

City Council Chamber, City Hall, Tuesday, January 27, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 27, 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, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Cameron Waldner, Citizens Assistance Office; Ms. Marty Stein Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director present.

Note: Council Member, District H Position, vacant.

At 1:56 p.m. Mayor White called the meeting to order and stated that Council Member Johnson would begin presentations. Council Members Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that it was a great pleasure to recognize the Knights of Peter Claver and Ladies Auxiliary Day, the Knights of Peter Claver were founded in 1909 to serve spiritual and secular needs and since it was now a family organization and the groups provided scholarships at all levels of education; etc., and they were celebrating 100 years of service; and invited Mr. Eugene Phillips and Mr. Horace Young to the podium; and presented Mr. Phillips a Proclamation proclaiming today as "Knights of Peter Claver and Ladies Auxiliary Day" in Houston, Texas. Mr. Phillips stated that it was a pleasure to receive such an honorable award; that they existed now 100 years and they were to serve the church, community and unfortunate ones; and again thanked all for the recognition. Council Members Clutterbuck, Adams, Holm, Brown, Noriega and Green absent.

Council Member Jones invited Mr. Larry D. Thomas and wife, Dr. Lisa Thomas to the podium and stated that she was introduced to Mr. Thomas by former Council Member Sanchez; that it had been 20 years since Houston had a poet laureate and this was important we now had one and she wanted to celebrate; that he lived in Houston since 1967 and graduated from the U of H and worked with Harris County during which time he also wrote poems and now had many collections published and in April 2007 he was appointed by the Texas Legislature as a 2008 Texas Poet Laureate and presented him a Proclamation proclaiming today as "Larry Thomas Day" in Houston, Texas. Mr. Thomas thanked Mayor White, Council Member Jones and all Council Members for such a prestigious honor which he would always cherish and thanked his wife, daughter and good friend for supporting him through the years. Council Members Adams, Holm, Brown, Noriega and Green absent.

At 2:05 p.m. Council Member Lawrence invited Reverend Manson Johnson with the Holcombe Street Baptist Church to lead all in prayer and Council Member Lawrence led all in the pledge. Council Members Adams, Holm, Brown, Noriega and Green absent.

At 2:10 p.m. the Acting Assistant City Secretary called the roll. Council Members Johnson, Holm and Noriega absent.

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

Mayor White stated that he would like the Acting Assistant City Secretary to remind all of the Council Rules; and Ms. Guzman stated that if the total of time requested by speakers at any Council Meeting was greater than 150 minutes, of which today was 180 minutes, each speaker

would be allotted one minute and the time for Council Members to question would be a cumulative time of one minute per speaker. Council Members Holm, Noriega and Jones absent.

Council Member Clutterbuck stated that she would like to thank Madam Secretary for stepping in and reminding all of the Council rules; that she was quite certain the City Secretary, Anna Russell, was watching as they now speak and all did wish her a speedy recovery; that for followers of City Hall all knew Ms. Anna Russell was a long-time serving City Secretary who never took a day off, not even, she believed, for the birth of her children, vacation or anything; that she was missed, but she could see they were in very good hands and she should stay home, get better and all were looking forward to seeing her back. Council Members Holm, Noriega and Jones absent.

The Acting Assistant City Secretary began calling the public speakers. Council Members Holm, Noriega, Green and Jones absent.

Ms. Jennifer Woodruff, 1026 W. 31st, Houston, Texas 77018 (713-303-3511) appeared in support of Agenda Item 41 and stated that she was the Shepherd Forest Civic Club Vice President and present to voice their support as a civic club for the no parking of vehicles in yards ordinance, it would improve neighborhoods and help maintain property value and give civic clubs the teeth they needed to enforce deed restrictions and prohibit parking in yards; and urge passage of the ordinance. Council Members Holm, Lovell, Noriega and Jones absent.

Council Member Lawrence thanked Ms. Woodruff for coming and stated that she was glad she said it was for parking vehicles in yards as that was what it was for. Council Members Holm, Lovell, Noriega and Jones absent.

Ms. Doris Hinson, 1929 Ridge Crest, Houston, Texas 77055 (713-301-3621) appeared in support of Agenda Item 41 and stated that the city could be saved money by getting cars out of yards, yards unkempt invited crime and in turn needed more protection which cost. Council Members Holm, Lovell, Noriega and Jones absent.

Ms. Tressa Brooks, 1922 Kampen Drive, Houston, Texas 77049 (713-385-7033) appeared and stated that she was speaking on behalf of residents of the Clintonview Subdivision; that large trucks are parking along residential streets and it appeared there would be a new trucking company next door to her grandparents and they felt the influx of large trucks would cause a decrease in property values, damage to streets, noise and environmental pollution and people may leave; and urged Council's assistance in stopping this. Council Members Lovell, Noriega and Jones absent.

Mayor White thanked Ms. Brooks for coming and stated that Ms. Allen wanted to address the same issue and Mr. Derrick Williams was present and could speak with the citizens on what they could and could not do regarding the issues. Council Members Lovell, Noriega and Jones absent.

Ms. Anita Allen, 1114 Maxine, Houston, Texas 77029 (713-628-0918) had reserved time to speak but was not present when her name was called. Council Members Lovell, Noriega and Jones absent.

Mr. David Williams, 1727 Idylwood Drive, Houston, Texas 77023 (713-673-1418) appeared and stated that he thanked Mayor White for his leadership during Ike, but he had quality of life concerns for his neighborhood; that he felt an overpass was such an issue; that METRO said the underpass would cost \$67 million and a Harris County study said \$16 million; that an overpass also had a negative impact on development and it was not people friendly and

he read of stray current from electrified trains on a bridge which corroded and ate away at the structure and if an underpass cost more he considered it with it because of many quality life issues. Council Members Lovell, Noriega and Jones absent.

Ms. Lucy Rodriguez, 3201 Ashe Creek, Houston, Texas 713-208-6083) appeared and stated that she was very concerned with METRO's plan to build an overpass in the middle of the neighborhood on Harrisburg; that it would not be nice to look at and people would not be able to walk or ride bikes near the structure; and urged Council to have METRO consider and not destroy the historic beauty of their Eastend area. Council Members Lovell and Noriega absent.

Ms. Angie Martinez, 7108 Avenue P, Houston, Texas 77011 (832-867-1155) appeared and stated that she was president of the Greater Magnolia Park Pineview Civic Association and they felt the METRO bridge would only provide a negative impact; that many had devoted their lives and money to transfer this part of Harrisburg into a special transit and pedestrian friendly destination and this would be a slap in the face; that an underpass would be approximately 1,100 feet and the proposed bridge would be 2,000 feet. Council Members Lawrence, Holm, Lovell and Noriega absent.

Mr. Jose Moreno, 406 S. 78th, Houston, Texas 77012 (281-727-8830) appeared, presented information and stated that he was a resident of Magnolia Park and Director of the Magnolia Park Historical Preservation; that they would be celebrating their Centennial in 2009; that what he presented was a narrative of what they would be doing and their three historical markers and urged that all please rethink the bridge. Council Members Lawrence, Holm, Lovell and Noriega absent.

Council Member Rodriguez stated that he would like Mr. Moreno to continue; and Mr. Moreno stated that they would meet January 31st to talk about the markers and let people know what was happening. Council Members Lawrence, Holm, Lovell and Noriega absent.

Ms. Christine Kasper, 17027 Morning Star, Crosby, Texas 77532 (713-395-1330) appeared and stated that she was an employee of the Houston Coalition for Life and in the last months Planned Parenthood had been caught and documented advising minor girls on how to circumvent the law requiring the reporting of sexual abuse of minors and how to cross lines for abortion without parental consent; that the Texas Family Code caused each contractor provider to report suspected sexual abuse of a child. Council Members Lawrence, Holm and Noriega absent.

Council Member Khan stated that he would like Ms. Kasper to continue; and Ms. Kasper stated that she had a list of questions such as she would like to know if Planned Parenthood of Houston in Southeast Texas report sexual abuse of a child each time a minor was pregnant, requested a pregnancy test or did seek birth control and how could concerned citizens obtain a copy of the report, etc.; and encouraged transparency to citizens. Council Members Lawrence, Holm and Noriega absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4141) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Holm and Noriega absent.

Ms. Ivori Hopkins, 8403 Rinn, Houston, Texas 77078 (832-789-1415) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Holm and Noriega absent.

Mr. Theodore Bowles, 3502 Moore, Houston, Texas 77009 (281-763-5619) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Holm and Noriega absent.

Ms. Christine Melchor, 3815 Lemon Tree, Houston, Texas 77088 (832-244-8724) appeared and stated that she was executive director of the Houston Coalition for Life and was present regarding the huge expansion of Planned Parenthood of Houston in Southeast Texas in Houston, once opened it would be the largest abortion center in the western hemisphere and would allow abortions on pregnancies up to six months and she had questions some of which were she wondered if such patients would be treated for AIDS and other sexual transmitted diseases prior to the abortion and would disease be spread by the disposal of the babies, etc., and she would like replies. Council Members Lawrence, Holm, Lovell and Noriega absent.

Mayor White stated that he had written notes and if she would leave her statement in writing with Citizens Assistance they would get that. Council Members Lawrence, Holm, Lovell and Noriega absent.

Ms. Christen Allen, 1114 Maxine, Houston, Texas 77029 (713-674-0788) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Holm, Lovell and Noriega absent.

Rev. Leopoldo Mata-Alarcon, 14619 Leacrest Drive, Houston, Texas 77049 (281-459-1245) appeared, presented information and stated that his issue was they at Casa del Alfarero Church would like to be able to make the area more beautiful by planting trees. Council Members Lovell and Noriega absent.

Mayor White stated that he would appreciate efforts of such citizens to beautify right-of-way within the City of Houston; and upon questions, Rev. Mata stated that they would like permission to use their criteria to do what they thought would be beautiful to the area; that he had spoke to the City but he thought more could be done; and Mayor White stated that they wanted to remove barriers for people and allow them to improve right-of-ways. Council Members Lovell and Noriega absent.

Council Member Rodriguez thanked Rev. Mata for coming and stated that they had visited and he was interested in adopting an esplanade and planting palm trees as opposed to shade trees and the ordinance was for shade trees which provided pollution mitigation, but he felt they could work on a compromise; and Mayor White stated that he had learned some tree materials were permitted and some were not, having to do with durability, water, interference with curbs, etc., but there were many species and they should be able to figure out what could be used; and asked Council Member Rodriguez to help work through it Council Members Lovell and Noriega absent.

Ms. Trice Richards, 2303 Glenburn, Kingwood, Texas 77345 (281-798-4477) appeared and stated that she was present to speak on the abortion clinic Planned Parenthood was building in Houston and the outrage it was causing in the community; that it was an evil based on lies and deception; and continued expressing her personnel opinions until her time expired. Council Member Noriega absent.

Council Member Sullivan stated that he would like Ms. Richards to continue; and Ms. Richards stated that she would like to know how the city would crack down on Planned Parenthood doctors who fooled women to thinking they were pregnant and bill them for services and how they would investigate doctors there of wrong doings and how would they regulate them if the federal government did not. Council Member Noriega absent.

Dr. Stephen Kramer, 119 Carnarvon Drive, Houston, Texas 77024 (713-686-1212) appeared and stated that he was present to inform Council of an illegal parking lot constructed on a public right-of-way on the Bayou Wood Subdivision and to request its removal; that information concerning the illegal lot had been summarized in notebooks and sent to the Mayor and Council Members; that Public Works investigated and it was inclusively determined the private lot was illegal and violated City Ordinance Section 26-90 and its violation mandated it be removed; and it also violated their deed restrictions. Council Members Sullivan, Khan and Noriega absent.

Council Member Holm stated that Dr. Kramer and others had challenges for going on eight years now with a person who tried to build on a very narrow street and each took on trying to remedy on their own fashion and this particular instance needed city policies defined; that it had been over a year trying to determine whether it was public or private policy and Mark Lathan had really worked, it was bad precedent when someone did something they would arbitrarily decide let them go through permitting and they would just let it exist, it was not good policy and this was public right-of-way and a dispute in the neighborhood; and Mayor White stated that they would take a look at this, without city permission someone is not to use public right-of-way and he would look to a combination of Public Works and Legal for an answer. Council Members Johnson, Sullivan, Khan, Noriega and Green absent.

Mr. Robert Gallegos, 6414 Jefferson, Houston, Texas 77023 (713-256-3953) appeared, presented information and stated that packets presented were of several civic clubs and Eastend organizations supporting the underpass on Harrisburg; that he was president of Houston Country Club Place and representing his civic club today and read the letter from his civic club which in part stated that in May they discussed the two options and they unanimously voted in support of the underpass believing it much less intrusive, would reduce noise and protect the historic character of Harrisburg Blvd., etc. Council Members Johnson, Sullivan, Khan, Noriega and Green absent.

Council Member Rodriguez stated that he would like Mr. Gallegos to continue; and Mr. Gallegos stated that they fully supported the East End Light Rail Corridor, however, not at the expense of destroying their historic character. Council Members Johnson, Sullivan, Khan, Holm, Noriega and Green absent.

Ms. Dianne Davis, 1134 Weaver, Houston, Texas 77023 (713-409-0064) appeared and stated that she was a homeowner in the East End and an overpass was not what she wanted for the neighborhood; that an underpass would benefit East End's character and be friendly to pedestrians, existing businesses and future development; that this shortcut would be detrimental and she saw the Harris County document which was thick and seemed thorough and it was stamped and signed by two engineers which meant he would back it up. Council Members Johnson, Sullivan, Khan, Holm, Noriega and Green absent.

Council Member Rodriguez stated that he would like Ms. Davis to continue; and Ms. Davis stated that METRO was comparing three one page tables of numbers against a study prepared and certified by engineers and no one had signed off on them and there was no backup material. Council Members Johnson, Sullivan, Khan, Holm, Noriega and Green absent.

The Acting Assistant City Secretary stated that according to the Rules of Council no person should applaud, boo, clap or otherwise express approval or disapproval of actions being taken. Council Members Johnson, Sullivan, Khan, Holm, Noriega and Green absent.

Mr. Charles Mayfield, 6403 Country Club, Houston, Texas 77023 (713-718-3695) appeared and stated that he was treasurer of Super Neighborhood 64 and 88 and would read a letter from their president today. In part the letter stated that they unanimously voted to endorse

the underpass on Harrisburg; that METRO stated they wanted a transparent planning process and yet at each community hearing the vast majority spoke against any overpass, yet it appeared their wishes were being ignored and were proceeding with it. Council Members Johnson, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he would like Mr. Mayfield to continue, and Mr. Mayfield stated that Super Neighborhoods 64 and 88 looked forward to the day light rail would be on Harrisburg, but they wanted the character of the East End protected and supported the underpass for now and for its future. Council Members Johnson, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Bryan Vezey, 4531 McKinney, Houston, Texas 77023 (832-867-1775) appeared and stated that he was president of the East Wood Civic Association and he sent a letter on December 12, 2008, regarding the underpass/overpass issue and presented it to Citizens Assistance, the letter was directed to the vice president of METRO stating they had unanimously voted to support an underpass for the Harrisburg Light Rail Corridor; that they eagerly awaited the light rail and did not advocate any change that would materially delay the commencement of such. Council Members Sullivan, Khan, Holm, Noriega absent.

Mayor White stated that he saw emails which threaten, but he was not a big threat type of person; that he would share with him and members of the community, who he greatly respected, that there were longstanding plans, way before he became Mayor, but trains did block the intersection and it continued to be a more severe problem, but it would not be possible to have a rail run into a rail and there was almost nothing they could do to UT to have trains not stop crossing the street and as a result of community meetings it was put into the rail plan and he felt it important to have a start on Harrisburg rail and a one time cost of grade separation, a decision was made, local governments would chip in to pay for it and if anyone wanted to come along and say here is my check, I'm good for it and the balance...; that most studies show the underpasses or more costly and that was why there were more overpasses and if streets were put under it would be harder to go right or left to the businesses; and Mr. Vezey stated that they understood his and the city's position, but they were concerned with more transparency about how METRO concluded it would be cost prohibitive, their overriding goal was to have the rail built and completed and did want it to go to the Magnolia Transit Center. Council Members Holm and Noriega absent.

Council Member Jones stated that previously a speaker said there was an engineer study and she would like a copy; and Mayor White stated that they would get her a copy and they would love to save money and did not enjoy public controversy, but there was a difference in someone saying here's a study and I would personally post a bond to be liable for the difference, then it was not politics it was life and they would look at the study and he had asked METRO to spend more money on engineering. Council Members Sullivan, Khan, Holm and Noriega absent.

Council Member Lovell stated that she wanted all to listen to the community and wanted them to have the facts and understand how decisions were made. Council Members Sullivan, Khan, Holm and Noriega absent.

Council Member Jones stated that she would like more information rather than less information and would like to see the study and impact of the new Administration and were their monies still available or redirected; and she did want parity in neighborhoods. Council Members Lawrence, Sullivan, Khan, Holm and Noriega absent.

Council Member Brown stated that on a point of order the rules of procedure today was to be a maximum of one minute per speaker and maximum of one minute total for the Mayor and

Council Members as a total and he would wait to speak to the next speaker and would like the rules enforced; and Mayor White stated that if someone had a point of order he would sustain it and apologized. Council Members Lawrence, Sullivan, Khan, Holm and Noriega absent.

Mr. Andrew Wright, 4220 Walker, Houston, Texas 77023 (512-296-3532) appeared and stated that he was a resident and board member of the East Wood Civic Association and present to call attention to METRO; that they did need to utilize due diligence and transparency, integrity and accountability regarding the project and they needed to fully evaluate the underpass option; that they felt the underpass would avoid cutting off landmarks on Harrisburg, Harrisburg once formed the cradle in which the Republic and later State of Texas grew from its infancy. Council Members Lawrence, Sullivan, Khan, Holm, Noriega and Green absent.

Ms. Marilu Delafuente, 1724 alta Vista, Houston, Texas 77011 (713-926-7265) appeared and stated that she was a longtime resident and stakeholder in the East End and president of the Harrisburg Heritage Society and voicing her concern for the proposed overpass being considered for Harrisburg Boulevard, according to METRO's design presented at the last community advisory board meeting it encompassed six city blocks which did equate to one-third of a mile long; and she strongly supported the underpass and her community was excited about light rail and looking forward to riding it in 2012 and the underpass would be more appealing, it was the heart of their community. Council Members Lawrence, Sullivan, Khan, Holm, Noriega and Green absent.

Council Member Lovell stated that Ms. Delafuente should continue; and Ms. Delafuente stated that they were threatened and warned; that they met with METRO over and over and always told the Mayor would take \$10million away from this and it was CIP money and would ask he listen to them and check into this, it could be the finest hour of his career. Council Members Lawrence, Sullivan, Khan, Holm, Noriega and Green absent.

Mr. Julio Delcarpio, 6632 Harrisburg, Houston, Texas 77011 (713-926-7265) appeared and stated that in the Chamber it reads "The people are the city" and they were the people who in 2001 started building development in the East End, they wanted to create a "little San Antonio" for tourists and they had spent several million already; that they needed to compete with San Antonio and Miami and Chicago and an overpass would wipeout that development and about 40 businesses would be totally out of business. Council Members Sullivan, Khan, Noriega and Green absent.

Council Member Brown thanked Mr. Delcarpio, a fellow architect, and stated that from the community standpoint it was very clear the underpass was the best solution, it may be the overpass was the cheapest solution, but in terms of building a great city if you always picked the cheapest solution it would never be great and they had to work harder to get the funds and do it right and he was getting information on an additional cost estimate for the underpass with new technology and before it was decided all facts should be in and property value did have to be a part of the economic situation. Council Members Sullivan, Khan, Noriega, Green and Jones absent.

Ms. Linda Hernandez, 7543 Elm, Houston, Texas 77023 (713-921-4396) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Khan, Noriega, Green and Jones absent.

Mr. Armando Diaz, 6674 Rock Bridge Lane, Houston, Texas 77023 (713-209-3551) appeared and stated that with the overpass they already had social problems such as a homeless shelter which the overpass could exasperate the problem and the Police Gang Force Unit had been trying to solve the graffiti problem in the area which could also be enhanced by this; that in his view the maintenance facility put in the East End with no one's disclosure or

notice was another nuisance and it would more industrialize the East End area and the City and METRO should consider that. Council Members Clutterbuck, Sullivan, Khan, Noriega and Green absent.

Ms. Yvette Diaz, 6674 Rock Bridge, Houston, Texas 77023 (713-923-1814) appeared and stated that she was upset and emotional, she was a lifelong East End resident and saw economic business development both good and bad in her community; that she had attended a Harrisburg Light Rail Corridor Meeting at Ripley House and METRO and of the 300 residents and business owners there 95% showed opposition and concern at the proposal of a concrete overpass, it was unfriendly, dangerous, bad for business and had concerns of pollution and noise. Council Members Clutterbuck, Sullivan, Khan, Noriega and Green absent.

Council Member Rodriguez stated that he would like Ms. Diaz to continue; and Ms. Diaz stated that East End Chamber of Commerce was against it, their whole responsibility was to bring new business and in the spirit of community and being neighborly METRO had failed; and she would remind the Mayor and Council their decisions today would impact all for years to come. Council Members Sullivan, Khan, Noriega and Green absent.

Ms. Beverly Roberts, 818 Silvergate Drive, Houston, Texas 77079 (281-496-0753) appeared, presented information and stated that she represented Concerned Women For America and the Houston Coalition for Life and Houston was a world-class city with a premiere center for space exploration, excellent museums, theaters and lovely gardens, etc., picture Houston now with the largest abortion facility in the western hemisphere, was that how this city should be characterized. Council Members Sullivan, Khan, Brown, Noriega and Green absent.

Ms. Shitonda Johnson, 6402 Goforth, Houston, Texas 77021 (713-829-3342) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Khan, Brown, Noriega and Green absent.

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that this was galileowww.mayorgalvan.com, he was the next Mayor for Houston and he would encourage all in District H to run for that seat; that he wanted every single one at the Council Table defeated this year; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Khan, Brown, Noriega and Green absent.

Ms. Rhonda Arias, P. O. Box 72068, Houston, Texas 77272-0768 (713-419-1214) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent.

Ms. Barbara Jordan, 11718 Murway, Houston, Texas 77048 (713-738-1464) appeared, presented information and stated that she lived in Kennedy Heights Subdivision and was present regarding a sidewalk which had been reported to the Public Works Department, it was located at 11718 through 11731 Murrway; that representatives had come and taken pictures and placed a barricade at her residence, but several accidents had been reported and Council Member Adams and Ms. Aikens from Aikens Army had been contacted; that the residents were requesting the City to repair those sidewalks and insure the safety of the elderly and children. Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that she gave Mayor White a copy of reports and if he would look at the photos they tried contacting Public Works at the first onset of the sidewalk sinking with the first report being in September 2001 and now this was 2009; that injuries had occurred and she would ask the Mayor and this Administration to look at this; that they tried contacting the City for repairs within the two year period after work had been done on a

waterline. Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that Mr. Medina was present with Public Works and he understood a water main leak was responsible for it and they should be able to repair it; that he was getting two different reports now, but basically if there had been a lead they should fix it and she should speak with Mr. Medina; and Ms. Jordan stated that she spoke on behalf of Ms. Blair, Ms. Hamilton and Ms. Batties also. Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Madeline Hamilton, 11722 Murrway, Houston, Texas 77048 (713-738-4428) was present when her name was called, but indicated she did not wish to speak. Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Swandolyn Douglas, 11731 Murway, Houston, Texas 77048 (281-706-3662) appeared and stated that she was also present about the sidewalks on Murrway, her son broke his toe August 3rd and the Mr. Hamilton in the Claim Division told her it was not within 30 days of the sidewalk being fixed and they were not responsible; that she also received a letter in August 2008 stating they did not meet the SSP guidelines to get their sidewalk fixed. Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he would ask Robert in Council Member Adams's Office to follow this and if a contractor was going out to fix one, they did not need to be too bureaucratic. Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that along the same guidelines she would ask that when a contractor went out to repair a water main leak they had about a two year statute of limitation and she was trying to find out what responsibilities they had as a City when it fell beyond the time but the citizen had been trying to get it fixed within the time frame; and she would speak with Roberto Medina on handling this and future situations.; and Mayor White stated that in the conversation with Public Works, Council Member Holm made a important point in another context which was what was the policy and what was the written guidelines and if one did not exist was it because they ran out of money for paper or something, if there was a policy it should be in writing so everyone would no it; and he would appreciate her helping him to know what the policy was. Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Helen Batties, 11719 Murrway, Houston, Texas 77048 (713-734-0424) was present when her name was called, but indicated she did not wish to speak. Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Gladys Blair, 11727 Murway, Houston, Texas 77048 (713-731-8125) was present when her name was called, but indicated she did not want to speak. Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Jerrilyn Halbart, 8833 Dunlap, Houston, Texas 77074 (713-771-8690) appeared and stated that she was present as a private citizen concerned about what she saw regarding the slow process in reform at BARC; that many Council Members spoke of the need for reform at BARC and of working with great animal organizations, but she wondered why the contract for

the beginning of reform at BARC with the "No Kill" initiative had been delayed for so long; that they wanted a shelter which worked at saving animals and Council Member Brown spoke of a meeting in the Mayor's Conference Room and she wondered if anything had come of that. Council Members Clutterbuck, Sullivan, Khan, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that based on excellent comments made, particularly on this whole issue which had been persistent on how to enlist the volunteer efforts, which was absolutely indispensable, one thing he did was ask the director to facilitate a discussion with a professional facilitator with all stakeholders so people would talk with each other and not about each other; that he did note comments in the book by Mr. Winnegrad, which he read, there could be "No Kill" policies without any significant additional funding of public resources because private philanthropy and involvement of people who would adopt and he did start as a nonprofit and some organizations throughout the country had adopted the "No Kill" policies and they referred animals they were unable to place through public facilities, but this was serious and they would have a facilitated discussion; and Ms. Halbart stated that they were all watching and this was antiquated and they all wanted Houston to be a leader and animals cared for. Council Members Sullivan, Khan, Holm, Brown, Noriega, Green absent.

Ms. Bett Sundermeyer, 201 Wilcrest Drive, Houston, Texas 77042 (713-291-1710) appeared, other concerned citizens stood to be recognized, and she stated that today she and others were present to discuss Mr. Nathan Winnegrad's contract for the assessment of BARC, they were aware contract negotiations had ceased because Mr. Winnegrad could not agree to the indemnity requirement and the gag order City Attorney Michel Austin had inserted into his contract, she believed the indemnity against lawsuits she was demanding was unreasonable concerning the contract was only \$5,000 and suspected no other contractor with such a small value would be able to assume risks being demanded of him and she questioned whether the City demanded the same indemnity from other small contractors and if not requiring it from him was discriminatory and high transparency was needed for positive changes at BARC. Mayor White, Council Members Sullivan, Khan, Holm, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell III presiding. (NO QUORUM PRESENT)

The Acting Assistant City Secretary stated that no person shall wave or display any sign, card, poster or banner within the City Council Chamber. Mayor White, Council Members Sullivan, Khan, Holm, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Zandra Anderson, 7941 Katy Freeway #412, Houston, Texas 77024 (713-222-7600) appeared, presented information and stated that she was a native Houstonian and attorney here in Houston and present on the same issue of BARC; that her handout was a copulation of a united front to help animals in Houston, it was not just the rescue community, they would find clubs and other organizations as listed on the cover and all were excited about this opportunity for BARC; that a common theme in all letters was to be a united front and reach out to the community so animals did not have needlessly die any longer; that the American Kennel Club and rescues were some of those who had joined in this endeavor. Mayor White, Council Members Sullivan, Khan, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell called on Council Member Clutterbuck who thanked Ms. Anderson and all those present for showing up today and reflecting the compassion of the community on such an important issue; and stated that to report back since the last meeting there were a number of BARC advocates, there had been an exchange of emails and the Mayor had tasked Ms. Elana Marks, in the Mayor's Department of Health, to help coordinate and facilitate a dialogue in coming together on this issue as well as a number of other issues and they would be following up with all interested; and Vice Mayor Pro Tem Lovell stated that they

were all very aware of this and if they needed to facilitate a meeting they could do it through the Quality of Life Committee, which she chaired, if they could be patient while it was put together; and Ms. Anderson stated that there was a candidate, Mr. Doug Ray, who had written about his willingness to sit in a kennel with a fearful animal to befriend it for 20 minutes and be hands on, and that was a gym, someone willing to go the extra mile, something like who they would be looking for, and applied here; that it was now 3:30 p.m. and in 30 minutes the killing would start at BARC and she hoped all kept that in mind. Mayor White, Council Members Lawrence, Adams, Sullivan, Khan, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Lynn Anderson, 5586 Highway 36, Bellville, Texas 77418 (979-865-5953) appeared and stated that she was present on a very important cause, she was representing the Responsible Pet Owners Alliance which was a statewide organization with pet education, assistance and rescue programs and they had a considerable membership in Houston; that basically they wanted to support bringing Mr. Nathan Winnegrad as a consultant to evaluate BARC and help with improvements; that people and rescue organizations in the community were willing to step up and give a considerable amount of support in terms of making BARC a facility they could be proud of. Mayor White, Council Members Lawrence, Adams, Sullivan, Khan, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Anderson stated that she rescued on a statewide and national level and she dealt with quite a few shelters and BARC was not a stellar experience and she said it for hope and change; that she did not have information on salaries for directories of such facilities or departments as BARC, but would be happy to get it for her. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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 Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (832-264-1816) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Cathy Connor, 12700 Stafford Road, Houston, Texas (281-879-7899) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Keith Butler, 2610 Ridge Hollow, Houston, Texas 77067 (713-550-7887) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Marci Perry, 523 E. Canino Road, Houston, Texas 77037 (281-931-4168) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Mary Jane Buschan, 5703 Cornish, Houston, Texas 77007 (713-957-3578) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Brown, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Brooke Reichel, 516 Knox, Houston, Texas 77007 (832-443-9949) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Tom Dornbusch, 6110 Tyne, Houston, Texas 77007 (713-869-1185) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Steve Gibson, 1301 White, Houston, Texas 77007 (713-503-9592) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Brown stated that the last speakers who were going to speak on the "Quiet Zone" for Washington Avenue thought they would not have full hearing today and left and would reschedule; and Council Member Jones stated that they expressed they thought they had three minutes and wanted that three minutes and would reschedule. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Richard Tylor, 4328 Center, Houston, Texas 77007 (713-880-0797) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Louann Allen, 1105 Studer, Houston, Texas 77007 (713-516-2430) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Jesse Blackwell, 6115 Hamman, Houston, Texas 77007 (713-882-0662) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Erin Duerichen, 1345 Studer, Houston, Texas 77007 (832-797-1219) had reserved time to speak but was not present when his name was called. Mayor White, Council Members

Lawrence, Adams, Sullivan, Khan, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Joyetta Young, 1605 Bluebonnet Circle, Houston, Texas 77019 (713-652-5741) appeared and stated that she was present previously, October 17, 2008, and she wanted to know why nothing was done to the three police officers who murdered her son June 4, 2008, at 8501 Broadway. Mayor White, Council Members Lawrence, Sullivan, Khan, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Ed Menger, 2208 Cortlandt, Houston, Texas 77008 (713-858-3951) Houston, Texas 77008 (713-858-3951) appeared, presented information and stated that he was present regarding the Neighborhood Street Reconstruction Program currently on Cortlandt in the Heights, District H, his block was the only block not in the Neighborhood Reconstruction Program providing curbs and gutters and he was asking that a priority be placed on funding and they too obtain the curbs and gutters; that his block was not included because 12 years ago when he first tried to petition the City of Houston did not except it because there were not enough signatures, but the City of Houston owned five lots and they would not sign; that the interpretation of the rule was changed and now required 75% of the homeowners. Council Members Lawrence, Sullivan, Khan, Noriega, Green absent.

Mayor White stated that he understood procedures and backlog; and upon questions, Mr. Menger stated that everything between I-10 and 22nd Street was being reconstructed and all from 23rd Street north, his block was the only one not being reconstructed and it would cause both ends of his block to flood every time there was a heavy rain; and Mayor White stated that he would ask this be looked at and to Mr. Medina it seemed he may want to complete the job, particularly if the speaker correctly represented the situation as being a change in city policy, it was commonsense; that he understood in Public Works there was a backlog and that there had to be criteria, but he knew if there was a hole in the middle it was not much incremental cost to fill the hole compared to going back later on. Council Members Lawrence, Sullivan, Khan, Noriega, Green absent.

Council Member Lovell stated that this was Ms. Margaret Menger's brother and whatever they could do to help, it seemed like if they were fixing all the way around and not in the middle they would be creating a problem while fixing something and she would be glad for Public Works to check into it and see how it could be accommodated. Council Members Lawrence, Sullivan, Khan, Noriega, Green absent.

Council Member Jones stated that she could not see why they would leave one block out; and Mr. Menger stated that all other blocks had petitions signed by 75% of the lot owners and they tried, but the City of Houston owned 33% of the lots and at the time they would not do it but now policy was changed and they were trying to get into the process. Council Members Lawrence, Sullivan, Khan, Lovell, Noriega, Green absent.

Council Member Holm thanked Mr. Menger for bringing this forward and stated that the NSR Program was well defined, but sometimes they did do things that did not make sense and she did applaud this and there were two such projects in her district; and Mayor White stated that he thought it would be helpful for Mr. Medina to report back and identify the person by name, he would assume if something was wrong someone was in charge who had judgment...; sometimes there may be things from the cost benefit standpoint where you would want to fill it in, that was how he would do it; that they did need criteria, but he would like a memo from the person responsible to say how such a request should be handled. Council Members Lawrence, Sullivan, Khan, Brown, Noriega, Green absent.

Ms. Margaret Hotze, 5219 Bayou Glen, Houston, Texas 77056 (713-622-8589) appeared and stated that with Planned Parenthood coming there would be increase on abortions and more depressed women who would drink and take drugs and commit suicide and gave a scenario; and urged this be looked into as this would cause other problems such as increase in caring for them, etc. Council Members Lawrence, Sullivan, Khan, Brown, Noriega, Green absent.

Mr. Trueman Cummings, 2433 Winrock Blvd. #2423, Houston, Texas 77057 (210-391-4140) appeared and stated that he worked in the Aviation Department for 10 years and was a HOPE member and sat on the negotiation team, etc., and was asking if when Council passed the holiday ordinance was it their intent to make takeaways to overtime pay, it was not their intent; and he would ask this be fixed. Council Members Lawrence, Sullivan, Khan, Brown, Noriega, Green absent.

Upon questions by Council Member Johnson, Mr. Cummings stated that Ms. Valles could explain better, but it had to do with the way holiday pay was being handled. Council Members Lawrence, Sullivan, Khan, Brown, Noriega, Green absent.

Ms. Alejandra Valles, 4299 San Felipe #200, Houston, Texas 77027 (713-403-8888) appeared and stated that she was executive director of HOPE and chair for the Municipal Employees Consultation Committee on behalf of HOPE and she was present on behalf of all members and nonmembers in the City of Houston; that when Council voted to pass the holiday ordinance was their intent to make takeaways regarding overtime, they wanted employees to know the union negotiated to improve the pay from time and a half to double time and a half, but despite what the city said the union did not agree for takeaways in overtime and they were moving forward with their former grievance process and they were disappointed the city was trying to use the holiday ordinance to make cuts in overtime pay. Council Members Lawrence, Sullivan, Khan, Noriega, Green absent.

Mayor White thanked Ms. Valles for coming and stated that he did follow the course of negotiations, the particular questions being asked at the bargaining sessions by Mr. Hall and the intention of doing something they believed was preferable for employers on a perspective basis and the timetable of negotiations and he was not familiar with the issue she raised, but they did take this seriously and considered it to be a benefit in the ways changed and he would get a briefing. Council Members Lawrence, Sullivan, Khan, Noriega, Green absent.

Upon questions by Council Member Jones, Ms. Valles gave an example which was several departments had past practice which meant they were doing overtime on a daily basis versus a 40 hour work week so if someone worked an eight hour day and then worked an extra three hours they would get overtime, past practice and maintenance of standards did protect that; that the other issue of cuts in overtime pay was several departments, especially HPD and Fire and Public Works and Solid Waste was when employees did not work the holiday they got premium pay and it was counted toward the 40 hour work week and now in the departments the city took the position that the holiday ordinance would not allow for that holiday, base pay or premium pay to count toward hours worked overtime. Mayor White, Council Members Lawrence, Sullivan, Khan, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams thanked Ms. Valles and all employees present in support and stated that this was surprising because of what she read and looked at when the ordinance was passed and would like an example; and Mr. Valles stated that for example an employee did not work on MLK Day and they received base pay for it so they received 8 hours of pay and then that time did not count as hours worked in calculations for overtime; that in past practice for the department mentioned that had been the practice and in no way, shape or form did what they discussed did they give up the right for past practice, there was an article that was a

maintenance of standards article which protected employees to keep past practice; that the holiday issue was a very complicated issue which was dealt with in negotiations in a particular section for holiday pay in the ordinance and there was a completely different section on overtime and they did not have power or authority to deal with overtime according to the contract. Mayor White, Council Members Lawrence, Sullivan, Khan, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Brown thanked Ms. Valles for coming and stated that she was saying holidays did not count as base pay for purposes of figuring if you did your 40 hours and then you could get overtime pay; and Ms. Valles stated that they used to count, if you did not work on a holiday you received base pay, regular straight time, then it went into the calculation for overtime, the same as sick and vacation days, but because of the holiday ordinance the city was claiming this had changed and it was not the intent of the holiday ordinance and that was what they were asking Council, did they realize when they were voting for the holiday ordinance they were voting to also change practice; and Council Member Brown stated that he would like to be sent a memo of what was not clear and what she would like to see fixed and she should probably send it to all Council Members. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Jerri Talley, 4299 San Felipe, Houston, Texas 77027 (713-403-8888) appeared and stated that she was a 16 year HPD City of Houston employee and member of HOPE and as they spoke of the implementation of holiday pay rate, it had negative impacts on some employees, for some the eight hour work day was honored and not the 40 hour week, vacation, sick and holidays counted toward an employee's 8 hours, but the implementation of the new 2-1/2 times holiday pay caused other overtime to be negatively impacted and in the meet and confer agreement the maintenance of standards article was created to protect past practices in such situations where department directors had flexibility to do things different and nothing occurred to change calculations, however, they wanted to know if they intended to take away from overtime. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Ms. Talley stated that they were asking if Council intended for people to lose overtime because of the giving of the 2-1/2 times holiday pay because it was wrong and people were losing money; and Council Member Jones stated that she did not intend to rob Peter to pay Paul and to the Administration she would like someone to brief her on the intent and bring the collective bargaining so she could get a grasp, if something was done that did not do the intent it needed to be revisited. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Talley for coming and stated that she would ask Mr. Hall to give her additional information compared to past practices, she wanted to compare and see what was behind what they voted on as she did not remember anything about overtime being cut. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Rodney Randle, 5011 Gren, Houston, Texas 77021 (832-576-5846) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Fred Holland, 4401 Elmwood, Houston, Texas 77051 (713-521-0641) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Anthony Salazar, 4628 Woodside, Houston, Texas 77023 (832-782-3230) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

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. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he saw the new City Secretary and he was requesting more time to be heard; that he had defeated imposter Barack Obama; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Acting Assistant City Secretary stated that Mr. Barry Klein had previously been called and was not present, but was at this time and would be the next speaker. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Barry Klein, appeared and stated that he was president of the Houston Property Rights Association and was present regarding organizations imposing the proposed restrictions in yards, it was not justified with any public health and safety, it was an aesthetic question and violation of property rights and there was a conflict of interest with Council Member Rodriguez, last he checked he worked for a firm which accepted METRO contracts and he should be recuing himself from those decisions regarding METRO; and METRO's cost for the current rail plan was being hidden by them. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she did not believe Council Member Rodriguez worked at that engineering firm any longer; and Mr. Klein stated that they should find out for sure. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 4:01 p.m. City Council recessed until 9:00 a.m., Wednesday, January 28, 2009. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, January 28, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

Note: Council Member, District H Position, vacant.

At 8:33 a.m. the Acting Assistant City Secretary read the descriptions or captions of items on the Agenda.

At 9:33 a.m. Mayor White called the meeting to order.

MAYOR'S REPORT - Lake Houston Park

Mayor White stated that there would be the formal part of the Mayor's Report and then he would take one minute at the end of the Mayor's Report to talk about the next Mayor's Report and individual meetings he was having with City Council concerning the budget and would recognize Mr. Joe Turner, Director, Parks and Recreation, to talk about Lake Houston Park, whether that would be the name for the long run he did not know; that this would be the largest park that was close to a City center that preserved eco diversity and had wilderness features that could be used by scouting groups, church groups, birders, canoes, bikers or people who just wanted to get away from the City, that it was a very special place, that he also wanted to say to the Members of the City Council and to give a big thanks to those who helped them approve a historic agreement with parts of Montgomery County, the Woodlands Township, because to a considerable extent the new source of funding that they created, that otherwise would not be available through mechanism, was what would allow them to do some of this; and finally he for one, whatever he was doing after he left this job, both private funding and funding from outside the region, part of why they were talking about the master plan was to familiarize people with this particular project, because as always, he would be encouraging private funding opportunities that had let at least one group so that they would be able to get out; that the first people they met with, and thought part of the planning process, had been through some private funds that he had solicited and he wanted to thank publicly the Mitchell Foundation, George and Cynthia Mitchell Foundation, and Mr. Mitchell, for providing some funding, at their request, to help do the planning, the overall funding, for the type of things that they were going to be doing, would be provided by the Woodlands, the fund that they setup with Montgomery County, from sales tax outside the city limits of Houston, which were dedicated to that, that in addition they were seeking a State grant, that was the source of funding for the project, and recognized Mr. Turner.

Mr. Turner reviewed a slide presentation titled "Lake Houston Wilderness Park Master Plan", a copy of which is in the City Secretary's office for review; Mr. Turner stated that the park was currently managed by Mr. Paul Hendricks, and asked that he stand and be recognized.

Mayor White and Members of Council thanked Mr. Turner for his presentation.

Mayor White stated that under the historic agreement that they reached there were certain categories of expenditures and in the agreement itself, one that helped them build common

ground, was the development of the park, that the funds were available and were being used for projects throughout the City but were defined sources of projects that had a regional impact, that two examples that he would use were this park, some improvements in the major regional parks and some improvements resulting in greater ingress and egress to the Medical Center Complex, which of course was used by all people in their region, so they could not be used for other purposes.

Upon further questions, Mr. Turner stated that they had two lodges that were left over from the Girl Scouts camp that they currently operate, that they were group camps, one lodge was \$125 per night and the other was bigger and was \$165, that they were booked every weekend, that they knew the demand was there so when they build the cabins they would come back with a business plan that showed what they thought they needed to use, that the \$125 lodge slept 20 people and the \$165 slept 26 people; that

Upon further questions, Mayor White stated that in one sense the exact jurisdictional boundaries did not matter because they owned it in "fee simple", to be blunt it was City property and they had rights of property owners and had restrictions that were entirely appropriate that they insisted on, and the State, on the deeds, so that it would remain as a park and not be sold off; that he would say to them why they did emphasize to all stake holders, such as Harris County and Montgomery County and Liberty County, they had invited participation by other governmental entities in this kind of development, and a good example of that, the source of funding, was that they asked Montgomery County to fund the improvements of the roads from Highway 59 which would improve the accessibility for people from all of their regions including Houston, that it had come up before, even though it was a City park that the City owned only part of it was counted on their park space by the National Trust, where they did the park score card, but they wanted to be a good neighbor and emphasize to their neighbors that they would like for them to invest because it was a regional asset, that they wanted to have a feeling that everybody in the region should be free to participate, and Mr. Turner stated that they did have an operational interlocal that they were using with Commissioner Ed Rheinhart on some of the operations of the facility, that what he particularly did for them was help to maintain the existing roads that they had now and then he also helped them and brought in the inmate division that they used to help them clean up the park on a pretty normal basis, so he was helping them operate that park currently right now, that the interlocal detailed specifically those pieces just operationally but they were looking for other avenues for funding.

Upon further questions, Mayor White stated yes, the agreement was structured with all of their partners in such a way that it survived them, that it was in the deed restrictions, by which they obtained the land, and second, since they owned it in "fee simple" certainly no other jurisdiction could come along and tell them what to do with their property.

Upon further questions, Mr. Turner stated that the Botanical Group was not in Hermann Brown anymore and there were some further discussions going on and he would prefer not to say where they were looking at now; that they had not considered this park at all; and Mayor White stated that they had a study done concerning the types of locations and proximity to population centers where they would also have people visit; and Mr. Turner stated that he would add that the study also said that they needed a three mile radius, they needed a large volunteer base to help the Botanic Garden operate.

Mayor White stated that he wanted to thank Mr. Turner for his presentation.

Mayor White stated that as he had mentioned he would add one important note to the Mayor's Report; that it reflected something that he said in the State of the City, that their Nation, State and region faced very challenging economic times, that he was not saying it to spend nor to be pessimistic, but it would simply be a fact that with the US and global economy contracting,

getting smaller, there would be times where each of them would hear from their constituents and the news media of organizations which had laid off employees during the last year, that it was not a comment on National stewardship in any administration, that economic cycles existed and they knew some of the patterns that were in economic cycles and he would say that in prudence, that it was his judgment and would think that it would be of most people who followed economic statistics that these were going to be times where Houstonians would have to work together to deal with these new economic circumstances and if they did they would come out of it stronger; that also applied to them who were stewards of the public funds and public services, that he would be talking to Council Members individually concerning budget priorities, but it would be a different type of conversation in nature from conversations that had occurred at a time when they had the fastest growing economy in the Country, thank goodness they always used very prudent budget assumptions so that for some period of time they were able to build up cash reserves so that they could make expenditures and continue some of those expenditures, such as hiring new police officers and be able to pay them the next year, but he would be clear on this and it would be a topic in the next Mayor's Report and in budget hearings and in meetings with individual Council Members and meetings with directors that it was a time in which there would be less room for new initiatives, less opportunity for less hiring by the City government as the City government learned to live within it's means just as many of their families and businesses were within the community, that those suggestions they may not always agree or disagree, they had to find a fine balance, that there were many of them who wanted to meet more services of their population but he would ask Council Members to be thinking about those things which they could do in order to manage the City more effectively so that they were able to give those employees who performed for the City a sense of security, but it would be that there would be changes made from 5 year plans that they had for all number of departments, including those that consumed some of the largest amount of their budget.

Mayor White stated that they would move to the consent agenda.

CONSENT AGENDA NUMBERS 1 through 38

MISCELLANEOUS - NUMBERS 1 through 3

1. CONFIRMATION of the reappointment of the following to the **ETHICS COMMITTEE**, with two-year staggered terms:
Position Four - **DR. FRANKLIN D. JONES**
Position Six - **MR. NOMAAN HUSAIN**

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0024 ADOPTED.
2. REQUEST from Harris County AFL-CIO Council for confirmation of the reappointment of **MR. DEAN CORGEY**, to Position Two of the **ETHICS COMMITTEE**, for a term to expire December 31, 2010 - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0025 ADOPTED.
3. RECOMMENDATION to grant authority to the Director of the Department of Public Works & Engineering of the City of Houston to sign water rights applications on behalf of the City of Houston - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0026 ADOPTED.

Council Members Khan, Jones and Rodriguez congratulated Dr. Franklin Jones, Mr.

Nomaan Husain and Mr. Dean Corgey on their reappointment for the Ethics Committee and asked that they stand and be recognized and thanked them for their service.

ACCEPT WORK - NUMBERS 6 through 8

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,429,774.72 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 1.53% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - KHAN; G - HOLM; DISTRICT H and I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0027 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,577,025.98 and acceptance of work on contract with **PELTIER BROTHERS CONSTRUCTION, LTD.**, for Chimney Rock and Woodsman Trail Lift Stations Rehabilitation - 5.52% under the original contract amount - **DISTRICTS A - LAWRENCE and G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0028 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,979,996.32 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Northwood Manor Area - 2.69% under the original contract amount - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0029 ADOPTED.

PROPERTY - NUMBER 9

9. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and withdraw objections to the award in connection with eminent domain proceeding styled City of Houston v. Tom Linh Vo and Van Thi Hoang, et al., Cause No. 892,233; for acquisition of Parcel AY6-025; for the **LONG POINT @ BLALOCK INTERSECTION IMPROVEMENTS PROJECT (Oak Tree - Freedonia)**, **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0030 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 12A

11. ORDINANCE appropriating \$167,980.00 out of General Government Consolidated Construction Fund to apply Floor Resurfacing at Miller Outdoor Theatre for the General Services Department - was presented. All voting aye. Nays none. ORDINANCE 2009-0029 ADOPTED.
- 11a. **EPOXY DESIGN SYSTEMS, INC** for Floor Resurfacing at Miller Outdoor Theatre for General Services Department - \$159,981.00 and contingencies for a total amount not to exceed \$167,980.00 - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0031 ADOPTED.
12. ORDINANCE appropriating \$122,691.34 out of Parks Consolidated Construction Fund for purchase of Office Furniture and Module Walls for Parks & Recreation Department

Forestry Complex Relocation - was presented. All voting aye. Nays none. ORDINANCE 2009-0030 ADOPTED.

- 12a. **FURNITURE MARKETING GROUP, INC** for Furniture through the State of Texas Building and Procurement Commission's Contract for the Parks & Recreation Department - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0032 ADOPTED.

ORDINANCES - NUMBERS 18 through 38

18. ORDINANCE establishing the boundaries of single member districts from which District Council Members are elected; containing findings and other provisions related to the foregoing subject; containing a severability provision - was presented. All voting aye. Nays none. ORDINANCE 2009-0031 ADOPTED.
19. ORDINANCE adopting a three-year Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code - was presented. All voting aye. Nays none. ORDINANCE 2009-0032 ADOPTED.
22. ORDINANCE approving and authorizing Lease Agreement between the City of Houston, Texas, as landlord, and Westbury American Little League Inc., a Texas Non-profit Corporation, as tenant, for a tract of land consisting of 10.35 acres (Parcel A58-002), out of Tract 6-G, J. J. Settegast Partition, George Allen Survey, A-96, near West Airport Boulevard and Dryad Drive, Houston, Harris County, Texas, for a yearly payment of \$1,000.00, for a term of five years for the purpose of youth sports activities - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. ORDINANCE 2009-0033 ADOPTED.
24. ORDINANCE approving and authorizing Maintenance Agreement between the City of Houston and **TEXAS MEDICAL CENTER** for Repair and Maintenance of the Cambridge Bridge **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. ORDINANCE 2009-0034 ADOPTED.
27. ORDINANCE approving the closing to vehicular traffic of railroad crossings of Union Pacific Railroad Company Trackage by Delmar Street and Edgewood Street; rescinding Ordinance No. 2008-722 and replacing it in part with the present ordinance; vacating and abandoning those tracts of land to Union Pacific Railroad Company, the abutting owner, while reserving and retaining utility easements in the underlying property - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2009-0035 ADOPTED.
28. ORDINANCE appropriating \$949,873.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an Interlocal Agreement between the City of Houston and the **MIDTOWN REDEVELOPMENT AUTHORITY** for Design and Construction of McGowen Street from Smith to Hamilton - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2009-0036 ADOPTED.
29. ORDINANCE appropriating \$847,700.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Reconstruction of Gulf Bank Road from IH-45 to U.S. 59 - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2009-0037 ADOPTED.
30. ORDINANCE appropriating \$3,000,000.00 out of Water & Sewer System Consolidated

Construction Fund and approving and authorizing contract to **COASTAL PUMP SERVICES, INC** for Clarifier Maintenance, Repair and Replacement Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options \$4,878,200.00 - Enterprise Fund - was presented. All voting aye. Nays none. ORDINANCE 2009-0038 ADOPTED.

31. ORDINANCE approving and authorizing contract between the City and **THE WACKENHUT CORPORATION** for Security Guard Services for the Convention and Entertainment Facilities Department; providing a maximum contract amount - 3 Years with two one-year options \$24,207,160.00 - Enterprise Fund - **DISTRICTS D - ADAMS; DISTRICT H and I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2009-0039 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City of Houston and **INDUSTRIAL/ ORGANIZATIONAL SOLUTIONS, INC** for Assessment Process Center Services for Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options \$162,568.00 - General Fund - was presented. All voting aye. Nays none. ORDINANCE 2009-0040 ADOPTED.
33. ORDINANCE approving and authorizing contract between the City of Houston and **WATER ENGINEERING TECHNOLOGIES, INC** for a Web-Based Automated Submeter Data Collection System for the Public Works & Engineering Department; providing a maximum contract amount 3 Years with two one-year options - \$1,519,500.00 - Enterprise Fund - was presented. All voting aye. Nays none. ORDINANCE 2009-0041 ADOPTED.
34. ORDINANCE appropriating \$192,500.00 out of Street & Bridge Consolidated Construction Fund as a second additional appropriation to the Engineering Services Contract between the City of Houston and **COBB FENDLEY & ASSOCIATES, INC** for Design of Long Point Road from Hollister to Pech Road - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. ORDINANCE 2009-0042 ADOPTED.
36. ORDINANCE appropriating \$320,927.00 out of Parks Consolidated Construction Fund; awarding construction contract to **MILLIS DEVELOPMENT & CONSTRUCTION, INC** for Hobart Taylor Park; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering/materials testing, construction management, Civic Art Program and contingencies relating to construction of facilities financed out of the Parks Consolidated Construction Fund and Federal Government Grant Fund **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2009-0043 ADOPTED.
37. ORDINANCE appropriating \$5,470,975.00 out of Metro Project Commercial Paper Series E, awarding contract to **ANGEL BROTHERS ENTERPRISES, LTD.** for Generic City Wide Overlay Package #13 (Work Order Contract), setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E - was presented. All voting aye. Nays none. ORDINANCE 2009-0044 ADOPTED.
38. ORDINANCE appropriating \$3,724,851.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for

Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2009-0045 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,948,443.47 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Rogerdale Reconstruction from Westpark to Westheimer, 4.13% over the original contract amount - **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Lovell.

Council Member Khan stated that he had a comment on the Westpark Toll Road, that since the toll road was constructed there was a lot of fast traffic movement from west Houston towards the 610 Loop and what happened was at the end of the toll road it went into the Gulfton area and there was a tremendous traffic condition there and he would appreciate if somebody could visit with him, that there were some ideas from some of the people in the private sector who would like to share them so they could take a look at how to avoid the massive traffic congestion.

Mayor White stated that within Public Works he hoped he visited with the assistant director on Traffic and Transportation and would also say to all Members of City Council, who may hold positions of influence as elected officials or civic leaders, to come, that transportation improvements did not ease traffic congestion they just widen it unless they dealt with a bottleneck; that he knew that the Toll Road Authority, Mr. Story, was extremely familiar with, but it was a lesson that they all needed to be looking at as they looked at major arteries that came into their City in the future.

A vote was called on Item No. 4. All voting aye. Nays none. MOTION 2009-0033 ADOPTED.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,104,530.13 and acceptance of work on contract with **JERDON ENTERPRISE, L.P.** for On Call Intersection & Safety Improvements - 26.36% under the original contract amount - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; E - SULLIVAN; G - HOLM and I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. MOTION 2009-0034 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 14A

10. ORDINANCE appropriating \$84,787.50 out of Public Library Consolidated Construction Fund to install Art Canopies at the Jesse H. Jones Public Library for the General Services Department - was presented. All voting aye. Nays none. ORDINANCE 2009-0046 ADOPTED.

- 10a. **SPECIALTY CONSTRUCTION** for Installation of three Art Canopies for General Services Department - \$80,750.00 and contingencies for a total amount not to exceed \$84,787.50 – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0035 ADOPTED.
13. **SUPERIOR BUILDING SERVICES, INC** to Wash and Seal the Exterior Panels of the George R. Brown Convention Center for Convention & Entertainment Facilities Department - \$200,000.00 Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0036 ADOPTED.
14. ORDINANCE appropriating \$7,127,686.00 out of Equipment Acquisition Consolidated Fund and \$699,296.00 out of Reimbursement of Equipment / Projects Fund for the Purchase of Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for Various Departments – was presented, and tagged by Council Member Jones.
- 14a. **PHILPOTT MOTORS, LTD. d/b/a PHILPOTT FORD/PHILPOTT TOYOTA** - \$7,981,462.00; **BABY JACK II AUTOMOTIVE, LTD d/b/a CALDWELL COUNTRY CHEVROLET** - \$3,029,417.00 and **PFPP, L.P. d/b/a PLANET DODGE** - \$494,437.00 for Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for Various Departments - Enterprise and Various Funds – was presented, moved by Council Member Khan, seconded by Council Member Green, and tagged by Council Member Jones.

ORDINANCES

15. ORDINANCE authorizing the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series H-1, in an aggregate principal amount not to exceed \$100,000,000 for the purpose of providing money for certain authorized purposes; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of such Notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the Notes, including the approval of an Issuing and Paying Agency Agreement, a Credit Agreement, an Offering Memorandum and a Commercial Paper Dealer Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-0047 ADOPTED.
16. ORDINANCE authorizing the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series H-2, in an aggregate principal amount not to exceed \$100,000,000 for the purpose of providing money for certain authorized purposes; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of such Notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the Notes, including the approval of an Issuing and Paying Agency Agreement, a Credit Agreement, an Offering Memorandum and a Commercial Paper Dealer Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-0048 ADOPTED.
17. ORDINANCE determining the population of the City and the population of each of the Council Districts and determining that the populations of the existing City Council Districts are not materially unbalanced; making various findings and provisions related to the subject - was presented, and tagged by Council Member Jones.

20. ORDINANCE relating to the Retail Water and Sewer Rates of **NITSCH & SON UTILITY COMPANY, INC**; suspending for ninety days the effective date of the new rates and maintaining the current rates that shall constitute the legal rates of Nitsch & Son Utility Company, Inc. until changed as provided by the Texas Water Code - **DISTRICT B – JOHNSON** – was presented.

Council Member Johnson stated that as they looked at the rates if increase, while this company was looking for a 27% increase in the amount they were charging, it was going to be a tremendous impact on a lot of the citizens, that they were in older neighborhoods where the individuals were retired, that he wanted them to be very mindful of that when they were watching and monitoring these companies and going before the TCEQ to determine what was going to be a good rate if an increase was needed; that he appreciated the attention that Mayor White paid to the last company as they challenged it before the TCEQ and hopefully they would do the same for this company.

Mayor White stated that he hoped that those who may be watching this proceeding, or Ms. Stein could make a note of the following; that first he would start with State law, that it said that the views of the local jurisdiction carried great weight and it said that people could present evidence only that was presented at the hearing before the local government body; that he did not want to give mixed signals, he wanted to be clear, they did not need to have real expensive rate consultants, they had people who had business and legal backgrounds who were sitting at the Council table, if people brought balance sheets and income statements of those companies over time, if those requesting rate increases appeared before them and they asked questions of them, then he did not think that they needed to necessarily incur significant amount of legal fees and costs, that he was saying that to his own folks in order to be able to have a hearing and make some decisions, and if people watched what he did, that he offered last time to dictate into the record the findings and facts and conclusions of law, that people should watch and see what he was doing, he believed it would be sufficient and to protect the City's position, that there were not that many customers, that every customer was important obviously, but he was also saying to the people who applied for a rate increase, if they wanted a rate increase he would insure that people were treated courteously before the body, that there may be questions but they were going to be informational questions and he would be wanting to conduct it as they would an evidentiary hearing in a court of law, if they wanted that kind of thing; that they did expect them to attend; that he was saying to his own employees within Legal, Administration and Regulatory Affairs that they did not necessarily need a bunch of outside consultants, that he was not being critical of anybody but he knew there had been a historical concern that they could save costs and he could show people if they gave them the documentation in advance and if the people appeared before this, the individuals, he could show people how they conduct these hearings in an economical way.

Council Member Lawrence stated that she thought that Council Member Johnson had the majority of these districts, that she knew she had a few, that she was glad the City was addressing this, that they would talk about it today in the committee meeting at 2:00 p.m., this particular district, that Representative Callegari had met with them and Ms. Melba Pourteau, Legal, had written legislation concerning fire hydrants and rate increases to the nearest municipality; that two years ago she had a water district that wanted to go from \$250 per month, commercial property, to \$650 per month, that no notice was given except each person got a notice saying they would see a small bump in their water bill, that she thought that was much larger than a small bump, that she went out there because they were actually voting on it that day and she got 31 notices to ask for a hearing and they were able to keep it within, she thought, \$260, that was what they got, that these people were under 20 year leases on commercial property; that she applauded Mayor White, ARA and the Council Member of District B because they did need to get their hands on this and have more regulation and she hoped the State Legislators addressed this also this year, that many people did not even realize that the

City did not have complete control over these; that it was a major problem for Houston and they needed to let people know, especially the TCEQ, that these were the standards that they wanted to set; that again she hoped to see many of the committee members today at 2:00 p.m. at the Regulation Development and Neighborhood Protection Meeting.

Mayor White stated that as the long meetings he had yesterday indicated, and he may do more in the Mayor's Report, that the prices of electricity and chemicals for the water providers had skyrocketed over the last several years, so they were very sympathetic because they were a water provider and were going to have to figure out what to do with some of those costs so that they were able to maintain clean water and not incur excessive debt for the benefit of their future citizens.

A vote was called on Item No. 20. All voting aye. Nays none. ORDINANCE 2009-0049 ADOPTED.

21. ORDINANCE approving and authorizing reinstatement of Lease and Fourth Amendment to Lease Agreement (C37047), (as approved by City Ordinance No. 1996-1142) between **PROLOGIS**, as landlord, and the City of Houston, Texas, as tenant, for space at 2015 White Street for use by the Municipal Courts Administration Department and the Office of the City Secretary - **DISTRICT A – LAWRENCE** - was presented.

Council Member Lawrence stated that she and Crime Stoppers had an appointment this week with the Sherriff, whose office was at 1500 Baker, and as they were waiting she talked to some people about a very large nice looking building across the street, that she was informed that the building had been empty for a couple of years, that it was close to downtown, a block from San Jacinto, that she had a conversation with Mr. Christy to check the building out, that they had a very need by State and Federal law to do something with their records and keep them in a properly air conditioned building; that paying \$11,000 per month was a problem to her as far as not looking for another place, that they also had a problem with not having enough Municipal Courts in the City; that she thought it was something they needed to look at as they were paying that kind of money to protect records, that maybe part of it could be built out; that she realized everything had a price but certainly she would hope the County would work with them, they were not getting anything for that building it was just sitting there; that she hoped they looked at it and talked to the County about it; and Mayor White stated that Mr. Christy was a good one to refer that to.

A vote was called on Item No. 21. All voting aye. Nays none. ORDINANCE 2009-0050 ADOPTED.

23. ORDINANCE approving and authorizing contract between the City of Houston and **BAYLOR COLLEGE OF MEDICINE** for Professional Psychological Services for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options \$923,295.60 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2009-0051 ADOPTED.
25. ORDINANCE approving and authorizing the first supplement to each of the Water Supply Contracts between the City of Houston and the **NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY, THE CENTRAL HARRIS COUNTY REGIONAL WATER AUTHORITY, THE NORTH FORT BEND WATER AUTHORITY** and the **WEST HARRIS COUNTY REGIONAL WATER AUTHORITY** – was presented.

After discussion Mayor White stated that he thought at the appropriate time, maybe next week in the Mayor's Report, he would ask Council Members Khan and Sullivan questions on some long term issues facing the Combined Utility System, the Water Sewer Utility System

financial condition and focusing very specifically on issues involving the increased cost of electricity and chemicals and things like that to maintain water quality, and also focusing on the fact that as they pushed water conservation measures water consumption had not been going up with population growth, that historically water utilities were sort of using the growth in the product to support budgets to maintain the infrastructure, that now that the product was not growing their costs were going up faster than inflation, but not their prices, that they did not want to be in a position of having to defer maintenance.

A vote was called on Item No. 25. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0052 ADOPTED.

- 25a. ORDINANCE appropriating \$3,657,375.00 out of Water & Sewer Contributed Capital Fund; authorizing a pledge for additional funds out of Water & Sewer System General Purpose Fund established under Ordinance No. 2004-299; approving and authorizing the projects contract between the City of Houston and the **COASTAL WATER AUTHORITY** for the Construction of the Luce Bayou Interbasin Transfer Project – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0053 ADOPTED.
- 25b. ORDINANCE amending City of Houston Ordinance No. 2001-509, which gave the City of Houston’s consent for the creation of the West Harris County Regional Water Authority; deleting certain requirements relating to bonds issued by the West Harris County Regional Water Authority – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0054 ADOPTED.
- 25c. ORDINANCE amending City of Houston Ordinance No. 2006-230, which gave the City of Houston’s consent for the creation of the North Fort Bend Water Authority; deleting certain requirements relating to bonds issued by the North Fort Bend Water Authority – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0055 ADOPTED.
26. ORDINANCE approving the closing to vehicular traffic of railroad crossings of Union Pacific Railroad Company Trackage by Canal Street and Manchester Street; rescinding Ordinance No. 2008-722 and replacing it in part with the present ordinance; vacating and abandoning those tracts of land to Union Pacific Railroad Company, the abutting owner, while reserving and retaining utility easements in the underlying property - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0056 ADOPTED.
35. ORDINANCE appropriating \$164,835.00 out of Police Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **ROTH + SHEPPARD ARCHITECTS** for the Programming and Schematic Design Services for a new Fondren Police Station; providing funding for the Civic Art Program and contingencies related to the construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0057 ADOPTED.

NON CONSENT AGENDA - NUMBER 39

MISCELLANEOUS

39. **SET A PUBLIC HEARING DATE** regarding amendments to the Project and Financing Plan for **TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY (SOUTHWEST HOUSTON ZONE)** - **DISTRICTS F - KHAN and G – HOLM - HEARING DATE** -

WEDNESDAY - 9:00AM - FEBRUARY 11, 2009 – was presented.

Council Member Khan moved to set Wednesday, 9:00 a.m., February 11, 2009, as the date for a public hearing relative to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Twenty (Southwest Houston Zone), seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-00037 ADOPTED.

MATTERS HELD - NUMBERS 40 through 42

40. 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 - **(This was Item 7 on the Agenda of January 14, 2009, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0058 ADOPTED.
- 40a. RECOMMENDATION from Purchasing Agent to adopt award to **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 - **(This was Item 7A on the Agenda of January 14, 2009, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** – was presented, moved by Council Member Khan, seconded by Council Member Rodriguez. All voting aye. Nays none. MOTION 2009-0038 ADOPTED.
41. 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 – **(This was Item 11 on Agenda of January 14, 2009, TAGGED BY COUNCIL MEMBERS JONES, JOHNSON, HOLM, KHAN, GREEN and BROWN)** – was presented.

Council Member Lawrence stated that they started out trying to make it an ordinance just like most ordinances to encompass the whole City and not an op in, that was the last thing they wanted but two floors of Legal told them they needed to do an op in; that they also started to have an ordinance that would talk about flooding and what it would be like if people went out and concreted their driveway; that they had a companion ordinance that would be coming hopefully from the Flooding Committee the first week in May; that if the ordinance, Item 41, was approved, on about March 15, 2009 going into affect, people could not apply for the ordinance until the first two working days of the month so that would put it at April 1 and 2, 2009 to apply, that approval and going to Council was going to take at least a month so that would put them in May for the companion to come forward in May, so both ordinances would appear basically on the agenda at the same time, that because of getting Planning on board and all the things they had to do to get ready for people to op in with their neighborhood they wanted to go ahead and get it (Item 41) passed; that Public Works was working on a task force with developers, builders and real estate people that would discuss the submitting with the driveways etc.; that was a brief history and she wanted to be sure it was understood by all constituents; that she had a conversation with Citizens for a Responsible Growth and they now understood how these would come forward at the same time and would be very effective for the City of Houston and concerns for flooding.

Council Member Lawrence further stated that some of the Council Members had asked for amendments to come forward and offered the following written motions to amend Item No. 41:

“I move to amend Item 41 by adding, in Section 2 of the proposed ordinance, a new Section

28-305 entitled "Penalty" to read as follows:

Sec. 28-305. Penalty.

Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$150.00. Each day a violation of this article shall continue shall constitute a separate offense."

"I move to amend Section 2 of Item 41, by amending Item (2) of Subsection (c) of Section 28-303 to read as follows:

(2) A written petition signed by at least 60% of the owners within the area.

(c) Application; petition; who may file. A request to apply this section to a residential area shall be initiated by filing with the director a written application or petition as follows:

(1) An application authorized by the board and signed by the president of an active homeowners association or civic club that encompasses the residential area described in the application; or

(2) ~~If a residential area has no homeowners association or civic club, a~~
A written petition signed by at least 60% of the owners within the area."

"I move to amend section 2 of Item 41, to add new subsection (t) in Section 28-303 to read as follows:

(t) The director shall be authorized to promulgate rules and procedures for the efficient administration of this section, including provisions for the issuance of temporary permits that allow, on a limited basis and for a limited period, the parking of vehicles or equipment in areas where such conduct is otherwise prohibited by this section."

Council Member Johnson stated that he believed it was a good ordinance and thought it was going to be tremendously effective for the citizens of the City of Houston, that they had fought long and hard to try to improve the quality of life and certainly as they tried to increase property values in certain neighborhoods he thought it was absolutely the right ordinance to do; that his only concern had been how do they make it a fair and equitable ordinance across the board for all citizens of the City of Houston and passed out the following written motion to amend Item No. 41:

"I move to amend item No. 41 on the January 28, 2009, Houston City Council Agenda by amending Chapter 28, Sec. 28-303., m(2) to read:

The evidence presented shows that the residential area described in the application or petition at least two contiguous blockfaces"

Council Member Johnson further stated that his concern was that in many neighborhoods, Houston Hope areas and neighborhoods that did not have a civic association or an organizational structure, and even when there were communities that had a large renter population of single family residents it was going to be very difficult to get land owners to sign on the particular petition, so that was his concern as they were taking the opt in procedure; that when he looked at areas like Houston Hope, where they had a large plot of LARA lots, again their idea was to improve the quality of life and as they were trying to get people to move back in they wanted to make sure they had protection that the City of Houston should give to all residents, that the ordinance was a good ordinance and he simply would like to get a commitment, as he talked to Legal and Marty, as they tried to find ways to put in amendments or put in some provisions for neighborhoods like Houston Hope areas because at the end of the

day the idea was to create more and better development in the Houston Hope areas, but when there was not civic association or organizational structure it made it very difficult for those homeowners to enjoy the quality of life, while they had deed restrictions on the LARA lots where they could not park but the next door neighbor who might be a renter did not have those same restrictions, that they needed to be able to find a way to put in place provisions that would protect those residents, those areas that historically had been without the leadership of a civic club or civic association; that he would like to see how they might be able to, at another point, create provisions that would help them to help those particular citizens.

Council Member Brown stated that he would like to remind everybody that when they designated TIRZ they had two ways of doing it, by petition of the majority of property owners and by Council action after due process; that it seemed to him that one thing they might consider was to have a procedure by which a committee could hold public hearings on Houston Hope areas and so designate them as having this ordinance apply to those areas; that if they had the authority to do it with TIRZ they had the legal authority, he thought, in this case.

Mayor White stated that what they had tried to do and why they would prefer that it be tabled and give the first big step a chance to work, was as people around the table were well aware, they needed to have consensus at the table, they wanted to pass things that they could enforce and each of them that had driven around the City were familiar with the instances in which there were long standing patterns; that he was stating a fact, not making a point, for example he could think of one of the Houston Hope neighborhoods just north of Highway 610 where the streets were narrow, there were a number of the properties where renters had lived in the properties for some time and there was very little, if any, parking, that they were trying to balance the issues of what they do with the rental properties and for that reason what he would suggest was to do it step by step and this was a good first step with what Council Member Lawrence had proposed.

Council Member Johnson stated that he agreed that it was a good first step and did not want to hold up the progress and would support the ordinance as it stood and thought the commitment to insure that they were protecting all of the citizens of the City of Houston was, he thought, number one of all of their priorities, that he hoped that the legal team would look very closely at this to insure that they were in fact working on provisions to protect neighborhoods without the organizational structure, and moved to table his written motion to amend Item No. 41, seconded by Council Member Khan.

After further discussion by Council Members, Mayor White stated that what Mr. Icken was coming up with was going to be very important for this administration and the next and was not just having to do with parking in the streets but when the City of Houston decides that because of the flooding and drainage problems there was some public interest in how much asphalt and concrete was on a tract, that if anybody wanted to deal with a controversial topic then wait until the report comes out because Mr. Icken was good at listening to stake holders and having a mastery of the issues, but if they fail to consider it and instead thing they were going to build underground pipes that would build their way out of the drainage issue he would say that would not work.

Council Member Khan stated that most neighborhoods had deed restrictions and if they passed this ordinance and if there was a petition by the civic club, or even 60%, and they implemented it and there were some home owners who did not want to be part of it did that in effect mean they were changing deed restrictions for those homeowners or was it something that because it gave them the legal entity to make those changes, were they trying to implement changes to the deed restrictions through an ordinance; and Mr. Michel stated that it was going to be separate from the deed restrictions so they would not conflict, but he thought they could have a situation where if they had a different percentage for changes that they could make like

this then they might have a difference, but this was done under the police powers of the City in a separate process, that he frankly did not know how many instances they would have a civic club percentage that would be different than the 60%; and Council Member Khan stated that he would appreciate if they would, in the future, look at some of those situations also.

After further discussion, a vote was called on Council Member Lawrence's first written motion to amend Item No. 41. All voting aye. Nays none. MOTION 2009-0039 ADOPTED.

A vote was called on Council Member Lawrence's second written motion to amend Item No. 41. All voting aye. Nays none. MOTION 2009-0040 ADOPTED.

A vote was called on Council Member Lawrence's third written motion to amend Item No. 41. All voting aye. Nays none. MOTION 2009-0041 ADOPTED.

A vote was called on Council Member Johnson's motion to table his written motion to amend Item No. 41. All voting aye. Nays none. MOTION 2009-0042 ADOPTED.

A vote was called on Item No. 41. All voting aye. Nays none. ORDINANCE 2009-0059 ADOPTED AS AMENDED.

Council Member Clutterbuck stated she would like a moment of personal privilege and stated that Mr. Olof Hensen was in the audience and was a City Council Member from the City of Stavanger, Norway and was visiting with them today and asked that he stand and be recognized; that he was the President of the Stavanger City of Houston Sister Cities Program. Council Member Sullivan absent.

42. 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 – **(This was Item 13 on Agenda of January 14, 2009, TAGGED BY COUNCIL MEMBERS JOHNSON, LAWRENCE and BROWN)** – was presented. Council Member Sullivan absent.

Council Member Khan stated that they were going to have a special election on May 9, 2009 to fill the vacated seat in District H and wanted a point of clarification, the RCA stated that the reason for holding the election was resulting from the election of former Council Member Adrian Garcia to office, and technically he thought the reason they were holding the election was because he vacated the office of City Council, resigning from the position, not because he was elected, and Mayor White stated that was an "A" answer. Council Member Sullivan absent.

A vote was called on Item No. 42. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2009-0060 ADOPTED

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Clutterbuck stated that she had the District C Capital Improvement Plan meeting last night and wanted to express a sincere thank you to all of the good people from the City of Houston, the workers and employees of the City who did a good job for them and showed up last night on their time of to represent the City and answer questions from constituents, that she also wanted to thank the Office of Citizens Assistance who did an outstanding job helping out and appreciated the good representation and the prompt attention to detail that everybody had; that she thought it was important for all of them as citizens to understand that they had a list of wishes and wants and also a list of needs and the needs ideally were being addressed by the CIP and the voter authorized bonds, but as it was expensive to borrow monies these days it was her impression from the discussions they had

with the citizens of District C that they really did understand the need to tighten their belts, but to stay focused on the things that were the basics and the things that mattered in the City of Houston; that they had a closing meeting yesterday with Reytec Construction, it was kind of the final approval of Phase III of Kirby Drive, that they did an outstanding job and she encouraged all future contractors on that project or any other project in the City of Houston to follow the lead of Reytec Construction on the approach of how they could help, that they did an outstanding job and she wanted to thank the City of Houston employees who worked so hard on that. Council Members Sullivan and Holm absent.

Council Member Noriega stated that District H was still open for business and there was staff there and they were manning the phones; that the City of Houston Capital Improvement Plan meetings for District H would be Thursday, January 29, 2009, from 6:30 p.m. to 8:30 p.m. at the Westend Multi Service Center, 170 Heights Boulevard, if they had questions they could check with the District H office at 832-393-3003; that she wanted to do a shout out to Mr. Andres "Gunny" Ortiz of Denver Harbor for coordinating the Regional Community Emergency Response Team Drill (CERT) last weekend, that it was in preparation for the CERT Rodeo coming up in February, that teams from all over the City and Harris and Fort Bend County attended the drill and they wanted to thank the Houston Fire Department, Captain Ponce Lopez, Jackie Miller and Monty Rosen with the City of Houston CERT and Mark Sloan and Misti Gunn with the Harris County Office of Emergency Management; that she had the privilege of participating in the Martin Luther King Parade Foundation Parade and the Black Heritage Society Parade; that she wanted to honor a Houston family, that on January 21, 2009 they had a Houston family demonstrate the heroic and selfless qualities they all hoped to have in a crisis, the Preciado family was working two houses down from a neighbors home when they saw smoke and heard screams coming from that home, that they reacted quickly and without hesitation ran to see how they could help and the three Preciado's worked as team to help a frantic mother rescue her toddler son from the burning home and in the end had to rescue the mother as well from the fire when she was overcome by smoke, that it was a noble example of Houston citizen's helping fellow citizens in times of need, that the Preciado family did not ask for anything in return for their heroic but would get the undying appreciation of a grateful mother and a grateful City and they would join them February 17, 2009, at City Council to be recognized by the City Council and the Fire Department; that the Mayor's New Year New You Wellness Challenge Fair would be held January 31, 2009, Saturday, from 11:00 a.m. to 3:00 p.m. at the Independence Heights Community Health Center, 4440 Yale Street, that if they needed more information they could call the Mayor's Wellness Council at 713-558-9645 or call District H or her At Large Council Office to get more information; that she wanted to recognize Ms. Rhonda Sauder, the Chief of Staff for District H and former Council Member Adrian Garcia, that she had been with the City for nine years and would be leaving them on Friday, that she wanted to extend her thanks to Rhonda for all of her hard work and best wishes for her future endeavors. Council Member Brown absent.

Mayor White stated that they could Google the 2010 Capital Improvement Plan and when they popped up the capitol plan as adopted they could search and put a key map number and pull up all the projects in the key map, that it was something that people did not know, that they would try to inform people but as they used technology to provide these services they needed to let the citizens know. Council Members Clutterbuck and Rodriguez absent.

Council Member Adams stated that she wanted to thank Mayor White for meeting with her and Chief Hurtt and the Ministers Against Crime about some of the crime issues that were affecting District D; that she wanted to thank Chief Hurtt for agreeing to start of the year with a series of public safety forums and the first one would be held on February 5, 2009 in the McGregor area and would be hosted by the Wheeler Avenue Baptist Church, then in Fort Bend County, on February 26, 2009, they would host a public safety forum, along with Chief Hurtt at the Constable's office at the Boys' and Girls Club on Almeda; then in Hiram Clarke and the last one would be held in Montrose on April 23, 2009 at Saint Stephens Church; that on Saturday, January 31, 2009, there would be a Socks for Seniors Drive with Halloe & Associates Inc. at 10103 Fondren Road, that they were asking for socks or toiletries for seniors; that on Friday she would be hosting a Foreclosure

Townhall meeting at Mount Zion Church, 5530 Van Fleet, that it was about saving property and coming up with ways of preventing foreclosures; that she wanted to thank Roberto Medina, her former co-worker and colleague for his continued assistance and dedication to the Public Works Department and thank him for working with the Murray Group about the sidewalks; that yesterday they had some HOPE Union Members come to Council to discuss the holiday pay and they raised some issues and concerns and she asked Mr. Hall if he would brief them on what they brought to Council yesterday. Council Members Johnson, Clutterbuck, Holm, Noriega and Green absent.

Mr. Hall stated that he thought there were three issues raised yesterday, one was the issue of how overtime would be calculated when it involved holiday pay or holiday compensatory time off; that secondly there was a question of implementation of the Holiday Pay Ordinance that Council passed; and thirdly there was a question of what in the contract was called standards of past practices; that the reason that the issue was before them was in the negotiations with the union the single issue that was left open for resolution was the question of holiday pay and specifically what they agreed to, and what the City Council agreed to when they agreed to the contract, was that they would discuss that in the "mech", which was the mechanism for discussing these issues and they would make recommendations to Council for an amendment of that ordinance with a commitment not to reduce any of the benefits, the holiday pay benefits, that existed in the ordinance at the time, those meetings took place and that was done and they talked about it, he thought, on three different occasions in the "mech" and they actually significantly increased, recommended to Council and Council agreed, the holiday pay benefit, that it was openly discussed in the "mech" discussions and specifically pointed out that holiday pay or holiday compensatory time would not be used for purposes of calculating overtime under the Fair Labor Standards Act, that in fact it was specifically addressed in the ordinance they passed in a very clear and concise way so that it was difficult for anybody to argue that they did not know what was in there or what it was about, that he would read it, and it was a separate paragraph that said, "in all cases only actual hours worked, because they were required to by the department to be worked, would be counted for Fair Labor Standards Act purposes in determining overtime thresholds and/or overtime rates of pay for eligible employees, no holiday compensation or holiday premium pay related hours should be treated as actual hours worked for overtime determination purposes, nor shall holiday compensation, holiday premium pay amounts, be used in the calculation in overtime rates of pay", that he did not think it could be any more clear, that it was the subject of a series of questions by Council Member Holm and others at the hearing, there was a committee hearing on this ordinance and she specifically discussed and asked if that would be counted toward overtime pay and they gave her clear and concise answers about that, there was a public hearing so that the issue was thoroughly ventilated, so he thought that issue was clear; that the second one, and that was a question of implementation, they had some difficulty, particularly in the Police and Fire Departments for civilians, in implementing through their new computer pay program the actual provisions but he could assure them that they knew by name now all of the employees who did not have their pay correctly done, they were communicated with prior to the payday to indicate that difficulties existed and that they would be working through those in an effort to get all the computer programs changed to calculate that correctly and those would be resolved, everybody who was subject to the Holiday Pay Program and had to work on those holidays would be fully compensated pursuant to the new ordinance and it should be done by the end of the coming pay period; that primarily those employees were in the Police and Fire Departments and there were some other difficulties related to those; and thirdly, the Maintenance of Standards, or past practices issued had been, he thought, distorted some, they made it very clear through all the negotiations that Maintenance of Standards had to do with authorized practices, in other words if they had somebody who was violating an ordinance or violating the law and letting somebody do something they were not supposed to do that it was not a past practice or maintenance of any standards, that what they committed to maintain was all of the authorized provisions in the City's ordinances and regulations and everything else, but they could not take somebody who

was doing something they should not have been doing and call that a past practice that they were required to continue. Council Members Johnson, Clutterbuck, Holm and Green absent.

Council Member Adams stated that they wanted to make sure what the ordinance supported and what they voted on so the employees would know what was taking place, that she wanted to thank Mr. Hall for clarifying it. Council Members Johnson, Clutterbuck, Holm and Green absent.

Mayor White stated that there were numerous discussions of this language within the formal bargaining sessions over extended periods of time and if anything Mr. Hall, having long experience, including some experience 30 years ago bargaining for labor unions, was sensitive about the time table and pushing to get it wrapped up, as he recalled, before Thanksgiving, but the ball was not always in their court if they wanted somebody to agree they could not do something unilaterally, that there would be cases where, and he would say it with great respect for the labor organization, they may not be familiar with a particular employee's situation or a particular practice that existed in a department and then somebody would complain and they would point fingers at the City, but that did not mean that these things were not publicly discussed as well as discussed in collective bargaining. Council Members Johnson, Clutterbuck, Holm and Green absent.

Council Member Lawrence stated that her concern was in Public Works, that employees came to her and said they were doing a four day week and when a holiday appeared they were losing it, that she hoped they understood and she had not heard from them since then but there was a problem in other departments on holiday and four day working weeks. Council Members Johnson, Clutterbuck, Holm, Brown, Lovell and Green absent.

Council Member Jones stated that Environment Texas had a press conference and she and Council Members Khan and Brown were there so everything they were doing with going green and protecting their waterways from pollution was great; that she had staff in the parade because she was in D.C. at the inauguration; that she did some US Conference of Mayor's things for housing and it was helpful as well; that she went to the CIP meeting last night for District C; that yesterday she had a Housing and Community Development Committee meeting and if people were interested in becoming homeowners they had three programs that they talked about yesterday and the number was 713-522-4663; that there would be a Community Partnership Breakfast tomorrow morning at South Union Church of Christ off of Highway 288 and Holly Hall at 9:00 a.m.; that she wanted to thank Mayor White for listening to the people about the Palm Center, that there was a big community meeting and Council Member Adams and Pat Strahan was there and the community told her that they were thankful that the Mayor was willing to reconsider some plans for Palm Center because the community wanted it to go in a different direction, that Mr. Celli was also there; that there was an editorial in the Chronicle called "Bank on It" and Council Member Clutterbuck talked about a disciplined financial management approach which she said was the Mayor's style, that the article talked about a program that the Controller, Annise Parker, had and she appreciated that poor people did not always have bank accounts so in order for them to cash their checks every week they were charged for non bank holders some serious charges to cash their checks, that the Controller had done a collaborative effort with the FDIC, the National League of Cities, Federal Reserve Bank of Dallas and some Houston area banks and credit unions and Bank of Houston and would allow those people who did not have ordinary bank accounts to go so that they were not charged and she thought it was going to be tremendously helpful to a large portion of their citizenry. Council Members Johnson, Clutterbuck, Holm, Lovell and Green absent.

Council Member Rodriguez stated that there would be a barbeque fund raiser for the Houston Junior Forum School, which was a historic school in Magnolia Park, on Saturday, January 31, 2009, from 11:00 a.m. to 2:00 p.m. at the American Legion Hall at 7599 Ave C, that

he wanted to applaud the efforts of the parents and alumni for taking it upon themselves to try to raise money to actually buy the building of the existing school to save the historic school; that he wanted to commend HPD for all of the hard work and effort they had put into his district and their response, that for a few months his office had been receiving calls about heavy truck traffic cutting through the Hobby Airport neighborhoods and the neighborhood of Clinton Park so he reported it on a number of occasions and had not received an appropriate response from HPD Truck Enforcement so he would like to have the Mayor's help with the issue, that he personally witnessed heavy trucks running red lights on the Broadway, Belfort and Telephone road corridor tearing up esplanades and recently received a complaint about a heavy truck knocking over some newly planted trees in the esplanades. Council Members Johnson, Clutterbuck, Holm and Green absent.

Council Member Sullivan stated that there was an article in this week's Bay Area Citizen that quoted one of his colleague's saying that the City of Houston was not doing a good job in Clear Lake and he found those comments offensive to him as the District Council Member for that area and offensive to the Mayor and everyone else at the table, that two quotes from that article were "The City of Houston is a reactive government not proactive.", that he took offense to that because they were very proactive in that area; that the second quote was "Blank Council Member agreed that the City of Houston needs a bigger presence in Clear Lake", and noted that the 2010 redistricting efforts might make a difference, that was a certainly a shout against his bowel; that he sat down last night and typed something that he wanted to read for the record; that he had been in office for 12 months and worked very very hard in Clear Lake, that he met regularly with groups and associations, gave speeches to the Police and Fire stations to discuss challenges facing both, that he worked closely with the Clear Lake City Water Authority and was a tireless supporter of the University of Houston Clear Lake, that he worked closely with the San Jacinto College District and was currently pushing the City to repair and improve roads in Clear Lake, that he had also worked closely with NASA JAC and recently assisted Mayor White in recognizing NASA's 50th Anniversary, that Johnson Space Center Director, Mike Coats, came to City Hall so that he and Mayor White could showcase the importance of NASA JSC to their regional economy, that he worked and assisted in doubling funding to BAYHEP, that he had worked tirelessly to bring new businesses to Ellington Airport, that he was leading the efforts to develop a long range master plan for Sylvan Rodriguez Park that would make it more attractive to a broader base of users, that he was pushing Union Pacific Railroad right now to fix the railroad crossings all along Highway 3, that he had a commitment from Mayor White to conduct a comprehensive traffic study to improve traffic and mobility, that he had pushed HPD to put additional uniformed officers on the street from their new cadet classes and they were on the way, he was proud to say, that it needed to be noted and known that he and Mayor White personally went door to door in Clear Lake City apartment projects asking residents to evacuate for their own safety the day that the hurricane hit; so he would just say for people to be much less critical of his hard work and the results that he was achieving in the Clear Lake area, that he was very proactive for his constituents; that the negative comments and false promises were not how this City Council operated, that he knew it was an election year and frankly he was up for election to, that he did not need anyone out there saying bad things about him that were untrue, that if he did not do a good job by golly sit down and talk to him about it, do not go out into his district and say things that were not true. Council Members Johnson, Clutterbuck, Holm and Green absent.

Council Member Lovell stated that they were going to have a Quality of Life Committee meeting on Thursday, February 5, 2009 at 10:00 a.m. in the Council Chamber, that on the agenda the Mayor would be talking about graffiti, that she wrote an op ed that was fortunate to make the front page of the Outlook in the Chronicle, that they got clobbered pretty good during the holiday season and thought their abatement efforts were not what they should be, but the truth was that they were going to have a difficult year next year deciding how to spend their monies, that they spent a million dollars abating graffiti, that she was not naïve enough to think

that the people in the Arts Community did not know who the big taggers were so they were asking them to join in with the rest of Houstonians and make some sacrifices and not do it because that million dollars that they had to spend may be taken away from legitimate art programs because they knew that their budget cycle was going to be difficult this time, that also part of that meeting would be proposed changes to the Historic Preservation Ordinance; that this Saturday she and Mayor White were hosting a fundraiser for Bridge City Little League, that she had passed out a flyer and she would ask that they join them, that she wanted to thank the Houston Astros, Neighborhood Centers, Inc., Workforce Solutions Southeast Texas and Houston Contractors Association for being sponsors for the event, that Reid Ryan, son of Nolan Ryan, was going to be there representing his dad, that the CEO of Ryan Sanders Baseball, Don Sanders, was going to be there, that she wanted to thank former Council Member Bert Keller who had been a partner in this effort with her, that their special guest would be Senator Tommy Williams and Bridge City Little League President, Brigg Patterson, that there would be other surprise guests to, that if they wanted to make a tax deductible contribution they could call her office at 832-393-3013 and make the check out to Bridge City Little League; that the Houston Public Library was having an exhibition of photographs taken by homeless children which would open on Thursday, January 29, 2009, that there would be a public reception from 6:00 p.m. to 8:00 p.m. at the Jones Gallery on the first floor of the Downtown Library; that Captain Unruh of the Houston Fire Department was now at home and recuperating and they wanted to say how pleased they were for his family; that they all mourned the loss of Mack, the two year old Asian elephant, who died of a Herpes virus, that at a press conference today she would announce today that Baylor College of Medicine and the Houston Zoo had joined forces to find a vaccine and find a cure for the virus so they could save their young elephants and she wanted to thank them for their efforts in doing that; that 2009 was the Year of the Ox in Chinese Astrology and the Ox was seen as a hard worker and driven to succeed, that this year in Houston it might be a good symbol for them because they were going to really be driven to succeed. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Green and Jones absent. (No Quorum Present)

Mayor White stated that it commended leadership across the table because when a storm came in people had to do things that they did not plan on doing and the reason was that they did not want something worse to happen to them if they were not prepared and they did not want to be in a situation where they had to compromise essential City services or have somebody who was performing well be told that they did not have a job at the City of Houston, so by looking at the budget people should look at it as an opportunity to be prepared so that they could dodge the bullet. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Green and Jones absent. (No Quorum Present)

Council Member Lovell further stated that on January 30, 2009 she would be joining Mayor White at Memorial Park for the groundbreaking on the Living Bridge, which was very exciting, that it was a bridge that was covered with plants and trees and would blend into the environment. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Green and Jones absent. (No Quorum Present)

Council Member Lawrence stated that Council Member Sullivan's CIP meeting would be tonight at 6:30 p.m. at San Jacinto College; that today at the committee meeting it should not be very long, ARA was making a presentation concerning utility districts and it would be a big help to Council Member Johnson; that if Anna Russell was listening they all missed her, that City Council was in good hands with her staff and they looked for her speedy return, that she enjoyed talking to Ms. Russell yesterday during the Council meeting, which she was listening, that her re-cooperation was coming along very well and she was anxious to get back; that her CIP would be on February 2, 2009 at Spring Woods High School at 6:30 p.m.; that they wanted to say "hats off" to Forest West, they were right next to a number of apartments and if they remembered Officer Abernathy was killed at some apartments right there off of Antoine, that

they were doing a barbeque for that family on Saturday and she invited everybody to come by, that it would be at a private baseball field that people at Forest West had literally carved out, that they kept it up and it was a very active baseball field and topnotch, that the barbeque would be at 11:30 a.m. on Saturday; that she wanted to thank all the people who showed up in 40 degree weather this past Saturday, that people showed up at 6:00 a.m. and people came from Bryan, that she wanted to thank Mayor White for coming, that 12,500 trees were planted in 14 esplanades on Clay Road, that it was wonderful to see many kids groups who came from all over the southern part of Texas to participate in something like that; that on Thursday at 4:30 pm. a park that had existed in the Hempstead Highway and northern Gessner area, a park called Carverdale, they were changing the name to RL and Cora Johnson Park, that they were a couple who on the next day would have their anniversary of 61 years of marriage and they had really done everything they could imagine, from having a community center built there and then partnering with Cyfair to do educational accomplishments, that they had fought hard for the Coverdale Neighborhood group and the group was very active, that everyone was welcome to come. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (No Quorum Present)

Mayor White stated that he asked for a clear set of instructions to be sent to City Council Members, their staffs and all citizens by email, that they wanted citizens who did not know the project number necessarily or did not necessarily attend civic club meetings to go in and be able to find what was being planned in their neighborhood, for the CIP, for the next five years. Council Members Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Khan stated that the District F CIP meeting would be on February 5, 2009, a week from Thursday at Sharpstown Recreation Center located at 6600 Harbor Town, that he would request all of his colleagues to come and join them; that in the Mayor's Report Mayor White stated that there may be less opportunities for new hiring, that the last thing that he wanted to see was the City of Houston laying off people, that he would rather see a job hiring freeze or would even rather see voluntary, across the board, reduction in salary before laying off of people, that he would rather live with less salary for himself than having to see somebody get laid off, that was what he would challenge the private community; that yesterday morning there was a tragic accident on Harwin and Boone Road and he wanted to express his condolences to the families of the two people killed, that he wanted everybody to know that it was not a police chase, that it was a routine traffic situation, that the little section, according to the reports that he had received, about 25 accidents in the last 24 months, that their traffic department knew about it and had done a lot of work to find a solution to this, that he was suggesting the HPD and Public Works take a look and see what could be done; that there was a new Staples Store which opened up at 8235 South Gessner and he was there for the new opening; that they had an opportunity to vote on Viewers Choice for a UT student, Ms. Chinatown Houston, who was competing for the Miss Chinatown USA Pageant, so he hoped they would vote for Miss Cindy Wu. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Brown stated that he was a resident of District C and Anne Clutterbuck was his Council person and he had sat down many times with her and they had talked about how they could make things better in District C, ideas to improve the quality of life in her district and he thought it had been a very productive relationship, that his view of all of them was that they worked very hard to serve the people of Houston and spent a lot of time at it and tried to be very conscientious and he would say that about all of his fellow Council Members, but in some cases he believed that they could have a dialog with the public and say they could do better and nobody, no Council Member, should be defensive about that; that Palm Center was a great place of opportunity for that part of Houston, that it had a new park and had a library coming and had a YMCA, but thought they needed a larger vision of what it could be, that he would say the

same thing about the 120 acres of the Six Flags site, which was now up for sale, that he hoped that with the businesses community and government could all work together; that next time he would talk about the Houston Community Youth Corp, which he thought was a very intriguing idea for moving forward with some new initiatives in their neighborhoods. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (No Quorum Present)

Mayor White stated that on Item No. 23 he had been at two sites where there were colleagues there with a person who was on the ground with no vital signs, where the men and women who were with him, were standing there, that both in this and in Police, and frankly if anything he wondered and would say to their Public Works professionals, in light of what had happened in Public Works and the Right-of-way Maintenance and two losses, it was a pretty serious issue when they were dealing with psychological services and were dealing with people who had been with their colleagues and one minute they were there and the next minute they were trying to explain to families and trying to get up and go and hit that next alarm bell, that he wanted to explain to people that it was very serious. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that she wanted to recognize her former staff person, Mr. Christopher Banks, who was present in the audience, that they were proud of him and knew that he was doing a great job at Neighborhood Centers. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 12:14 p.m. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Noriega, 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

Barbara Guzman, Acting Assistant City Secretary