the City of Houston to find homes for them or to educate the public on the needs and no effort was placed on those at the kennel being qualified and capable and the strongest signal sent by the City of Houston indicating its complete lack of concern for BARC occurred when the City of Houston's current Chief Veterinarian was hired in 2007 despite the fact that her veterinary license was suspended by the state of New Jersey for 36 months, the state board had concluded her conduct had resulted in the death of three dogs and constituted gross negligence and gross malpractice and gross incompetence and yet she was still hired. Council Members Lawrence, Adams and Sullivan absent.

Mayor White thanked Ms. Cripe for coming to Council and being a voice for those animals. Council Members Lawrence and Sullivan absent.

Ms. Margaret Gondo, P. O. Box 7114, Houston, Texas 77248 (713-743-1924) appeared and stated that because of her work in the bio medical research field often using animals she was familiar with various euthanasia solutions on the market including the one used at BARC known as Fatal Plus and federal laws governed the use of it and there had to be documentation of its use at BARC; that on May 30th her volunteer status at BARC was terminated and

volunteering there was difficult; that she recently asked for the euthanasia log book and as expected BARC and the Department of Human Services was asking for a ruling through the Texas Attorney General's Office to exempt the information from disclosure and she would ask why the city would seek to withhold the information, would it show the Chief Vet knowingly allowed a vet who did not possess proper DPS certification to handle and dispense federally controlled substances and perform euthanasia and was it possible once again the City had failed them. Council Members Lawrence, Sullivan and Rodriguez absent.

Mayor White thanked Ms. Gondo for coming and stated that he would like to be advised, regardless of whatever the strictures of the Freedom of Information Act, if the question was if they had information on whether there were laws violated he would like to know and it should be public information; and Ms. Gondo stated that it was a handwritten log book at BARC and documented the amount of Fatal Plus used, the animal used on and technician or vet who performed the euthanasia and vet who was on charge; that there were gross lapses in federal laws which governed who was supposed to dispense the solution and in allowing staff who had not been through the state mandated euthanasia course to perform the euthanasia at BARC; and Mayor White stated that he had asked the Legal Department to get information to him concerning specific issues raised and the Freedom of Information Act could not be a shield for trying to prevent a discovery in the violation of law and there needed to be a remedy. Council Members Lawrence, Khan, Sullivan and Rodriguez absent.

Council Member Clutterbuck thanked Ms. Gondo for her continued advocacy on the issue and stated to Mayor White she would like him to highlight the status of the search for the new BARC Director and the role of the taskforce and who was running BARC now, perhaps not today, but this was an issue many Council Members had been concerned about and expressed their desire to see things changed for some time and at the Council Member level there was a lack of understanding as to which committee would be responsible for handling this and some Council Members said since it was financed Budget and Fiscal Affairs should be responsible and everything in the city was handled by Budget and Fiscal Affairs so perhaps all committees should be eliminated; that because a Council Member expressed an opinion it should not be his or her obligation, it was an issue deserving committee attention and a forum to consolidate the many opinions and a number of articles had been written which highlighted what Ms. Gondo pointed out regarding lack of attention, lack of record keeping and problems with licensing at BARC and she mentioned it last week and perhaps a community facilitator could be brought in and perhaps Laura Nickel could be brought in again and she would be happy for Budget and Fiscal Affairs to take it but perhaps it would be a perfect opportunity for the Committee on Sustainable Growth or Public Safety Committee or any number of committees chaired by At-Large Council Members; and Mayor White stated that he believed they needed to do more and better, increases in budget and hiring of Director Robertson and continued solicitation, if there was a ringer candidate they should be brought to them immediately, just email him, and to Marta and Council Member Lovell on the issue of responsibilities perhaps they could get this resolved by the end of today or by the next Council session and if they needed an Ad Hoc Task Force or use an existing committee and a facilitator was an excellent idea. Council Members Lawrence, Rodriguez and Lovell absent.

Council Member Johnson thanked Ms. Cripe and Gondo for coming and based on assumptions and assessments by Council Member Clutterbuck BARC had come before the Human Services and Technology Access Committee in respect to licensing and he would be happy to tackle the responsibility again. Council Members Lawrence, Rodriguez and Lovell absent.

Mayor White stated that one issue too was the BARC budget and increases made and what they should do next year, but if they invested more money and there was no progress, this was about being a good steward of the taxpayers dollar. Council Members Johnson, Lawrence,

Rodriguez and Lovell absent.

Council Member Brown stated that he would second what Council Member Clutterbuck said and he agreed it needed to be addressed soon and comprehensively and offered the suggestion that a Council committee hearing in this forum was not the best way to start and thought it should start as a consensus building workshop with people at the table and they needed the facilitator and professional advisor; that all cities were different and they needed a professional and he would like to be a part of the taskforce and would willingly volunteer and he would be happy to have it on the Sustainable Growth Committee, he was saying though that in the Mayor's Conference Room there were 30 chairs and they could have a facilitator and an organized discussion and build substantive consensus. Mayor White, Council Members Johnson and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that in whatever form she would like pros and cons of a "No Kill" shelter discussed. Mayor White, Council Members Johnson and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Holm stated that she could imagine how frustrating this was because diligent people had been coming about this since she came to Council and citizens were crying for responsible pet ownership and caring and maintaining and adopting animals and with BARC, the Bureau of Animal Regulation and Control they had mixed interests on what money was being spent on; and Ms. Gondo stated that BARC was changed to Bureau of Animal Regulation and Care; and Council Member Holm stated that she was not sure the mentality had been changed. Mayor White, Council Members Johnson and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams stated that she was vice chair of the Human Services and Technology Committee and she supported Council Member Johnson on them coming before their committee; and upon questions, Ms. Gondo stated that in the State of Texas there was a mandate any shelter employee who euthanized an animal had to go through a course and they needed to look at the books; and Council Member Adams stated that she would like to know if employees euthanizing were in compliance. Mayor White, Council Members Johnson, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that this was being checked on and hopefully the information would be with her today and if not it would be sent in email form. Mayor White, Council Members Johnson, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Rose Mourning, 6818 Kassarine Pass, Houston, Texas 77033 (832-623-7913) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Linda Tatum, 6309 Rodrigo, Houston, Texas 77007 (713-868-5251) appeared and stated that she lived in the Camp Logan Subdivision for over 30 years and paid all her taxes on time and never asked the city for anything until now and was very unhappy and terribly disgruntled by the 30 some odd people she had met and spoken with who supposedly represented the city and her as a taxpayer; one issue was the leash law not being abided by in Camp Logan Park and had called Ms. Holm's office and her rude assistant blatantly told her not to call back and she stopped police advising him of dogs running loose, this would be a great way to get BARC money by enforcement; another issue was a 21 foot sidewalk recently

approved by the Safe Sidewalk Program, her only kind acknowledgment was Friday when she spoke with Ms. Pena in the Mayor's Office and Mr. Vela, the Mayor's liaison came on his time Friday afternoon regarding her issues and there were more than 50 dogs running in front of her home and she showed him where the 21 foot sidewalk had been torn up for over two years and told no one heard of this until August of this year and in September she was told it was approved. Mayor White, Council Members Johnson, Clutterbuck, Adams, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Khan, Ms. Tatum stated that she had dealt with rude and condescending people, but she was under a Safe Sidewalk Program and she was told it would be repaired, but told it may be three years before there was funding and another issue was she called the City over two years with standing water in front of her home and when someone finally came it was nine people and one was on heavy equipment, one watching and seven were smoking and yesterday two vehicles came with four guys to take one picture of the sidewalk, there was no need for nine people; and Council Member Khan thanked Ms. Tatum for coming and stated that on the issue of loose dogs, it was a serious issue and they received many complaints, she made a good point that the law should be enforced, maybe have the Administration look at why there was so much non-enforcement and for other issues Public Works was present and he was sure they would speak to her; and Ms. Tatum stated that he city tore up her walkway and she wrote a letter to Legal and it was totally ignored; and Council Member Khan stated that if it was done by the city or contractor of the city it should be repaired. Mayor White, Council Members Johnson, Clutterbuck, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Holm thanked Ms. Tatum for coming and stated that they did pride themselves in their customer service and she apologized if she interpreted Ms. Clayton's comments to her; and Ms. Tatum stated it was not interpreted it was blatant; and Council Member Holm stated that she had records present and some things Ms. Tatum brought forward were very legitimate in that the facilitation of communication throughout the City was directly lacking; that she brought up the issue of dogs in the parks for months and had no response and clarity and objectivity needed to be noted and they needed enforceability if they were passing laws and with the safe sidewalk they looked at putting this as a part of a CIP project and she understood it would be one to two years and they needed better processes and remedies to those expecting basic services; and Vice Mayor Pro Tem Lovell stated that the chair agreed. Mayor White, Council Members Johnson, Clutterbuck and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams stated that she reviewed the photos; and Ms. Tatum stated that it only occurred after she spoke to Ms. Pena yesterday everyone else swept it under the rug for 2-1/2 years; and upon questions, Ms. Tatum stated that Mr. Miller who was contracted by the City of Houston to do repair on the alleyway removed the sidewalk, the sidewalk was buckled up because of a historic tree which could not be touched as a favor to them after she was told by 31 people it was her responsibility, he did it at her request on his time; and Council Member Adams stated that she was trying to assist and Ms. Tatum stated she was trying to give details and now she could not help because she stepped on her toes. Mayor White, Council Members Johnson, Clutterbuck and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that Mr. Gary Norman was in the back; and Ms. Tatum stated that Mr. Norman was very nice she spoke with him many times in the last three days; and Vice Mayor Pro Tem stated that she would like her to sit with him and see if the issue on the sidewalk could be walked through and the leash law issue she understood and would see if they could get a park ranger there during certain office and see if the Constable's Office could go by and ask the command staff to send an HPD officer over and try and help and maybe also have a citizen's patrol. Mayor White, Council Members Johnson and Jones absent. Vice Mayor Pro

Tem Lovell presiding.

Council Member Adams stated that she would direct this to the Chair, the reason she was addressing her questions was because information was received the sidewalk was torn up at her request and she was making sure the precedence set around the table was that if a citizen decided to remove a sidewalk the city was not going to go out and repair it and that was why she wanted correct information on how the sidewalk was removed. Mayor White and Council Member Johnson absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that the requests would be placed in at Parks and Recreation and Ms. Tatum could speak with Mr. Norman at this time. Mayor White and Council Members Johnson and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Michael Brown, 5345 Pederson, Houston, Texas 77033 (713-494-4992) had reserved time to speak but was not present when his name was called. Mayor White and Council Members Johnson and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Edward Chiplim, 14518 Lourdes, Houston, Texas 77049 (832-967-8443) had reserved time to speak but was not present when his name was called. Mayor White and Council Members Johnson and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Ray Hill, P. O. Box 3624, Houston, Texas 77253-3624 (713-523-6969) appeared and stated that he did appreciate anguished brows around the Council table about following the law when it came to replacing the Council Member in District H, it was important to follow the law, they were bound to follow the law; that the bad side was a fine Council Member was lost, but the good side was they did get a really great Sheriff who hit the ground running; that last time he was present he had concerns of four recent arrests and he would report today all had been resolved except one, one was tried and the defendant found not guilty, two were dismissed based on the law and one should be resolved tomorrow if they could find some order in the mayhem of replacing District Attorney's and have one stand with him at the bench; that when he came he had asked Council to try and impress the Vice Squad to follow the law in a precedent case which was set in an appellate court some three years before, it was expensive to go to court and if the cases were not necessary and not going anywhere maybe they should not go to court; that there was also the continuing problem of the letter of the law and the sexually oriented business ordinance was passed by Council in 1997 included a previously existing arcade permit ordinance, Judge Sam Alfano stood before the committee and testified and the committee presented to Council and it passed and the incorporation of the previously existing arcade permit law into the sexually oriented business ordinance and therefore if you were not a sexually oriented business by definition; and Mr. Hill's time expired. Mayor White and Council Members Johnson, Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Khan, Mr. Hill stated that if you were not a sexually oriented business, under the definition of the law, there was no law anywhere which required you to have an arcade permit and police were trying to close a business Friday, but they arranged a non-arrest bond for them and saved them from a weekend in jail, but it was the culture of making up the law as they went along and he had talked about that a lot to Council and they would continue to win the cases, but it was an enormous waste for the City to chase those dead-end streets; and Council Member Khan stated that he had a concern and wanted to bring it to the City Attorney, since they had successes about SOB laws and they were winning cases, his concern was one or two SOB's made subtle changes into the attire of the employees and thereby tried to claim they were not a sexually oriented business any longer and basically they were saying they would continue to be what they had been all along and he would like to be visited with so they could share information. Council Member Sullivan absent.

Upon questions by Council Member Adams, Mr. Hill stated that he would encourage the City to follow the law in all situations and there was a culture in the Police Department, specifically in the Vice Squad where officers in exchange for sexual favors overlooked some violations and enforced others, there was a strange structure because in the SOB ordinance there were two kinds of businesses where one was the topless clubs, etc., and they were pretty much able to regulate by the statute passed by the legislature and incorporated by that were businesses protected by the First Amendment, the incorporation followed a set of regulations and the First Amendment business had to follow the Miller Case and those cases had special protection because of the Miller Case vs. California so definitions there were important and the courts had defined the terms. Council Members Sullivan and Khan absent.

Ms. Shannon Ward, 4904 Griggs Road, Houston, Texas 77021 (281-785-0764) appeared and stated that she was representing CES Environmental and not present as a legal representative but as an employee; that she understood the Council was in legal litigation with her company and she only wanted to give another view; that she was a current employee and had been four to five months and she had seen struggles discussed with previous speakers from CES and CES was not perfect, but in her time she had seen great strides and much money spent to try and rectify the situation and make it better for all, improvements were made; that she was thankful Council Member Adams had been to their facility but a full tour was not done and even walking through the entire facility they would not get the whole scope of what they did in an hour tour; that if they were voting on their company she would like them touring it and maybe they would have a better scope and feel safer. Council Members Sullivan, Khan, Rodriguez and Lovell absent.

Council Member Green moved to suspend the rules to extend the meeting past the scheduled recess to complete the meeting, seconded by Council Member Jones. All voting aye. Nays none. Council Member Noriega out of the city on personnel business. Council Members Sullivan, Khan, Rodriguez and Lovell absent. MOTION 2009-0011 ADOPTED.

Upon questions by Council Member Adams, Ms. Ward stated that she was in outside sales, they took in industrial waste, hazardous and nonhazardous water, sometimes they were just a transporter, they cleaned tanks, etc., she worked at CES four to five months; that she understood this had gone on 2-1/2 years and did see the memo they referred to and she apologized for anything in the memo which offended them; and Council Member Adams stated that they would move forward and let the process work. Council Members Sullivan, Khan, Rodriguez and Lovell absent.

Council Member Johnson stated that one thing that concerned him was her saying they made tremendous strides and many mistakes were corrected, he took exception to the comment because CES knew they were in a residential area and should have been a good neighbor without a lawsuit; that he did hope the company came out okay. Council Members Sullivan, Khan and Rodriguez absent.

Mayor White stated that he did get a letter and with respect to, he said this on the record and to be conveyed through the Legal Department, that Council, Ms. Marks and Arturo Blanco that it was their track record of resolving environmental issues quickly where there had been undertaking set forth with companies who set forth in settlement agreements or agreed orders, that was their track records, they did not like legal expenses. Council Members Sullivan, Khan and Rodriguez absent.

Council Member Jones stated that she did thank Ms. Ward for coming, but if she did not know she would let her know that before that company three or four years ago it was a trucking company there and trucking was different than disposing of waste; that the residential neighborhood was there first and when someone came in they should assess the neighborhood

and do business accordingly; and Council did not take this legal action until after 2-1/2 to 3 years of problems. Council Members Sullivan, Rodriguez, Lovell and Green absent.

Ms. Joy Baker, 713 Merrill, Houston, Texas 77009 (281-701-8511) appeared and stated that she was an employee of CES and she appreciated hearing from Council Members Adams and Jones this morning and had contacted them by email and heard back from their staff, but because it was in District D she understood it was not an issue for other Council Members except District D and At-large, this caused her distress as she was a member of District H and did not have a representative and in Council Member Johnson's district seventeen employees resided there and in Council Member Adams's there were twenty and Council Member Sullivan had fifty four; that every district in Houston had CES employees and as a mother she felt it should be every Council Members concern; that she had no ill symptoms and had taken her two children to the plant and would not if she had any concerns, but each and every person took risks daily going to work in their car, etc. Council Members Sullivan, Rodriguez and Green absent.

Council Member Brown stated that he had a question to the Mayor; that he was an advocate of more informed nuisance ordinances and what was in place to deal with issues of waste of these toxic materials adjacent to churches and residences; and Mayor White stated that the one thing they could not and would not do as it would be illegal and wrong would be if someone built a business and there was no law and they decided they did not want the business they would just not run them out of business, businesses who chose to locate near urban centers had to have a high degree of care with rules and all businesses involving disposal and recycling of hazardous materials, if they were not viable businesses such as that then it was an invitation for people to make illegal disposal of the materials; and to Mr. Michel he had to intervene on this and was a quick study and the expectation of the company should be what specifically would you want us to do in a form which could be put into an agreed order, sometimes the city could be a little vague on that and it was not good, they should be specific and fair; that if someone said Mr. Mayor look at my books, my income and balance sheet, last five years tax returns and three years rather than one year was needed to pay this then he could read that in about five minutes and then they would phase it in; that if people wanted to have dialogue, the city wanted to accomplish certain things and wanted the company to do and those should be specific and in writing and in the form of an agreed order so it could be enforced; that it would not be correct if it was we can't afford to undertake investments which were required by law or substantially reduce the risk because of dialogue heard earlier; that they begged companies and could do things phased in, but it needed to be specific. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she had sent her a response herself and had a copy of the email present and presented it to her; and Ms. Baker stated that she would look at it, it had not been received previously. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Khan thanked Ms. Baker for coming and stated that this was a legal matter, but she had heard Mayor White and he thought there could be a win/win solution here, the city was not unreasonable and their corporate office should take a close look and try and work something out. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Green absent. (NO QUORUM PRESENT)

Mr. Peter Semien, 6156 South Loop East, Houston, Texas 77087 (713-598-8728) appeared and stated that he was also a CES employee and he heard everyone this morning and first it was not a disposal site, but sometimes they did get water they had to put more effort to and odors carried away and each time they were told something they were not doing correctly

they tried correcting it and if it did not work they tried again; that Council Members said they knew all the good CES did and many had to take pay cuts and he was not sick, but you could not know if something was going to blow up just like you did not know if you were going to get hit down the street, but if they knew of anything they would try preventing it. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she understood being laid off or decrease in pay, but her concern was residents and some had health problems and it was residential first. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. (NO QUORUM PRESENT)

Mayor White stated that people would be here longer than he and he wanted them to think about this, they had ongoing violations with an important major employer who had made substantial investments, Valero, he had to say they were the first company to step up to the plate and put in monitors which would allow the city to see immediately when something was emitted and make those public and he did applaud that; that some had violations, but it did not make them a bad company, just cure the violations and move on; and to Legal what court order did they want them to agree to, what were the provisions and if someone said they could do the four things but not the other then he would get into the merits with others and see if it was reasonable and they would move on, but they could not shut a business down because someone wanted them shut down, they only wanted them to comply with the law. Council Members Lawrence, Johnson, Sullivan, Khan and Rodriguez absent.

Ms. Kim Harmon, 4904 Griggs Road, Houston, Texas 77021 (832-607-7590) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Khan and Rodriguez absent.

Mr. Trabhakar Thangudu, 4904 Griggs Road, Houston, Texas 77021 (281-433-9792) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Khan and Rodriguez absent.

Mr. Joe N. Iset, 1719 Live Oak #C, Houston, Texas 77003 (713-261-5903) appeared, presented information and stated that he wanted to thank the Mayor on the open garden issue; that next week they were collaborating with over haulers and the City of Houston Parks and Recreation and Recipe for Success to see how they could work together; that what he presented was a picture of their garden in the Fifth Ward when it used to be a vacant lot; that they were nonprofit and maybe they could work with the city and facilitate; that they provided food in the area and they were fixing to get the gazebo from Discovery Green and it was one of the most beautiful gardens in the inner city and food security was a huge issue. Council Members Lawrence, Johnson, Sullivan, Khan and Rodriguez absent.

Mayor White stated that he appreciated what he was doing and it was an inspiration and that was why they hired Brent and had standards; and upon questions, Mr. Iset stated that it was difficult to get volunteers, they were practicing stewardship of the land and so removed from the stewardship it was hard to get people to connect with it, but he hoped they could get more involved; that two people showed up at their last event and he hoped it would fall into more participation; and Mayor White stated that it seemed most of what he got from Legal was concern for their liability rather than getting the lots farmed and he thought they had immunity, but there was vacant land in the City of Houston, they put money in the budget and hired Mr. Moon and if they could improve the form or do something to literally seed the program, but he was not going to do as one person asked and give \$50,000, but he could let him know what they needed and they would use him as a template. Council Members Lawrence and Johnson absent.

Council Member Lovell thanked Mr. Iset for such a great idea and the Mayor for showing they could follow through and make it happen; and Mr. Iset stated that now they were growing greens, lettuce, anything you could grow at this time; and Mayor White stated that they could go on the city website and there was a map online of all vacant lots in the City of Houston and if he had people interested in farming then he wanted to figure any possible way to make a place available for them and remove the bureaucratic red tape and Mr. Moon he knew was contentious and he did not want many restraints. Council Members Lawrence, Johnson and Jones absent.

Council Member Brown stated that there was a green movement in every city in the United States and the same was true of urban farming and urban gardens and he thought the city could do more to get people involved; that Urban Harvest tried to make a deal with the city and get some lots and the contractual requirements were just too onerous and someone had land to farm and they had problems with liability issues and soil testing, etc., and the other end of the cycle was farmers markets, another important piece of the equation and he would like each Council Member commit to three urban gardens within their district to get the movement going; and Mayor White stated that he applauded Urban Harvest and if they wanted to take down city lots and found an impediment to the documents they should please take it to his attention, it was a sore spot to him and they had a hearing before their committee on the documents and if something needed to be taken out they should bring it to his attention. Council Members Lawrence, Adams and Sullivan absent.

Mr. Dean Cook, 7525 Jay, Houston, Texas 77028 (832-618-2032) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Adams and Sullivan absent.

Mr. Esteban Tovar, 4737 Jefferson, Houston, Texas 77023 (713-410-2942) appeared and stated that he also served on the board of the Last Organic Outpost and worked as a community organizer with Texans Together and was present to give support to the urban gardening and vacant lot program; that they had been working to get a grant from the Local Initiatives Support Corporation for a community garden at the DeZavala Community Center, it would be about \$2,000 and he spoke to Mr. Brent Moon who said it was probably not enough money due to the standards in place requiring cinder blocks; that in the pictures Joe presented it cost a total of \$1,000 to make 33 raised beds and they had double the money but because of the standards they could not produce the garden and there were plenty of places in the area to farm but they would like to be sure they had the city's commitment so it would not be taken away after they began farming. Council Members Lawrence, Adams and Holm absent.

Mayor White stated to Mr. Michel that if someone was farming something and they continued farming it there should be a way to continue for a reasonable period of time until there was notice and they should look at where they could farm and areas they would not want farmed and then he and members of this body help him overcome the bureaucratic inertia on this issue and he could not get more clear on this. Council Members Lawrence, Adams and Holm absent.

Council Member Rodriguez stated that he would love to visit with him and hear of his ideas and what they were doing. Council Members Lawrence, Adams and Holm absent.

Council Member Jones stated that the Shape Community bought food from an urban garden and it decreased cost and she wondered if there were delinquent tax properties if they could work a deal with the owners to allow people to urban farm it; and Mayor White stated that he was for all that, they had on a computer screen 600 to 700 lots and they were adding to it daily and he was asking the City Attorney and he knew Mr. Hall was in the back, it was not a request by the Mayor in a strong form of government, it was a direction that the city have an

inventory of land that could be made available within this program and he thought Mr. Moon had done that; that he said it before and his Chief of Staff was monitoring this and what he directed be done was that they have a list of properties and yes, the list would change, but it could be looked up and it should not be incumbent on the citizen, they should have a list and he again was asking people cooperate to get that done. Council Members Johnson and Adams absent.

Mr. Charles Cupp, 1237 Althea Drive, Houston, Texas 77018 (713-213-0654) had reserved time to speak but was not present when his name was called. Council Members Johnson and Adams absent.

Ms. Angela Juanopulos, 3602 Manitou Drive, Houston, Texas 77013 (713-674-3839) appeared and stated that she was present with an ongoing issue which developed in 2007 with the City of Houston Water Department, a bill needing adjustments from November 2007; that they were not aware of it until December 2007 and her husband tried to repair it, but then there was another leak which occurred in January 2008 which they repaired and they requested a form in February 2008 which was never mailed; that she called in April for the form and was told they mailed it but she had not received it but she printed out a form and mailed it and in May she called and was told they never received it; that she then faxed the form and was told they never received it and now her water was cut off from February 2008 until now and she needed it resolved. Council Members Johnson and Adams absent.

Mayor White stated that Mr. Medina was present and he would like to say he was being told the document was still not received, they could have payment plans which were established to protect people, there were procedures on limits on what they could do when it came to adjusting claims but she could work through it with him and to Mr. Medina what would be interesting to him and maybe Council Members would be was there a procedure where they tested quality control on leak forms, for example if someone sent in several leak forms it would be an independent audit and see what had happened to the forms as a test procedure, was there a login sheet for each leak form, was it digitized, was there an aging report on the leak form etc., if he would have the director report that to him and staple a copy he would appreciate it. Council Members Johnson, Rodriguez and Brown absent.

Council Member Adams stated that last year there was an RCA for ordering new equipment for meters and before them chips were dysfunctional and now they were getting calls because the meters were not working and the money was being passed on to the constituent, if you were a senior and paying \$8.00 on the bill because a chip was not working they were retroing the money back and the bill was \$34 and \$5,000 now; and upon questions, Mayor White stated that he would ask Council Member Sullivan to pay attention to this, they did want to do the right thing and he had gone back and forth with Public Works and they limited going back to two years and one case he went through twice and even had the meter from the house; that his normal philosophy was if a vendor had a miss billing then generally it was the vendor's responsibility, but he heard from Public Works there was criteria used with billing errors within the two years and circumstances were defined where there was not undo hardship; that there was then the matter of coming up with the criteria and his days were full and it seemed there should be criteria that if blank happened, etc., then there could be discussion and he would like help on thinking this through and Mr. Medina would help Ms. Juanopulos. Council Members Johnson, Holm and Brown absent.

Mr. Marcelo McDonald, 13530 Halifax, Houston, Texas 77015 (713-882-6217) appeared and stated that he needed someone to help him who spoke Spanish, and there being none stated in Spanish, that his name was Marcello McDonald and was present to ask for their help, that he was a victim of a robbery, that his work truck was robbed along with a soldering machine, that the first time it happened was September 19, 2008 at Home Depot and the official who found his soldering machine and truck refused to ask for the surveillance video from the

store, that they asked him if he had somebody who he suspected had done this and he called the official who said he was not in service at that time and to call him another day, that he called him on Monday and the official told him not to bother him, that it was a personal number, that he, Mr. McDonald, was afraid and left everything alone and did not continue looking for his truck, that he went to Home Depot and they said they did have a surveillance video but would only show it to an official, that he did not want to be in any more problems; that on January 12, 2009 he was at Bank of America cashing his check and again they robbed his new truck he had finished equipping with his new machinery, that the official, whose name was Latter, also did not want to ask for evidence of the videos, that he turned around when Mr. McDonald told him they could look at the videos and see if they could see something and the official said there were no cameras; that he needed the City Council to help him by doing a complete investigation because he was not receiving any kind of help, that he had the last stolen truck insured and now the insurance company was also refusing to respond to him because of that. Council Members Johnson, Rodriguez and Brown absent.

Mayor White stated in Spanish that he understood the majority of Mr. McDonald's issues, and requested that he speak with Ms. Claudia Vasquez, Director, Mayor's Citizens Assistance Office regarding his problem, and asked Ms. Vasquez to speak with Mr. McDonald.

Mrs. Maria McDonald, 13530 Halifax, Houston, Texas 77015 (713-882-6217) had reserved time to speak but Ms. Vasquez stated that was Mr. McDonald's wife and she would speak to them both. Council Members Johnson, Rodriguez and Brown absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson, Rodriguez and Brown absent.

Ms. Jean Wilkins-Dember, MHS, 2612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared and stated that she had a masters degree in Human Services on Africans United for Sanity Now and was present to support the cause of Ms. Scyrus and Ms. Richardson and Ms. Baker; that they were looking at putting their people in a historical context, for the past sixteen years they voluntarily gave free forms at the Shape Center opposing Ridlen and other drugs and shock for oppressed people instead of real solutions to their problems; that the system was not working and she had documented lynching's and they did not come out of slavery with reparations and they wanted changes in mental health delivery. Council Members Johnson, Rodriguez and Brown absent.

Upon questions by Council Member Jones, Ms. Dember stated that she had documentation for their condition and people who went to agencies needing help did not need 10,000 forms to fill out, they needed immediate and compassionate response and the system to work; and Council Member Jones stated that she was present showing support for a previous speaker and the Mayor had said they would try and figure out what was going wrong and they had a commitment from the Mayor and her they would try and see if there was a way as a city they could help. Council Members Johnson, Rodriguez and Brown absent.

The City Secretary stated that Mr. Lenwood Johnson had been omitted from the speakers list in error and would be the next speaker. Council Members Johnson, Rodriguez and Brown absent.

Mr. Lenwood Johnson, appeared and stated that he would speak to the Mayor because all Council Members could do was lobby for him; that they did want to thank the Mayor and his office for getting the ramp to Ms. Scyrus, but they disagreed that an individual was paid and was supposed to provide ramps to individuals needing one and it did not make sense she had not been provided a one story unit; that a lady was to be evicted tomorrow because the Housing Authority would not do the right thing and another in a few weeks and the Mayor needed to hold

them accountable. Council Members Johnson, Rodriguez and Brown absent.

Council Member Jones thanked Mr. Johnson for coming and stated that she was chair of the Housing Committee and if they had problems with them maybe she could help walk them through the process, but people were on the housing list for years and there was not a lot of affordable housing; that there were rules and deadlines and you could get kicked off the list, but if someone had troubles with the Housing Authority they could call and they were welcome to come to her office. Council Members Johnson, Rodriguez, Brown and Lovell absent.

Ms. Shelicia (Cathy) Baker, 3827 Prudence, Houston, Texas 77045 (832-665-7205) appeared and stated that she was present as she was on a program called DEHAB and had eight children and no transportation to find a place to live and they were only giving her two weeks to find a place and it just ran out and they would not give her another and she and her children were about to be on the streets and she was asking for housing assistance. Council Members Johnson, Rodriguez, Brown and Lovell absent.

Council Member Jones stated that she had "x" number days to find housing once you get a voucher; and upon questions, Ms. Baker stated that she had two weeks to find it and it ran out yesterday; that she had no job and her children had not been in school. Council Members Johnson, Rodriguez, Brown and Lovell absent.

Upon questions by Mayor White, Ms. Baker stated that she was displaced from Spring Branch an apartment located at 1510 Big Bend #54; that the roof caved in during the storm and she got a housing voucher this month but she only had two weeks to find housing and it went out yesterday; that she had spoken with Ms. Juanita Lester, her counselor, she was the one who told her she had two weeks and could not get another voucher, right now she was staying at 3827 Prudence and the lady had told her she would accept her but after taking her the paperwork she did not want to accept it and gave her a three day notice to get out, she did not want to deal with DEHAB because she would have to do too much work to the house; and Mayor White stated that Mr. Grantham just walked in and he was holding him responsible to him to make sure the Houston Housing Authorities Administration and DEHAB Program., he talked to Mr. Etuk and he was responsible to this gentleman and the board on this and if there was anything ambiguous then they should replay the video of this and he wanted a report from Mr. Grantham on what the situation was because something did not sound right, he did not see why she would just be given two weeks to find a unit for eight children; and he really wanted a quality control process and to see if the time period was reasonable. Council Members Johnson, Clutterbuck, Rodriguez, Brown and Lovell absent.

Mr. Grantham stated that after speaking with her he would get details; that they were not having typical problems, there were several programs and FEMA was still sending money to people directly and with the DEHAB Program information was turned over from FEMA to HUD and then to the local housing authority; that he was not seeing a trend of such eviction; and upon questions by Mayor White, Ms. Baker stated that her landlord was evicting her in the middle of the month and FEMA was paying, she paid her, but she wanted her out and she had a letter where she threatened her; and Mayor White stated that until she was in the DEHAB Program she should be in the other federal program and that was what he wanted worked through with her. Council Members Johnson, Clutterbuck, Rodriguez, Brown and Lovell absent.

Council Member Jones stated that she had no problems with people being evicted if they were being derelict, etc., but she did not like people qualifying, getting money and then saying they did not want to deal with it; and Mr. Grantham stated that the city had set up a Hurricane Ike hotline, 713-276-3955 and a special website houstonhuricanerecovery.org Council Members Johnson, Clutterbuck, Rodriguez, Brown and Lovell absent.

Ms. Lorenthia Richards, 8719 Vinkin Road, Houston, Texas 77071 (832-245-4935) appeared and stated that she was also affected by a hurricane, Hurricane Katrina, and she was present to gain stability for her and her children, she was also having a Housing Authority problem, she was forced to evacuate and relocate her, prior to the storm she lived in a HUD development and had Section 8 but once she got here in 2005 they were given a DEHAB, FEMA assistance, and she received a card from HUD that she was not to receive FEMA or DEHAB assistance because she was in the computer under HUD and she was told to go to the Housing Authority of Houston for help and once she did they gave her and her children a disaster voucher and then received a letter asking if she would live in Houston because she was to get a Section 8 voucher and she said yes and received on three occasions a letter stating her rent would end because there was no more money for the program and the last letter received said as of February 29th they would no longer fund the program and she contacted Mr. Cedric Banks a Housing Authority supervisor and he said he had a list and she was not on it and must have not had housing before the storm, but she did and he said she should speak with his supervisor and she left numerous messages and his supervisor never contacted her and as of next month they would not have a place to live. Council Members Clutterbuck, Khan, Rodriguez, Brown and Lovell absent.

Upon questions by Mayor White, Ms. Richards stated that Mr. Cedric Banks was who she spoke to and she left messages with his supervisor, but she could not recall the name; that she had not appeared before the board of the Houston Housing Authority because she had been to the Housing Authority numerous times and if you were from Katrina you could not speak to the same people Houston citizens went to, you could only speak to your worker and their supervisor; and Mayor White stated that first he would ask Mr. Hall to help him, he was under the impression HHA had public hearings, but if there were categories of citizens excluded he would like to know and to Ms. Dillard this was his understanding policies of the Federal Government..., anyone who had a Section 8 voucher under HUD policies and this was from the HUD Secretary, he personally told him HUD vouchers were portable and there was approximately a population of about 3,000 individuals who had Section 8 vouchers and they were transferable, the DVP Program; and Ms. Richards stated that she had the DVP, the Disaster Voucher Program and she received a letter stating it was only for a couple of months and then she would receive her Section 8 voucher, and Mayor White stated that was what he understood and he would like this sorted out, whether you could be excluded from a public meeting of the Houston Housing Authority and not be able to present this and to Ms. Dillard he would like her to help with the case work, it was not supposed to work this way; and Ms. Richards stated that she had letters with her; and Mr. Hall stated that they would make copies of her paperwork. Council Members Lawrence, Clutterbuck, Adams, Holm and Brown absent.

Council Member Jones stated that she would extend an invitation to her to visit her office also and she would see what she could do; and Mayor White stated to Ms. Dillard to work with her office on this case; that he did not simply want someone saying they made a mistake and she was back on the list, he wanted it to occur, but to Ms. Dillard and Council Member Jones he wanted an explanation of how the error occurred, it was a problem in the process or with an employee and it needed to be fixed. Council Members Lawrence, Adams, Holm and Brown absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Adams, Holm and Brown absent.

Ms. Sahntell Thomas, no address (713-283-4161) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Adams, Holm and Brown absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Adams, Holm and Brown absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 24

PURCHASING AND TABULATION OF BIDS - NUMBER 8

8. **BABY JACK II AUTOMOTIVE, LTD., d/b/a CALDWELL CHEVROLET** - \$177,560.00 and **DALLAS DODGE CHRYSLER JEEP** - \$57,604.00 for Special Duty Vehicles through the Interlocal Agreements for Cooperative Purchasing with Houston-Galveston Area Council and the Texas Local Government Purchasing Cooperative (BuyBoard) for the Houston Police Department Police Special Services Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2009-0012 ADOPTED.

ORDINANCES - NUMBERS 9 through 24

9. **ORDINANCE AMENDING ARTICLE XII OF CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to security on city premises; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2009-0015 ADOPTED.
12. ORDINANCE authorizing Harris County Municipal Utility District No. 148 to issue its \$2,480,000 Series 2008 Bonds at an interest rate greater than that provided in City of Houston Ordinance No. 76-1717 consenting to the creation of the district – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2009-0016 ADOPTED.
16. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Parks & Wildlife Department (TPWD) Urban Indoor Recreation Grant Program, administered by the State of Texas, to support the Lake Houston Wilderness Park Visitors Center; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2009-0017 ADOPTED.
17. ORDINANCE approving and authorizing Amendment No. 1 to Agreement between the City of Houston and **JOHN BEAN TECHNOLOGIES CORPORATION** for Baggage Handling and Aircraft Support Systems Maintenance and Hardstand Operations - **DISTRICTS B - JOHNSON and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2009-0018 ADOPTED.
19. ORDINANCE amending Ordinance No. 2005-0569 to increase the maximum contract amount between the City of Houston and **SCOTT TECHNOLOGIES, INC d/b/a SCOTT**

HEALTH & SAFETY for Portable Thermal Imaging Cameras and Associated Accessories for Various Departments - \$290,938.86 - General Fund – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2009-0019 ADOPTED.

23. ORDINANCE approving and authorizing Amendment No. 5 to Professional Consulting Services Contract by and between the City of Houston and **ROGER H. BATES** to provide Traffic and Earning Reports and General Financial Advisory Services for the Houston Airport System \$200,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2009-0020 ADOPTED.
24. ORDINANCE appropriating \$464,169.00 out of Contribution for Capital Projects Fund as an additional appropriation and approving and authorizing third amendment to Professional Engineering Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Construction of North Park Drive Paving from West Lake Houston Parkway to Mills Branch (approved by Ordinance No. 2005-0430) - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2009-0021 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2009 Operations and Maintenance Budget for the Lake Houston Facility Project operated by the **COASTAL WATER AUTHORITY** - \$2,199,437.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2009-0013 ADOPTED.
3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2009 Operations and Maintenance Budget for the Trinity River Water Conveyance Project operated by the **COASTAL WATER AUTHORITY** - \$18,386,371.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2009-0014 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the FY2009 Operations and Maintenance Budget for the **TRINITY RIVER AUTHORITY** \$3,660,010.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2009-0015 ADOPTED.

ACCEPT WORK

5. RECOMMENDATION from the Director General Services Department for approval of final contract amount of \$7,363,662.00 and acceptance of work on contract with **STATE CONSTRUCTION, L.P.** for New Downtown Fire Station No. 8 - 2.27% over the original contract amount - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2009-0016 ADOPTED.

6. RECOMMENDATION from the Director General Services Department for approval of final contract amount of \$2,485,601.00 and acceptance of work on contract with **THE GONZALEZ GROUP, L.P.** for Val Jahnke Fire Training Academy Simulator Building - 4.15% over the original contract amount - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2009-0017 ADOPTED.

PURCHASING AND TABULATION OF BIDS

7. ORDINANCE appropriating \$73,954.00 out of Reimbursement of Equipment/Projects Fund and \$147,908.00 out of Equipment Acquisition Consolidated Fund for Purchase of Patrol Vehicles and Associated Equipment for the Houston Police Department - \$357,669.00 - Enterprise Fund – was presented, and tagged by Council Member Rodriguez.

Council Member Rodriguez stated that he wanted to tag the item because it would be coming to the MWBE Committee in a couple of weeks.

- 7a. **PHILPOTT MOTORS, LTD. d/b/a PHILPOTT FORD** for Patrol Vehicles for the Houston Airport System and Houston Police Department - \$522,747.00 - Enterprise, Reimbursement of Equipment/Projects and Equipment Acquisition Consolidated Funds – was presented, and tagged by Council Member Rodriguez.

ORDINANCES

10. ORDINANCE changing the name of Ellington Field to Ellington Airport; **AMENDING THE CODE OF ORDINANCES** to reflect the name change; containing other provisions relating to the foregoing subject; providing for severability; containing a savings clause – was presented.

Council Member Sullivan stated that his office received a couple of phone calls from some citizens who expressed concerns about the cost that the City might incur on signage for new names and they assured them that the Houston Airport System would take care of that under their funding under the Enterprise Fund, that his office was fully supportive of it, as was their funding under the Enterprise Fund, that his office was fully supportive of it, as was BAHEP (Bay Area Houston Economic Partnership) and the business community down there, that it was going to enhance the marketability of the airport and that was their objective.

After discussion by Council Members, Mayor White requested that Mr. Hall discuss the change of name, and Mr. Hall stated that the change actually had been done in cooperation with the economic development counsel in the Ellington area, in the greater community, with a feeling that the name, Ellington Field, had been a problem in communicating with potential investors, people who would be interested in potentially opportunities there from knowing what it really was, that Ellington Field would still be the designation for the military part of the operation at Ellington Field, but the airport itself would be listed and marketed as Ellington Airport in an effort to attract development actually on the field and around the field in that greater area down there around Ellington; that there had been retained consultants to help in the effort to do that, the community around Ellington Field thought that it offered for them a significant opportunity for increased activity and commercial development down there and they had some moderate success already in doing that.

After further discussion a vote was called on Item no. 10. Council Member Brown voting

no, balance voting aye. Council Member Noriega out of the city on personal business. ORDINANCE 2009-0022 ADOPTED.

11. ORDINANCE **AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the parking of vehicles on certain residential properties; containing other provisions relating to the foregoing subject; providing a penalty; providing for severability; providing an effective date - was presented, and tagged by Jones, Johnson, Holm, Khan, Green and Brown.

After a lengthy discussion by Council Members, Mayor White stated that Item No. 11 had been tagged by Council Members Jones, Johnson, Holm, Khan, Green and Brown.

Council Member Johnson moved to suspend the rules to consider Item No. 25 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Holm absent. MOTION 2009-0018 ADOPTED.

25. RECEIVE nominations for the appointment or reappointment for Positions Four and Six on the **ETHICS COMMITTEE**, with two-year staggered terms – was presented. Council Member Holm absent.

Council Member Johnson stated that he would like to re-nominate Dr. Franklin D. Jones for Position Four of the Ethics Committee and had passed out his resume. Council Member Holm absent.

Council Member Khan stated that he would re-nominate Mr. Nomaan Husain for Position Six on the Ethics Committee and had passed out his resume. Council Member Holm absent.

Council Member Khan moved to close the nominations for Positions Four and Six on the Ethics Committee, seconded by Council Member Green. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Holm absent. MOTION 2009-0019 ADOPTED.

13. ORDINANCE ordering and giving notice of a Special Election to be held on May 9, 2009, for the purpose of filling a vacancy in the Office of Council Member, District H, on the Houston City Council - was presented.

After a lengthy discussion by Members of the City Council, Item No. 13 was tagged by Council Members Johnson, Lawrence and Brown. Council Member Holm absent.

14. ORDINANCE approving and authorizing contract between the City of Houston and **COALITION FOR THE HOMELESS OF HOUSTON/HARRIS COUNTY** to provide \$54,917.00 in Community Development Block Grant (“CDBG”) Funds for the provision of Short Term Housing Assistance and Supportive Services to Homeless Persons – was presented.

Council Member Adams stated that she wanted to welcome Mr. Anthony Love, who was with the Coalition for the Homeless for Houston/Harris County, who was present in the audience, that she wanted to thank him for all of his work and committed dedication; that in the next budget cycle she would support that they give more money to the homeless so they could help with the organization and the many programs. Council Members Johnson, Holm and Green absent.

Council Member Lawrence stated that she to wanted to thank Mr. Love, that there had

been so much progress made during Mayor White's administration on the homeless and they had done so much, but they were not getting those numbers so she had asked Mr. Love to report them to Mayor White's PR people so they could put them on citizens.net because there were a lot of companies who were making those donations and really working hard to help stamp out homelessness. Council Members Johnson, Holm and Green absent.

Council Member Jones stated that she wanted to ditto what her colleagues said and wanted to thank Mr. Anthony Love. Council Members Johnson, Holm and Green absent.

A vote was called on Item No. 14. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Johnson, Holm and Green absent. ORDINANCE 2009-0023 ADOPTED.

Council Member Lovell moved to suspend the rules to consider Item Numbers 26, 27 and 27a out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Johnson, Holm and Green absent. MOTION 2009-0020 ADOPTED.

26. RECEIVE nominations for Positions One, Two and Two Alternate At-Large Positions of the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2009 – was presented. Council Members Johnson, Holm and Green absent.

Council Member Lovell stated that she would like to nominate Council Member Clutterbuck for Position One of the Houston-Galveston Area Council Board of Directors, and to nominate in Position Two, Council Member Rodriguez. Council Members Johnson, Holm and Green absent.

Council Member Lawrence stated that she would like to nominate as Alternate At Large Vice Mayor Pro Tem Lovell to the Houston-Galveston Area Council Board of Directors. Council Members Johnson, Holm and Green absent.

Council Member Rodriguez stated that he would like to nominate Council Member Sullivan as Alternate At Large of the Houston-Galveston Area Council Board of Directors. Council Members Johnson, Holm and Green absent.

Council Member Khan moved to close nominations, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Johnson, Holm and Green absent. MOTION 2009-0021 ADOPTED.

27. MOTION by Council Member Khan that the rules be suspended for the purpose of confirming the appointment or reappointment of the nominations received for Positions One, Two and Two Alternate At-Large Positions of the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2009, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Johnson, Holm and Green absent. MOTION 2009-0022 ADOPTED.

27a. MOTION to CONFIRM the appointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2009:

Position One	Council Member Clutterbuck;
Position Two	Council Member Rodriguez;
Alternative At Large	Council Member Lovell; and

Alternative At Large Council Member Sullivan

– moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Johnson, Holm and Green absent. MOTION 2009-0023 ADOPTED.

Mayor White stated that to his colleagues, who had agreed to serve, there was nothing outside of this building that would have more of an impact than any of their six years in office, strategizing and meeting with Council Member Lovell, Ann Travis, Maureen Crocker and Anthony Hall, that he was asking everybody that Houston get their fair share of the CDBG Funds that had come down. Council Members Johnson, Holm and Green absent.

Council Member Lovell stated that she believed that Maureen Crocker was putting together a meeting and they would be meeting very shortly, if not this week but the beginning of next week, to sit down and strategize how they go after that money, not only how they do that but how they encourage them to release those funds a lot earlier than they were targeting, which she believed was in May 2009. Council Members Johnson, Holm and Green absent.

15. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Parks & Wildlife Department (TPWD) Community Outdoor Outreach Program, administered by the State of Texas, to support the Houston Parks Adventure Program; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Johnson, Holm and Green absent. ORDINANCE 2009-0024 ADOPTED.
18. ORDINANCE amending Ordinance No. 2002-131 to increase the maximum contract amount; approving and authorizing second amendment to contract between the City of Houston and **SECURITAS SECURITY SERVICES USA, INC (Formerly PINKERTON'S INC)** for Security Guard Services for Various Departments - \$4,781,946.00 - General, Enterprise, Fleet Management, Building Inspection and Stormwater Funds – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Johnson, Holm and Green absent. ORDINANCE 2009-0025 ADOPTED.
20. ORDINANCE amending Ordinance No. 2003-1356 (passed on December 23, 2003) to increase the maximum contract amount for contract between the City of Houston and the **PRUITT COMPANY** for Automotive, Heavy-Duty Front-End Truck Repair Services for Various Departments - \$166,187.50 - General and Fleet Management Funds – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Johnson, Holm and Green absent. ORDINANCE 2009-0026 ADOPTED.
21. ORDINANCE appropriating \$588,525.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing an Interlocal Agreement between the City of Houston and the **CITY OF SOUTHSIDE PLACE** for Reconstruction of Bellaire Boulevard from the east of the Union Pacific Railroad right-of-way to approximately five hundred linear feet to the east of the Union Pacific Railroad - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Johnson, Holm and Green absent. ORDINANCE 2009-0027 ADOPTED.
22. ORDINANCE appropriating \$170,850.00 out of Reimbursement of Equipment/Projects

Fund (1850); approving and authorizing Purchase and Sale Agreement between **KINGS CROSSING COMMUNITY ASSOCIATION, Seller (“Seller”)**, and the City of Houston, Texas, Purchaser (the “City”), for 0.9623 acres of land, more or less, at Rustic Woods Drive and West Lake Houston Parkway, Houston, Texas, for use by the Parks & Recreation Department - **DISTRICT E – SULLIVAN** - was presented.

Council Member Sullivan stated that he wanted to recognize GSD, General Services Department, employees who made the item possible. Council Members Johnson, Holm and Green absent.

A vote was called on Item No. 22. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Johnson, Holm and Green absent. ORDINANCE 2009-0028 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Brown stated that he wanted to give recognition of the groundbreaking of the Julia Idelson Library restoration and addition that took place this week, that the Mayor needed a lot of credit for it because the City had cobbled together \$10 million and they were getting \$20 million from private funds, that it was going to be the centerpiece of their evolving civic center; that he received some complaints about HCAD from seniors, who did not receive their confirmation of senior exemption in on time as a result of the over 65 Homestead Exemption and one constituent got a bill for \$66,000 for removal of his over 65 Homestead Exemption going back to 2002, that somehow they needed to tell HCAD that they needed a better process when they treat their seniors, that there were a lot of problems there; that this was the last year of Mayor White’s successful term, that he wanted to wish two very important initiatives, they had to support the expansion of light rail transit and commuter rail in the City of Houston, that it was essential to be competitive and having the kind of economic development that they wanted; that second, was neighborhood revitalization and affordable housing, continuing LARA and the Project Houston Hope Program and expanding those programs; that he passed out a map that he was doing on neighborhoods, that this one was of the lower 5th Ward and was a land use map and showed property values and showed vacant developable land, that it was an enormous economic opportunity for their City and thought they all needed to support the Mayor’s program so they could all move forward on it. Council Members Lawrence, Johnson, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to bring to the Mayor’s attention the issues on Kirby Drive with the storm water replacement and the street reconstruction that was being implemented by the TIRZ, she thought without debt, that two issues had come up about that particular project, the first, if anybody had driven down Kirby drive, starting the first several months of the project they probably tried to avoid it as much as possible, especially nighttime or anytime during the rain, that they were not able to see where the lanes were, that after several months of complaining and after a lot of leadership on the part of the TIRZ, finally there were raised little yellow bumps and reflective buttons and things like that that extend throughout the project and it was very clear to see where one’s lane was going, that she would urge that it be a part of Public Works requirements on any kind of construction like this on a particular level of right-of-way that they had, that this particular one, she was quite sure, was a major thoroughfare or the largest capacity street, and it should have been done from the very beginning, that she wanted to thank Texas Sterling for finally getting around to implementing those desperately needed identifying lane buttons; that second, with this particular project they had experienced some delays lately that were not at all a result of Texas Sterling or the TIRZ and they were causing extreme difficulty to the neighbors that lined Kirby Drive, that all those merchants were still open and accepting business on Kirby Drive, that the cause of the delay was CenterPoint Energy, that in the discussion of the project initially CenterPoint would not agree to a date

certain, that now the overhead line people and the underground line people were finally talking to each other for the first time and it was weeks overdue, that it was extreme difficulty because they were a monopoly, that she knew the Mayor had several taskforce's ready and working on the issue, that it was an issue that she brought up Monday at Rice University when they had a wonderful conference to discuss sustainable growth and in particular sustainable infrastructure improvements to their electric grid on a district wide level and Upper Kirby District was a prime example for how they were trying to do it right and the major stumbling block was CenterPoint Energy. Council Members Lawrence, Johnson, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that it would be good for them to have a chronology, that Council Member Clutterbuck was right about the way that utility relocation proceeded, so let us get it and it would require process engineering within CenterPoint, and they were a body with original jurisdiction so let us work on this, and Texas Sterling and the TIRZ needed to have a chronology, and Council Member Clutterbuck stated that they would get it to them. Council Members Lawrence, Johnson, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to thank the Public Works Department, that on Christmas they had a water main break at Almeda and I-610 and she wanted to thank them for working expeditiously by putting a traffic plan and working with the community and making sure that traffic flowed quickly and notifying their office of the stages of repairs; that last week Ms. Fayette came to talk about the beautification project for MLK Boulevard and she wanted to thank her for putting her words into action, that they began on Monday with their staff and many volunteers and began by making things visible, painting and cleaning up the right-of-ways, that she brought to their attention the carwash that was located on Martin Luther King near St. Lo and she wanted to thank Mayor White for his immediate action to see what they could do and also for Linebarger for looking at the taxes and seeing who the owner was so they could make sure to move on that and clear that nuisance; that she wanted to thank Chief Hurtt and Mayor White for coming together and bringing the Ministers Against Crime to discuss the issue about some of the crime that was occurring in their communities, that in February they would begin a series of public safety forums in the community and Chief Hurtt would go out into the community with her to inform the community of his plan to help with a decrease in crime and the first one would take place on February 5, 2009 at the Wheeler Avenue Community Center at 6:30 p.m. and the second on February 26, 2009 at the Fort Bend Boys and Girls Club, that they had two more that would take place in the Montrose and Hiram Clarke area, that wanted to thank Ms. Harris and their organization for coming together with them and make sure they could bring the information out to their community; that she wanted to welcome two new staffers in their office, Mr. Matala Idi, Sam Houston State University and Mr. Jeron Ravin, Howard University; that a lot of them would be traveling this week to Washington, D.C. for the inauguration ceremonies and she would ask everybody to check the weather, that she was looking forward to the celebration of the new president. Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she had asked to be a grand jury commissioner, that she hoped people who would be interested in being grand jurors would contact her office; that one of the problems they had in the criminal justice system was that the grand jury level was not diverse like the City was so they did not have people with similar life experiences to be able to vet some things and for those who had not been involved in that system, even if the case was junk once the charges were filed, accepted and indicted they were going to have to pay to get a case that never should have been filed dismissed, that once they were dismissed they may or may not be able to get them expunged, which people thought they would, which was always on their record; and Council Member Jones read a list of qualifications to be on the grand jury, that if they were interested they could contact her office at 832-393-3006; that she knew that last

week Mayor White talked about Black on Black crime, that she thought they knew her brother was murdered, shot by another Black man, that at the time her brother died, in 1996, her whole family was upset and she wrote a poem, a copy of which is on file at the City Secretary's office, that she looked at the Chronicle on Thursday and they talked about what Mayor White spoke about and the ministers came out and spoke about tough love and all those things and she wanted to say that it was not just the Black community that needed to take part in this, that she had clients who read and write at the third and fourth grade level, that they did not have options, if they could not read or write they were not going to be able to find jobs, that it was really a holistic problem that she thought they needed to be mindful of, that she read the poem at her brother's wake and funeral called "My Brother, Why, My Brother?" and was dedicated to her brother, Chukwuemeka "Black" Okori Ikem Jones, who was 19 years old. Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that on the District H issue one thing that Mayor White stated, and that he appreciated, as he looked around the table he felt like what they did they had to have consensus on and as a freshman Council Member he appreciated that because it made him feel included in the process; that he wanted to acknowledge a City contractor who was a great corporate citizen, Severn Trent, who was the contractor for all Kingwood water and waste water operations, that this week they were hosting four classes of fourth graders in a very exciting program, "What Water Was All About", that they were donating their time and money and taking the students to the Houston Ship Channel to show them that what went into the drain in their neighborhood came out at the ship channel and creeks and bayous and the damage it did, that then they took them to the Monument Inn and treated them to a great lunch, and to the Kingwood Water Treatment Plant, and set up a bobcat and backhoe and showed them how they excavated the ground to repair water pipes underground, they walked them out to the outfall where all the treated water from the Kingwood Treatment Water Plant flowed back into Ben's Branch and showed the students how they worked hard to clean the water up; that a couple of weeks ago they had a good/bad problem, their Solid Waste recycling sites, both at Ellington and Kingwood, were overflowing with recyclable materials, that he met with Solid Waste Director Mr. Hayes and his Chief of Staff, Mr. Readore and they worked very hard to get trucks out and remove the full bins and bring empty bins back out, that two, he wanted to point out that Director Hayes really jumped on the problem and solved it immediately, that he wanted to recognize Gary Readore, Tyron Oszine, Alice Coffee and John Collins; that from what he understood from Public Works they had a problem where they did not stripe residential streets, that a large area in Kingwood called Forest Cove had for over a year tried to get the streets stripped because the City of Houston paved the neighborhood and prior to the paving the streets were stripped, on the edges of the street, they had very large deep ditches on the both sides of the road and Forest Cove had a lot of elderly residents and they said it was hard for them to see the street at night because they did not have street lights out there, that when he asked Public Works about restriping to the condition that it was before they said no, that somehow some of the streets were striped and some on one side only, that Public Works had said that unless he received authorization from the department to move forward with the remaining streets it was their intention to abide by their current practices which was not to restripe, that it was a lot like the speed bumps, if they went in and repaved an area where there were speed bumps, then put the speed bumps back when they were done, that he would try to ask for some consideration from the administration to help so the residents felt like they were listened to. Council Members Lawrence, Johnson, Clutterbuck, Adams, Holm, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he would ask the representative of Public Works to get a recommendation from Director Marcotte, that if they heard, the question was if there were stripes before the repaving should it be restriped on the residential street, and Council Member Sullivan stated that if they striped one side of the street by accident then stripe the other side to

clean it up and finish it up, and Mayor White asked if it was four lanes, and Council Member Sullivan stated no, that it was a one lane street and two cars could pass on it and there were no center stripes only stripes on the edge of the pavement so they would not drive of into the deep ditches, and Mayor White stated that if they did have criteria it probably ought to relate to the ditches and the danger where they had the open ditch. Council Members Lawrence, Johnson, Clutterbuck, Adams, Holm, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to congratulate Mr. Dan Bello, new Chairman of the Greater Houston Partnership and offer any help that they may give him; that she wanted to congratulate their new State Representative Carol Alvarado for District 145 and former Council Member Addie Wiseman, new Executive Director of the Greater East End Management District, of which she looked forward to working with her and continuing to deal with the graffiti issue which they did such a great job over there; that she was at the groundbreaking for the Julia Idelson Building and it was a really wonderful event; that they were at the corner of Robinson and Polk Street with former Council Member Tinsley where they removed one of the last Clear Channel billboards of that size, that former Council Member Tinsley for over thirty years had stuck with the issue, and to be standing next to her and watching as something she had worked so hard for finally be accomplished was really a privilege, that she wanted to thank everybody who worked so hard. Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that they would have a monthly meeting of the Flooding and Drainage Committee on Thursday, January 15, 2009 at 2:00 p.m. in the Council Chamber; that the Counsel General of Canada was visiting the International Trade Center on Friday, January 16, 2009 at 11:30 a.m. and would request everybody to come and join them; that on Thursday, January 15, 2009, 8:30 a.m. to 12:00 p.m. they would have a half day workshop focused on best practices in reducing crime and improving safety in the Houston neighborhoods, so please join them at 3100 Main Street, Houston Community College; that next Tuesday the inauguration of the new president would take place and he was privileged to be invited to attend the inauguration and looked forward to being there, that it was significant because it was democracy in action. Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 3:57 p.m. Council Member Noriega out of the city on personal business. Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Barbara Guzman

Acting Assistant City Secretary