

City Council Chamber, City Hall, Tuesday, February 10, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 10, 2009, Vice Mayor Pro Tem Sue Lovell 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, 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; Ms. Marty Stein Agenda Director, Ms. Marta Crinejo, Assistant Agenda Director and Ms. Stella Ortega, Agenda Office present. Mayor Bill White absent on personal business.

Note: Council Member, District H Position, vacant.

At 2:04 p.m. Mayor White called the meeting to order and stated that Council Member Khan would begin presentations. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Jones invited Mr. Kevin Sumlin, head coach at the University of Houston and Justin Moore to the podium and stated that the Houston Cougar Football Program played its first season in 1946 and throughout their history had won 10 conference championships and several players were in the college hall of fame; and on December 31, 2008, they had a record setting ground and downed the air force 34/28 during this years Armed Forces Bowl; and presented a Proclamation to Coach Sumlin proclaiming today as "University of Houston Football Day" in Houston, Texas. Council Members Lawrence, Sullivan, Holm and Rodriguez absent.

Council Member Brown stated that February was a great month and today they were recognizing American Heart Month and the American Heart Association and invited representatives with his presentation to the podium. Council Member Brown stated that today they were recognizing the association for taking decisive action with the cardiovascular disease problem; that they appreciated all involved with such a worthy cause; that each day 2,400 Americans died with cardiovascular disease; and presented a Proclamation to the American Heart Association proclaiming February as "American Heart Month"; and a spokesperson thanked all for the recognition and allowing the community to know how important it was to take care of your heart. Council Member Sullivan absent.

Vice Mayor Pro Tem Lovell and Council Members thanked the American Heart Association for raising awareness of the disease. Council Member Sullivan absent.

Ms. Raider stated that they were thrilled to be present and recognize the City of Houston as a partner of the American Heart Association and for their leadership role in promoting workplace wellness; that the City of Houston was literally walking the talk and presented awards to 20 departments. Council Member Holm absent.

Ms. Simian stated that she was the council for the Cardiovascular Disease and Stroke out of Austin, Texas, and was bringing greetings from the Governor and Department of Health and Human Services; that this was well deserved, heart and stroke was the number one and third leading cause of death and presented an award to the City of Houston for all they had accomplished, in 2006 they received a Silver Level and this year for 2007 they were receiving a Gold Level; and thanked all. Council Member Holm absent.

Council Member Johnson stated that he had great pleasure to introduce a great organization and great lady and invited representatives with his presentation to the podium. Council Member Johnson stated that they were recognizing Ms. Theola Robinson, founder of

Benji Academy, Ms. Robinson was facing a personal dilemma when her young son at the age of two suffered a fall and was diagnosed mentally retarded; that she dreamed of children like him having a bright future with the right patience and education and in 1981 Benji Academy was founded and it aided children with special emotional, physical, mental and environmental needs in the Fourth Ward; and presented Ms. Robinson a Proclamation saluting and commending Ms. Robinson and Benji Academy and proclaimed today as "Benji Academy Day" in Houston, Texas.

Council Member Jones stated that she was always thankful when she saw people bringing schools into the neighborhood and she would be happy to help her do what she did.

Ms. Robinson thanked God for his grace and mercy and for using her as a vehicle to education young people; and thanked all for the recognition.

Vice Mayor Pro Tem Lovell stated that on a point of personal privilege it was appropriate today they spoke about heart because today she had a heavy heart, she was announcing the City of Houston had lost one of its great citizens and leaders and the Council had lost an esteem colleague, Eleanor Tinsley died earlier this morning; that she would not ask for a moment of silence because there was nothing silent about Eleanor Tinsley; that she would ask all to remember her family in their prayers and this week throughout the city there should be standing ovations for a life that was well lived; that the City of Houston was a great city due to the leadership and courage of leaders like Eleanor Tinsley; that the first campaign she worked on was for Eleanor Tinsley and now 40 years later she sat as a Council Member in the same City Council seat she held for 12 years and she and her staff thought of At-Large II as Eleanor Tinsley's council seat and every day tried to follow her example; that she was a champion and defender of the rights of all people of Houston and she would be missed and celebrated.

At 2:36 p.m. Council Member Holm led all in prayer and in the pledge.

At 2:37 p.m. the Acting Assistant City Secretary called the roll. Mayor White absent on personal business. Acting Vice Mayor Pro Tem Lovell presiding.

Council Members Khan and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor White absent on personal business. Council Member Johnson absent. Vice Mayor Pro Tem Lovell presiding. MOTION ADOPTED.

Council Member Khan moved to suspend the rules for the purpose of moving Mr. Faisal Amin ahead of Dr. Barkat Charan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on personal business. Council Member Johnson absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0055 ADOPTED

Council Member Adams moved to suspend the rules for the purpose of adding Ms. Mattie White and Ms. Nadine Lewis to the bottom of the one minute Non-Agenda Speakers List, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Johnson absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0056 ADOPTED

At 2:36 P.M. the Acting Assistant City Secretary began calling the public speakers. Council Member Johnson absent.

Ms. Ann Kennedy, 1705 North Blvd., Houston, Texas 77098 (713-252-0468) appeared and stated that she was resident of Boulevard Oaks and present to speak on the tree and shrub ordinance on behalf of the Boulevard Oaks Tree Committee and various civic clubs; that they appreciated the ordinance and the only change they would like would be allowing the Live Oaks

to be planted under the power lines; and asked all present with her to stand to be recognized. Council Members Johnson, Adams and Rodriguez absent.

Upon questions by Council Member Brown, Ms. Kennedy stated that on Dunlavy huge limbs from trees fell over power lines and broke the cement during the last storm but not one branch from the Live Oaks fell; that they were uniquely qualified to withstand hurricanes and also disguised power lines because of the breadth of the canopy. Council Members Johnson, Adams and Rodriguez absent

Council Member Holm stated that what she was saying was they wanted affirmation Live Oaks could be planted under power lines as they were a good species to plant there; and Ms. Kennedy stated yes, that was well put. Council Members Johnson, Adams and Rodriguez absent

Upon questions by Council Member Khan, Ms. Kennedy stated that she was in favor of planting new Live Oaks under power lines and they could be trimmed in a manor to disguise power lines; and they did support removal of trees from under power lines which typically fell in huge storms. Council Members Johnson, Adams and Rodriguez absent

Council Member Brown stated that in the list of trees not permitted under power lines in the ordinance he found it unusual; and upon questions, Ms. Kennedy stated that the list of trees deserved careful scrutiny to be certain no trees that could survive well would not be allowed; and Council Member Brown stated that he agreed 100%. Council Members Johnson, Adams and Rodriguez absent

Council Member Jones stated that she supported what she said and they did need to be clear on crafting ordinances so they would do what they were intended. Council Members Johnson, Clutterbuck, Adams and Rodriguez absent

Vice Mayor Pro Tem Lovell stated that she chaired the Quality of Life Committee and the ordinance came through their committee and they had great discussions and they were listening to what the public had to say and would go back and look at some things; that they may tag the item tomorrow or pass it and take the tree list out and have more discussion on trees and what would be necessary to take care of the special trimmings. Council Members Johnson, Clutterbuck, Adams and Rodriguez absent

Mr. Faisal Amin, 10370 Richmond Avenue #125, Houston, Texas 77042 (281-788-9573) appeared and stated that he was present to thank Council Members and express his support for the proposed Houston/Karachi Sister City initiative; that he served on a number of business and trade associations in Houston and his support was in creating more economic development and prosperity and job creation in the area; that Houston, specifically Texas, was the largest trading partner for Pakistan and the Port of Houston was the largest recipient of trades and services for Pakistan and specifically Karachi. Council Members Johnson, Adams, Holm and Rodriguez absent

Council Member Khan stated that he wanted to recognize Mr. Amin as a leader of Houston, he worked very hard on this initiative; and upon questions, Mr. Amin stated that in 2007 he took officials from the State of Texas to Pakistan and when findings were presented to Governor Perry within six weeks he asked another party go to Pakistan and that led to recruiting companies wanting to expand in the U. S. and as a direct result a substantial number of companies had already established a U. S. presence. Council Members Johnson, Clutterbuck, Adams, Holm, Rodriguez and Green absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Council Member Khan for all his work on this sister city relationship. Council Members Johnson, Clutterbuck, Adams, Holm, Rodriguez and Green absent. (NO QUORUM PRESENT)

Council Member Jones commended Council Member Khan for all his work and stated that with a sister city you needed volunteer support to make sure it worked and the Pakistani community was a strong community who did a lot to revitalize the southwest part of town and there was a reason the Port of Houston wanted to work with this sister city relationship, the majority of our commerce came in and out through the Port and they knew who generated money. Council Members Clutterbuck, Holm, Rodriguez, Noriega and Green absent.

Dr. Barkat Charania, 10516 Kipp Way Drive #D, Houston, Texas 77099 (713-875-1448) appeared and stated that he was present supporting the Houston/Karachi Sister City relationship; that it had been going on a long time and Council Member Khan had taken leadership; that he had managed a hospital in Karachi and his family was in the business of imports and exports and they still maintained an office there and here; that every relationship depended on a mutual trust, respect and benefits and they should be open; and urged a vote in favor of the relationship tomorrow. Council Members Clutterbuck, Holm and Rodriguez absent.

Mr. Muhammad Saeed Sheikh, 8743 Iron Arbor Lane, Houston, Texas 77095 (281-948-1840) appeared and stated that as president of Chamber of Commerce USA for the term 2008 he extended his full support for the formation of the sister association between Houston and Karachi; that he met with the Mayor of Karachi and his team members and they were very excited in this alliance; that Karachi generated 68% revenue of the whole of Pakistan and the USA could play a significant role in this alliance; and thanked Council Member Khan for his work in the initiative. Council Members Holm and Rodriguez absent.

Council Member Brown moved to suspend the rules for the purpose of hearing Mr. Hugh Rice Kelly after Mr. Muhammad Saeed Sheikh, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on personal business. Council Members Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0057 ADOPTED

Mr. Hugh Rice Kelly, 1936 Rice Blvd., Houston, Texas 77002 (713-562-7070) appeared, presented DVD's of Live Oaks and stated that in talking of Live Oaks they should not lose fact that the Quality of Life Committee and Citizens Committee did an outstanding job on proposing amendments to the tree and shrub ordinance and his DVD's would answer many of their questions. Council Members Holm and Rodriguez absent.

Council Member Clutterbuck stated that she would be with the HGAC tomorrow and not able to be present during the meeting, but knew there was a movement and looked forward to seeing what tomorrow's vote produced. Council Members Holm and Rodriguez absent.

Vice Mayor Pro Tem Lovell stated that there was a movement and they were listening, but there were questions to be answered such as who would pay for special trimming of the Live Oaks and she believed all agreed the tree list needed to be looked at again; that all at the table wanted appropriate trees planted in appropriate places; and thanked Mr. Kelly for all his work. Council Member Rodriguez absent.

Ms. Naila Qureshi, 12731 DeForest, Houston, Texas 77066 (281-586-8209) appeared and stated that she was honored to be present representing the city which made her what she was today; that she was a citizen of Houston and Karachi and Houston were almost twin cities sharing very much, many attributes, both big and exciting metropolitan cities serving as gateways to countries they represented and both had very diverse populations with great

educational institutions and hospitals with a “can do” attitude; and urged the cities become closer. Council Members Rodriguez and Green absent.

Council Member Khan stated that this initiative was started during the previous Administration with Mayor Brown and for whatever reason took its time, but this did not happen over night and he congratulated Ms. Qureshi and all volunteers who had worked to bring it to this point. Council Members Rodriguez and Green absent. Council Members Holm, Rodriguez and Green absent.

Council Member Brown thanked Ms. Qureshi for coming and stated that having been involved in another sister city funds had to be raised privately to undertake exchange activities; and upon questions, Ms. Qureshi stated that they had a fabulous network of volunteers. Council Members Holm, Rodriguez and Green absent.

Ms. Wessie Scyrus, 2901 Fulton, Houston, Texas 77009 (713-237-0713) appeared and stated that she was present several weeks ago requesting information on handicapped accessible housing and today was present as she had yet to be informed as to what was available in public housing and what she might expect in terms of being housed in handicapped housing; that the Housing Authority and been poor stewards and so had the city government for not holding them accountable. Council Members Khan, Holm and Green absent.

Council Member Jones stated that she remembered her coming and it was her understanding the Housing Authority would speak with her; that she was having a Housing Committee Meeting coming up, though she could not remember the date, she had invited the Housing Authority to come and present information such as deadline on converting vouchers or lose it forever and regarding complaints against them and they did say they would come; that the city did not control them, they were separate but they would try and work with them. Council Members Khan, Holm and Green absent.

Council Member Adams stated that Mr. Michelman was present from the Houston Housing Authority and he would meet with her at this time; that she did thank him for visiting her office last week on the same issues. Council Members Khan, Holm and Green absent.

Vice Mayor Pro Tem Lovell stated that Mr. Jeff Anderson with the Mayor’s Office of Disabilities was also present and possibly after the other speakers he could meet with them. Council Members Khan, Holm and Green absent.

Ms. Lavricia Scyrus, 1520 Tillette #305, Houston, Texas 77019 (832-605-4075) appeared and stated that she was a resident of the Housing Authority at Big Three Apartments and her manager, Ms. Hicks, said she would have to move because her income had changed; that she lived in an income based apartment and nothing in her lease stated that and she refused to give her anything in writing; and she would like advise. Council Members Khan, Holm and Green absent.

Vice Mayor Pro Tem Lovell stated that Mr. Michelman with the Houston Housing Authority was present and he would meet with her at this time. Council Members Khan, Holm and Green absent.

Council Member Jones stated that she would like an update on the discussion with Ms. Scyrus.; and thanked her for coming. Council Members Khan, Holm and Green absent.

Ms. Mattie White, who was previous added to the Speakers List, appeared and stated that she was also a tenant of the Allen Parkway Village and they did not have proper representation there for resident council and if they went to the office with valid reasons they felt threatened

and personal property may be damaged and she was asking for help. Council Members Khan, Holm and Green absent.

Upon questions by Council Member Jones, Ms. White stated that she asked the resident council to hear her claims and no one from the office came to the meeting and the resident council said she sided with the complex and none of her issues were settled and now she was receiving a monthly letter stating she was to be evicted; and Council Member Jones stated that she was welcomed at the committee meeting also. Council Members Khan, Holm and Green absent.

Council Member Rodriguez stated that he represented the Village and it was a quiet and peaceful community and he had a person present from his office to speak with her and take her particulars. Council Members Khan, Holm and Green absent.

Vice Mayor Pro Tem Lovell stated that after the next speaker, Ms. Lewis, the four of them present on this issue would be taken to a conference room by Ms. Vasquez so they could meet with the Houston Housing Authority and hopefully have their issues resolved. Council Members Holm and Green absent.

Ms. Nadine Lewis, who was previous added to the Speakers List, appeared and stated that she also lived in Allen Parkway and she needed a three bedroom for a long time, she was raising 2 great grandsons and one was HDAD, she could not go up and down the steps well and would like help right a way. Council Members Holm and Green absent.

Vice Mayor Pro Tem Lovell stated that Mr. Michelman was present and he would speak with her and others present on the issue in a conference room. Council Members Holm and Green absent.

Mr. Ron Stallings, 7802 Sunset Falls Court, Spring, Texas 77379 (281-788-1556) appeared, presented information and stated that he was present on a personal nature, he was soliciting Council to expand his resume and search for employment; and ask if there was any opportunity for employment with the City of Houston or businesses doing business with the City of Houston. Council Members Holm and Green absent.

Vice Mayor Pro Tem Lovell stated that there were employment opportunities on the City of Houston website; thanked him for coming; and wished him well. Council Members Holm and Green absent.

Mr. John Davis, 12826 Fawnway Drive, Houston, Texas 77048 (713-492-2816) appeared and stated that after signing up he started receiving calls from city departments trying to address his concerns, but on another issue he was a resident of Kennedy Heights and his concern was the trail riders parade on Martin Luther King Day which culminated at Orem and MLK, it was the trash and filth which remained to date; that the parade quickly turned into a rally without supervision or coordination and without sufficient security; that there was no emergency personnel and no cleanup afterward. Council Members Sullivan, Holm and Green absent.

Council Member Adams thanked Mr. Davis for coming and stated that she thanked Alice Coffee who was working with him on a tree cutting issue and on the permitting he had a good issue; you needed a permit for a parade and if debris was left behind they should be responsible for cleanup; that they were working with community leaders on cleanup down MLK. and to have scheduled cleanups, but ordinances needed to be enforced Council Members Sullivan, Holm and Green absent.

Vice Mayor Pro Tem Lovell stated that Ms. Susan Christian head of the Mayor's Office Special Events was present and Mr. Dan Pederson with Parks and Recreation was present and his issues could be addressed with them. Council Members Sullivan, Holm, Rodriguez and Green absent.

Upon questions by Council Member Jones, Mr. Davis stated that it was a large event and people came from all over and much litter was left and last time a fire was started; that he could not just blame trail riders; and upon questions, Ms. Susan Christian stated that the particular trail ride was not permitted. Council Members Sullivan, Holm, Rodriguez and Green absent.

Council Member Khan moved the rules be suspended for the purpose of hearing from Ms. Susan Christian, seconded by Council Member Lawrence. All voting aye. Nays none. Mayor White absent on personal business. Council Members Johnson, Holm, Rodriguez and Green absent. MOTION 2009-0058 ADOPTED.

Ms. Christian stated that the particular trail ride Mr. Davis spoke of the city did not have a permitted trail ride for that day so it was what they refer to as an abandoned trail ride, but regarding the Council Member's question the producing entity would be responsible for the cleanup. Council Members Johnson, Holm, Rodriguez and Green absent.

Council Member Adams stated that Me. Pederson was present from the Parks and Recreation Department, but people did tend to just parade up and down a lot, especially on Cullen and for educational purposes she would like Ms. Christian to explain who needed to be called; and Ms. Christian stated that for any parade or street function they needed to contact her office, 4th floor of City Hall and then they would work with both Traffic and Transportation Division and Police Department to make sure all requisites were met; and upon further questions by Council Member Adams, Ms. Christian stated that HPD needed to be a part of her answer and she would work with Special Operations Division under Assistant Chief Vicky King to respond to her. Council Members Johnson, Holm and Green absent.

Upon questions by Council Member Lawrence, Mr. Davis stated that with the MLK parade there were people joined with horses and there were police officers; that horses were on the esplanade, they were everywhere, but after awhile you could not direct the crowd because it was too large; and Council Member Lawrence stated that a parade was supposed to be under control and able to be directed by police and she thought the trash and size of parade was too large and there was not enough police; that for the parade next year they needed to be prepared and question if horses would be there; and Mr. Davis stated that this time a fire was started and helicopters came and people were shoved off but it took a long time; that the fire was on MLK in the 12800 block and it started as a parade but became a rally; and Council Member Lawrence stated that she would like Ms. Christian to see if that block was on the route and next year let those people know people came before Council and what happened and that they did not want it to happen next year. Council Members Johnson, Holm and Green absent.

Upon questions by Council Member Jones, Ms. Christian stated that there was one parade permit let for MLK for a parade, it was not the horseback riders who did not have a permit and they may have had law enforcement working with them, but because it was not permitted they were unaware of it until it was over; that to answer Council Member Jones specific question there were up to four parades which could be let per weekend day, one downtown and three in neighborhoods and per ordinance HPD could handle two parades so the other two must seek other peace officers with other peace officer associations and HPD worked with the parade producer to ensure their requisites were met, within the city limits the only municipality which had authority to grant a parade permit was the City of Houston. Council Members Johnson, Holm and Green absent.

Upon questions by Vice Mayor Pro Tem Lovell, Ms. Christian stated that many people received their weekly listings as they changed daily, but relative to information of parades going out to all peace officer group or associations she would have to ask HPD; and Vice Mayor Pro Tem Lovell stated that may help officers to know when they saw a parade if it was permitted and take appropriate action. Council Members Johnson, Khan, Holm and Green absent.

Upon questions by Council Member Adams, Ms. Christian stated that in the jurisdiction of the City of Houston you had to get a parade permit through the City of Houston. Council Members Johnson, Khan, Holm and Green absent.

Ms. Linda Chatman, 8906 Triola Lane, Houston, Texas 77036 (713-779-0780) had reserved time to speak but was not present when her name was called. Council Members Johnson, Khan, Holm and Green absent.

Mr. David Sneed, 3000 Murmorth, Houston, Texas 77025 (281-832-3566) had reserved time to speak but was not present when his name was called. Council Members Johnson, Khan, Holm and Green absent.

Ms. Anita Daniels, P. O. Box 460125, Houston, Texas 77056 (832-236-9408) appeared and stated that she was present regarding human trafficking and modern day slavery; that it happened almost to her daughters over seas, they were performing artists, college graduates, they were offered an opportunity and went over seas to tour and perform; that they went before her because of her surgery and when they were in Singapore they kept her apprised of what was going on and she began contacting the U. S. Embassy and found they could have their support while there. Council Members Johnson, Khan, Holm and Green absent.

Council Member Adams stated that she wanted to share information with her on trafficking and exploitation, there was an organization in Houston that could give her information; and Ms. Daniels stated that in getting her daughters out safely there were many cracks in our government and she would like a better system. Council Members Johnson, Khan, Holm and Green absent.

Council Member Jones stated that she thought that was a national or federal issue and did not believe it was within the City of Houston's jurisdiction. Council Members Johnson, Khan, Holm and Green absent.

Vice Mayor Pro Tem Lovell stated that she understood Ms. Davis spoke with the Citizens Assistance Office and they were expecting a call back from her; that the city had no national jurisdiction in any way and they would not do a sponsorship letter either; that she was sorry for what happened and it was extremely lucky she was there. Council Members Johnson, Khan, Holm and Green absent.

Council Member Adams stated that the information her office was providing her had all information, everything she needed to know to be able to start somewhere. Council Members Johnson, Khan, Holm and Green absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated that he wanted to know where his property was and had a picture of his wife, Mrs. Jennifer Aneston Beal; and continued expressing his personal opinions until his time expired. Council Members Johnson, Khan, Holm, Noriega and Green absent.

Mr. Michael "Griff" Griffin, 5327 Winding Way Drive, Houston, Texas 77091 (713-503-8064) appeared, presented information and stated that he was inviting all to attend the 50<sup>th</sup> anniversary of the St. Patrick's Parade; that President Obama also had some Irish and they

were excited about that and his information presented was regarding contributions Irish made to Texas which many did not know; that the first Grand Marshal of the St. Patrick's Day Parade was Council Member Johnny Goyen; that also the HOV thins were starting to come on, they were trying to change HOV to toll roads and 90% of the citizens only got from METRO the HOV, less than 8% to 9% rode METRO, but it was terribly run, lanes were blocked and HOV was empty and they should be able to work that out, he would like all HOV lanes open on weekends as traffic was a very large problem. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Noriega stated that HOV was not the city's direct responsibility and it was challenging to work with groups, whether it was the Department of Transportation, TxDOT or METRO but all heard him and she appreciated his coming. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Mr. Griffin stated that we were not using HOV lanes properly and they were there and no money needed to be spent and when they were doing I-45 it was ridiculous, if they knew work would be done on a certain freeway then they should open the HOV, it was commonsense; and Council Member Brown stated that though the city did not have jurisdiction over this Council Member Clutterbuck was extremely articulate and could take the message to HGAC and perhaps get a legitimate hearing. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Ms. Vanessa Ray, 1011 Defender, Houston, Texas 77029 (832-882-5535) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Green and Jones absent. (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. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Ms. Patricia Simmons, no address (713-669-1684) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Hector Salinas, 4278 Bethel Blvd., Houston, Texas 77092 (713-748-9212) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Ms. Ranjana Martinez, 346 Fawn Lake Drive, Houston, Texas 77079 (210-643-0792) appeared, presented information and stated that she was present needing Council's help with utility companies, they seemed to be charging absorbent amounts; that when Hurricane Ike hit a massive tree it uprooted all utility pipes and the gas pipe broke in half and she was told she had to pay for all gas that escaped and if not had to pay a monthly maintenance fee to maintain an account and she said okay, but they got flippant answers, she questioned the bill for December and January and she was told she was using too many Christmas lights, but they did not have a single light because there was a death in the family and she would like to know what to do. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that the City of Houston was not over Center Point, but there was someone present, Ms. Alyssa Cervantes was present and could help her with her bill

and answer questions. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. (NO QUORUM PRESENT)

Mr. Jared Walker, 2617 Tyler Wayne, Deer Park, Texas 77536 (281-678-9670) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. (NO QUORUM PRESENT)

Mr. Shane Rhodes, 8111 Long Point Road, Houston, Texas 77055 (713-582-8074) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Mr. Theodore Johnson, 4010 Dabney, Houston, Texas 77026 (713-670-0470) appeared and stated that he got out of prison about two years ago and got a job and stayed on it two years, but many police in Houston were bashing cars in poor communities; that his vehicle was taken out of the yard and on a piece of paper he crafted a statement he got it off the block, the police stole it off the yard, they had no search warrant and he said he was looking for dope and had dangerous pills but it was penicillin and that was not dangerous and now he lost his van and his job. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Johnson stated that he was charged with dangerous pills but they were not dangerous it was penicillin; that police were on North Main and he claimed he saw him going into his yard, but he was already there about 30 minutes talking with relatives, but he used the alibi of the White dude to come and arrest them; that he had tickets and that was why he was taken to the jail but he should not have done anything to his van it was on private property; that there was no criminal case going on, he was charged with dangerous pills and that was when they took his van, but he did not even show up at court; and Council Member Jones stated that they should release his property if it was taken as evidence and the case was dismissed so that was what should have happened; and Mr. Johnson said his van was now \$1,000 to get it and he had a \$2,000 water bill; and Council Member Jones stated that she would get Mr. McCabe on her staff and try and work with him. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that Council Member Johnson was absent but she would refer his information over to his office and Lt. Gallier was present and could give him information on going through the process of IAD. Council Members Lawrence, Johnson, Khan, Holm, Brown and Green absent.

Mr. Phil Boitos, 3401 Fannin, Houston, Texas 77004 (713-987-4868) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm and Green absent.

Ms. Donna Freedman, 11930 Surrey Lane, Houston, Texas 77024 (713-461-1830) appeared and stated that she was present regarding the Memorial City TIRZ and her concern was there was abuse the last two months by the chairman of the TIRZ and a lawyer named Chuck Turret; that in January she questioned something and a speaker followed her and a board member jumped out of his seat pointed across the room shouting shut up, shut up to the speaker and it took a while for him to calm down and after the meeting she approached Mr. Turret and said she had concerns about the professionalism of the meetings and at that point he made personal attacks on her family and brought up a lawsuit he was privy to because his partner had handled it and it was terribly unprofessional and she was stunned at the remarks; that she called the Mayor's Office the next day after never receiving an apology from him; that

the February meeting she got up during public comment and he interrupted her six times and after just approving a public speaking policy for the comment section which was if the board interrupted they would be given notice and the second time charged with a Class A misdemeanor and he interrupted her; that they did not have Council Member participation, she never saw Council Member Holm and every meeting was filmed and the shouting outburst, etc., were all videoed and Council Member Lawrence was at one meeting. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm and Green absent.

Upon questions by Council Member Adams, Vice Mayor Pro Tem Lovell stated that she understood such complaints went to the District Council Members; and Ms. Freedman stated that they were not present at meetings so it fell on deaf ears, but the Houston Chronicle did carry the outburst; that she spoke to Frank Michel who was helpful but said there was no procedure, grievance for anything but the United States Justice Department was now involved and she thought they would see something. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm and Green absent.

Ms. Gussie Easter, 1201 Blue Bonnet Place Circle, Houston, Texas 77019 (713-739-0686) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm and Green absent.

Mr. Tom Dornbusch, 6110 Tyme, Houston, Texas 77007 (713-869-1185) appeared and stated that he was present as Super Neighborhood 22, Washington Avenue and Memorial Park, vice president and regarding the tree ordinance another concern in the new amendments was the root barrier requirement, the concern was slicing through roots of a mature tree, it would severely damage or kill it and they felt the root barrier should only apply in the case of newly planted trees; that he did thank Council Members Brown and Holm who tagged item 5 last week to allow more time with familiarization with the abandonment of public property, generally Super Neighborhood 22 Council was opposed to the abandonment of public right-of-way to private development their preference was when ever possible it be for creation of green and public use space and why after 20 plus years of occupancy was United Lumber now seeking this action and how had the City of Houston been compensated for the past years of encroaching use by the company; that there was a general concern among them regarding the proliferation of late night bar lounges along the Washington corridor and incidents by the patrons and parking problems caused by them; and also for what purpose was the abandonment action being sought for parcels which abutted a vacant lot adjacent to the United Lumber property. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm and Green absent.

Council Member Brown thanked Mr. Dornbusch for coming and stated that he too had concerns about this, when they vacated the alley right-of-way they would want additional curb cuts on Washington Avenue and it was contrary to good transportation and engineering practice; and upon questions, Mr. Dornbusch stated that he believed there was a pending TABC license applied for one of the buildings on the site, it was hard to oppose redevelopment because it was an existing building which was inappropriate now in its location, they were also proposing to have an adaptive reuse of the existing structures and the alleyway right-of-way did prevent them from doing the redevelopment they hoped to do, but the vacant lot had three parcels of right-of-way abutting it; and Council Member Brown stated by doing this they were precluding two means of egress of the alley of the adjacent property owners and he would suggest maybe Council Member Noriega take the issue up for criteria of joint referral and abandonments and what they did about preserving alleys. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm and Green absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that it would actually go to Council Member Lawrence's committee. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm and Green absent. (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. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm and Green absent. (NO QUORUM PRESENT)

Mr. Lenwood Johnson, 1111 Genesee, Houston, Texas 77019 (281-709-3001) appeared and stated that he was from Freedmens Town and they were present January 14th and brought people from Katrina and Ike and public housing and some were helped and some were not and as he said then he only needed his District Council Member and 5 At-Large Council Members to lobby the Mayor because other bodies did not respond to the public and the Mayor was the only one who could get response; that if someone did something to him he did not want to be sent to that person to resolve his problem and that was what he saw them doing to people. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm and Green absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated Mr. Johnson should continue, and Mr. Johnson stated that the Mayor invited all the people from New Orleans and eventually under FEMA they were moved to the Housing Authority and based on a list the Housing Authority gave them, they did community services and then Housing did not accept it, so it was not right, but it was on their list; and asked the Mayor get the information and the family not get kicked out of their house like when they were run out of New Orleans. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm and Green absent. (NO QUORUM PRESENT)

Council Member Jones invited Mr. Johnson to the Housing committee Meeting where the Housing Authority would be attending; that they hoped to get them to become more responsive; and Mr. Johnson thanked Council Member Jones but stated that working poor could not take off of work and perhaps they could hold meetings later; and Council Member Jones stated to the Administration if they were willing, as electives, to hold committee meetings after business hours was it prohibited; and Vice Mayor Pro Tem Lovell stated that they could hold a Council Meeting whenever they as a body determined, but they would have to probably pay overtime when asking their staff to stay. Council Members Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Jean Wilkin-Dember, MHS, 2612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared, presented information and stated that they stood for compassionate service for Sister Jerry Secure and to stop punitive evictions by the Houston Housing Authority; that she brought copies of the Final Call and asked that they please read page nine to see what such tensions did to family members, when people were threatened with evictions and disrespected it was hideous and it was dysfunctional and they were in anguish and suffering and not treated equitable in America. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that tomorrow, February 11th they were asking all colleagues and Council attend the Second Annual Housing and Employment Resource Expo 2009 to be held at the George R. Brown Convention Center in Exhibit Hall E from 9:00 a.m. to 3:00 p.m. and that was the Housing and Employment Resource Expo for people with disabilities and for more information [www.houstonhereexpo.org](http://www.houstonhereexpo.org) Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones welcomed Ms. Dember to the Housing Committee and the Housing Authority would be present; that she could not remember the date at this time, but she

would contact her. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that February 10, 2009, www.mayorgalvan.com ; full moon in Leo; that District H supported residents of the east end in District I fighting METRO's plan for an overpass on Harrisburg, District H would make history May 9, 2009, by electing Houston's first gay Hispanic City Council Member, James Partsch Galvan; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent. (NO QUORUM PRESENT)

At 4:27 p.m. City Council recessed until 9:00 a.m., Wednesday, February 11, 2009. Mayor White absent on personal business. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, February 11 , 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, 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. Council Members Anne Clutterbuck and James G. Rodriguez out of the city on city business.

Note: Council Member, District H Position, vacant.

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

At 9:31 a.m. Mayor White called the meeting to order and stated that the first item on the agenda was a public hearing. Council Members Adams, Sullivan, Brown, Noriega and Green absent.

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

1. **PUBLIC HEARING** regarding amendments to the Project and Financing Plan for **TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY (SOUTHWEST HOUSTON ZONE) DISTRICTS F - KHAN and G – HOLM** – was called. Council Members Adams, Sullivan, Brown, Noriega and Green absent.

The Acting Assistant City Secretary stated that no one had signed up to speak at the hearing and Mr. Robert Fiederlein would make remarks. Council Members Sullivan, Adams and Green absent.

Mr. Fiederlein stated that on September 4, 2008, the Board of Directors of the Southwest Houston TIRZ approved amendments to the TIRZ's Project and Financing Plan and forwarded them to the City for consideration, that the public hearing was a statutorily required part of the City's review process, that each Council office had been given a copy of the proposed amendment to the plan for the TIRZ and an official City statement had been distributed to each of them today; that in brief the principal amendments to the plan were expanding the area in the eastern portion of the zone to which TIRZ funds may be applied to include additional redevelopable tracts in addition to Sharpstown Mall; refocusing the TIRZ's public improvement efforts in Bellaire and Fondren and providing additional funding for mobility and drainage in

these areas; funding the municipal services project which was the new Midwest/District 18 Police Station; and additional funding for financing costs due to proposed bond sales related to implementing these projects; that in closing City staff had worked with the TIRZ on the proposed amended plan and would at a subsequent Council meeting request that City Council approve the planned amendment. Council Members Sullivan, Adams and Green absent.

Council Member Khan stated that he wanted to thank everybody involved with the TIRZ and requested those in the audience to stand and be recognized for their hard work for the getting the TIRZ plan approved; that the plan was a very good model for the appropriate use of TIRZ dollars and with approval of the plan they were very optimistic that part of town would improve and see a bright future. Council Members Lawrence, Adams and Green absent.

Mayor White stated that he to wanted to commend Members of the Board and knew at times it had tired patience because they wanted to get it right and make sure that there were sufficient funds and focus on the original purpose of the TIRZ which was the redevelopment of that Sharpstown Mall so that they did not have a blighted property right in the middle of the community; that he would say in the public record to Council Members and Members of the TIRZ, on the Municipal Channel and everywhere else, that unapologetically the administration and the Mayor had been aggressive in trying to recruit developers for that site, and he met with probably 15 or more different leaders within the real estate community because the redevelopment of these malls, and the same would be true they spent time with Greenspoint and it would be with Northwest Mall where they spent time, that at one time they would try and would still be in the market to try to recruit people from Northline property, which was now scrapped and abandoned, but whenever they had a blighted, large scale, 60's vintage mall project, throughout the Country not just in Houston, the redevelopment of these properties had been, say, when it worked it could be a real boost up for the community, that when they did not work and became underutilized and eventually blighted, in this case it went into a bankruptcy proceeding, that there would be more news later but they met with some success with an individual who repeatedly said no but they were able to get interested in taking some responsibility for doing that; that finally he would like the cooperation of the City staff, the TIRZ Board and Mr. Tom Mesa in trying to both make sure that they did not have an excessive expenditure of public funds, but also in the TIRZ policy that he put out in October 2005 they highlighted one appropriate use of economic development funds within a TIRZ as being the redevelopment of regional malls and shopping centers that were blighted where they lost the sales tax revenue and where it posed a substantial risk to the community, that also he would say that they appreciated the focus on public safety and this would not be the last time, perhaps at a time when they had tight budgets, that they respond to the citizens needs around that area, that Mike, the chair, was a very active and in touch community leader who knew the concerns that had been expressed in community meetings about crime and about gangs and anything that they could do to enhance the resources that they provide for those activities within the TIRZ certainly would respond to the community needs and make the area much more conducive to commercial development.

Council Member Brown asked Mr. Fiederlein, programmatically, where were they with the redevelopment of the Sharpstown Mall, and in the \$82 million budget there was \$35 million in interest and he realized it was a carry over from previous years but if he could explain it, and Mr. Fiederlein stated that as the Mayor alluded to, the mall was in bankruptcy and had subsequently come out of bankruptcy and the senior creditor was now the owner of the mall, that he thought to their credit they had brought in a partner to help with the mall, which was a local property management company and they had initiated discussions with the City, as the Mayor indicated, thought it was very early in the process that was directly being handled by the Mayor himself, with support from City staff, so they would be reporting periodically, he was sure, on the progress of that and hopefully it would be successful; that relative to the financing costs, please bear in mind that financing costs were an anticipated cost, it was all a function of what projects

came down the line and what the public markets were at that time in terms of what the interest costs may be so that was an estimated number that was really a function, if they needed to go to the market what were those conditions, so while that was a large number it was perhaps better to deal more with a maximum number rather than an actual expenditure, and Council Member Brown asked why was it such a high percentage of the total, it was more than 30% of the total, and Mr. Fiederlein stated that their TIRZs frequently issued public debt, they had TIRZs which had issued a number of series of bonds and this TIRZ had issued bonds previously, they had also been innovative of working with some local banks in terms of note financing as well, but when they looked at borrowing tens of millions of dollars for extended periods of time the interest costs could be as high as that, that like he had indicated he thought it was better to view that more as a maximum number, the statute did require they put a number in there so it was always estimated, perhaps, on the higher side. Council Member Adams absent.

Mayor White stated that they did have the benefit of the bankruptcy counsel, probably the best they could get in the region, Mr. Mickey Sheinfeld, and one of the two or three top lawyers in the field in the United States, that he asked him personally to assist them, that he had direct dealings, in the appropriate form, with counsel and with the bankruptcy trustee, there had been dialog with the senior security creditor and then as one looks at potential uses, one reason why they were very fortunate that the owner, who was the senior creditor, had brought in a nationally recognized Houston based real estate redevelopment firm who they had gotten interested in this project, that the property ownership and the site configuration with the jewelry exchange in the middle owned by one entity with outstanding either ownership or long term leases by some of the big buck tenants, but he thought they had a team in there now that could do quite a bit, in particular, though he had been active and continued to be active so far, he thought Mr. Laster, working with Tom Mesa and a cash of characters that he was looking to make sure they were able to get this thing off and running to get redevelopment. Council Members Johnson and Adams absent.

After further discussion, Council Member Khan moved to close the public hearing, seconded by Council Member Brown. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Members Johnson and Adams absent. MOTION 2009-0059 ADOPTED.

Council Member Khan moved to suspend the rules to consider Item No. 2 out of order, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Members Johnson and Adams absent. MOTION 2009-0060 ADOPTED.

2. REQUEST by the Director of the Houston International Protocol Alliance for establishment of a Sister City relationship with Karachi, Sindh Province, Pakistan – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Members Johnson and Adams absent.

Council Member Khan stated that he wanted to thank Mayor White, that it needed leadership from the Mayor to make it happened and also to acknowledge their Vice President of International Protocol, Ms. Deanea LaFlore and Ms. Alma Maldonado for the tremendous amount of work they had done for years to get them to this point, that their support was vital in getting the item approved by the City Council, that he wanted to thank all of the people in the community who worked very hard for many years to make it happen and asked those in the audience to stand and be recognized; that if it was approved the Mayor of Karachi was scheduled to come to Houston at the end of the month to officially sign the agreement and a ceremony would take place in City Hall and he would sign the agreement with Mayor White Bill White. Council Member Adams.

Mayor White stated that he thought it was very appropriate to do this, that as they knew h had been to Karachi on a number of occasions and hoped that at some point Members of Council and others had time to make sure that they had both outbound and inbound delegations to Karachi. Council Member Adams absent.

A vote was called on Item No. 2. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. MOTION 2009-0061 ADOPTED.

Council Member Holm moved to suspend the rules to consider Item No. 28 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. MOTION 2009-0062 ADOPTED.

28. **ORDINANCE AMENDING ARTICLE V OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to trees, shrubs and screening fences; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – **(This was Item 11 on Agenda of February 4, 2009, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, HOLM, SULLIVAN and BROWN)** – was presented. Council Member Adams absent.

Council Member Holm stated that this was an extension of Chapter 33 of their Tree and Shrub Ordinance that she thought all of them recognized the value in and really supported, and offered the following two written motions to amend Item No. 28, which had been passed out to each Council Member:

“I move to amend Item 28 as follows:

1. By amending Item (2) of Subsection (a) of Section 33-123 in Section 9 of the proposed Ordinance to read as follows:
  - (2) *Credit for depositing with the city’s department of parks and recreation a sum of money equal to the cost of planting the required trees.* Money so deposited shall be placed in a special fund designated for the purposes of planting street trees in city parks or public street rights-of-way that are located within the park sector in which the removed trees were located. The credit shall be calculated based on a planting cost per tree of \$500.00 per fifteen-gallon container-grown tree, planted and maintained for a year, subject to a cost adjustment from January 2002 in accordance with the formula established in the definition of the term “cost adjustment.” The maximum allowable credit under this option shall not exceed 30 percent of the total tree adjustment.”

“I move to amend Item 28 as follows:

1. By amending Item (2) of Subsection (a) of Section 33-123 in Section 9 of the proposed Ordinance to read as follows:

*Street tree list* means a list of trees issued and revised from time to time by the director of parks and recreation, which, based upon recognized arboricultural standards, shall designate trees that are required to be used for planting adjacent to and within street rights-of-way within the city. The director may only decline to include and may only remove otherwise suitable trees on the basis of health or disease concerns or warnings. The list shall be subdivided into

categories of trees that may be planted under power lines and trees that shall not be planted under power lines. The categories of trees that may be planted under power lines shall include live oak trees.”

Council Member Holm further stated that it was particularly appropriate to do this today in lieu of celebrating the life of Council Member Eleanor Tinsley who was the advocate and leader and probably would always maintain that role of being the foremost person in their City to set some standards and to really promote the standards of appropriateness, right planting in the right place. Council Member Adams absent.

After further discussion by Council Members, a vote was called on Council Member Holm’s first motion to amend Item No. 28. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. MOTION 2009-0063 ADOPTED.

A vote was called on Council Member Holm’s second motion to amend Item No. 28. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. MOTION 2009-0064 ADOPTED.

A vote was called on Item No. 28 as amended. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0084 ADOPTED.

## **MAYOR’S REPORT**

### **CONSENT AGENDA NUMBERS 2 through 24**

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 and 8

7. **TURF EQUIPMENT & SUPPLIES, INC** for Lawnmower and Edger Replacement Parts and Repair Services for Parks & Recreation Department - \$575,000.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Members Adams and Holm absent. MOTION 2009-0065 ADOPTED.
8. **AQUIONICS, INC** for Emergency Repair Services of the Ultraviolet Disinfection System at the Northeast Water Purification Plant for the Department of Public Works & Engineering - \$55,632.08 Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Members Adams and Holm absent. MOTION 2009-0066 ADOPTED.

#### **ORDINANCES** - NUMBERS 9 through 23

9. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue and Refunding Bonds in several series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain Combined Utility System Commercial Paper Notes and certain Combined Utility System Outstanding Bonds; authorizing the execution and

delivery of Escrow Agreements; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Escrow Verification and engagement of Escrow Agents, a Co-Bond Counsel Agreement, and Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency - had been pulled from the Agenda by the Administration, and was not considered. Council Member Adams absent.

13. ORDINANCE amending City of Houston, Texas Ordinance No. 2007-125 relating to the Retail Water Rates to be charged by the receiver for **VERGIL D. MARTIN dba H&J UTILITY aka MATCO** and in force within the City of Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a repealer - **DISTRICT A – LAWRENCE** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0085 ADOPTED.
14. Omitted
23. ORDINANCE appropriating \$1,871,283.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KUO & ASSOCIATES, INC** for Design of Water Line Replacement in Crane & Englewood Areas, Laura Koppe Area and Liberty North Area; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - JOHNSON and DISTRICT H** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0086 ADOPTED.

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

**MISCELLANEOUS**

3. RECOMMENDATION from Fire Chief to approve the sale of Decommissioned Firefighting Equipment and Bunker Gear to the Sister City of Guayaquil, Ecuador - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. MOTION 2009-0067 ADOPTED.

**ACCEPT WORK**

4. RECOMMENDATION from the Director General Services Department for approval of final contract amount of \$85,743.65 and acceptance of work on contract with **EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P.** for Underground Fuel Storage Tank Removal Kelley Light Vehicle Maintenance Facility - 39.98% over the original contract amount **DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. MOTION 2009-0068 ADOPTED.
5. ORDINANCE appropriating \$103,941.06 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Construction Contract with **CANNES ENTERPRISES, INC** for Safe Sidewalk Program 09 Project, (approved by Ordinance No. 2003-1353) **DISTRICTS E - SULLIVAN and I - RODRIGUEZ** - was presented. All voting

aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0087 ADOPTED.

- 5a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$784,217.99 and acceptance of work on contract with **CANNES ENTERPRISES, INC** for Safe Sidewalk Program 09 Project - 21.04% over the original contract amount - **DISTRICTS E - SULLIVAN and I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. MOTION 2009-0069 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS**

6. ORDINANCE appropriating \$1,633,796.26 out of Equipment Acquisition Consolidated Fund for Purchase of Hardware, Software, Installation Services, and a Maintenance Agreement for Phase III of the Contact Center Implementation for the Information Technology Department – was presented, and tagged by Council Member Jones. Council Member Adams absent.
- 6a. **NORTH AMERICAN COMMUNICATIONS RESOURCES, INC** - \$1,028,220.96, **AVAYA, INC** - \$111,367.54 and **HEWLETT-PACKARD COMPANY** - \$278,975.30 for Hardware, Software, Installation Services, and a Maintenance Agreement for Phase III of the Contact Center Implementation through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology Department - Total \$1,745,163.80 - General, Equipment Acquisition Consolidated and Municipal Court Technology Funds – was presented, and tagged by Council Member Jones. Council Member Adams absent.

#### **ORDINANCES**

10. ORDINANCE approving and authorizing Utilities Functions and Services Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 499**; appropriating \$6,255,917 out of Combined Utility System General Purpose Fund; declaring the intent of the City Council to reimburse the Combined Utility System General Purpose Fund with Bond proceeds from the Water and Sewer System Consolidated Construction Fund and/or appropriate funding from the Water and Sewer Consolidated Construction Fund in lieu of funding from the Combined Utility System General Purpose Fund, amending Ordinance No. 2008-742 by deappropriating \$750,160.00 out of the appropriation made by Ordinance No. 2008-742 and reappropriating \$750,160.00 for the Utilities Functions and Services Agreement - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0088 ADOPTED.
11. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Midvale Avenue (Parcel SY8-095), from Cedar Crest Boulevard West to its terminus at the easterly right-of-way line of the G.C.&S.F. Railroad or H.B.&T. Railroad Company, containing 6,223.86 square feet of land, more or less; vacating and abandoning said tract to Macey Family Properties, Ltd., abutting owner, in consideration of owner's conveyance to the City of a 20-foot-wide water line easement (Parcel KY8-270), containing, 2,177.41 square feet of land, more or less; all located in the Golfview Manor Subdivision and Kings Court Addition, H. P. Prentiss Survey, A-56, Houston, Harris County, Texas, and owner's payment to the City of \$3,903.00 - **DISTRICT I - RODRIGUEZ** – was presented, and tagged by Council Members Noriega and Lovell. Council Member Adams absent.

Council Member Lovell stated that on the request of Council Member Rodriguez, who was in Texas City with Council Member Clutterbuck for HGAC, she was tagging Item No. 11. Council Member Adams absent.

12. ORDINANCE establishing City of Houston Election Precincts and designating polling places for the City of Houston Special Election to be held on Saturday, May 9, 2009, to fill a vacancy in the Office of Council Member, District H, on the Houston City Council – was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0089 ADOPTED.
15. ORDINANCE approving and authorizing contract between the City of Houston and **GOODWILL INDUSTRIES OF HOUSTON** providing up to \$330,000.00 in Housing Opportunities for Persons With AIDS (“HOPWA”) Funds for Job Training and Employment Services - Grant Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0090 ADOPTED.
16. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **MCCORVEY PREPARED PRECISION PRODUCTS, LTD. d/b/a FLYING TIGERS** for certain premises at Ellington Airport - Revenue - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0091 ADOPTED.
17. ORDINANCE approving and authorizing contract between the City of Houston and **TEXAS AGRILIFE EXTENSION SERVICE** by and through its Wildlife Services Unit, a member of the Texas A&M University System, for Wildlife Hazard Assessment at William P. Hobby Airport and Ellington Airport - \$95,200.00 - Enterprise Fund - **DISTRICTS E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0092 ADOPTED.
18. ORDINANCE amending Ordinance No. 2008-673 (passed by City Council on July 30, 2008) to increase the maximum contract amount for Contract #4600008977 between the City of Houston and **DENTON, NAVARRO, ROCHA & BERNAL, P.C.** for Legal Services and Representation of the City in connection with all matters relating to the negotiation of the Collective Bargaining Agreement between the City of Houston and the Houston Professional Firefighters Association \$28,875.00 - General Fund – was presented. Council Member Adams absent.

Council Member Lawrence stated that most of them found out a few days before the contract was over, that Council was never informed of who was on the committee representing the City and the firefighters, that she would have liked to have had input about physical condition of firefighters and would like to see that moved forward, that she had talked to the Chief this morning about an idea, that it was to late basically, that she thought this was the time that they looked at people who represented their safety and ask if they were in the best condition they could be, that she thought they needed to look at both groups, police and firefighters, and as they went to negotiate know who was doing the negotiation and give Council a chance to weigh in on particular things. Council Member Adams absent.

Mayor White stated that he would ask Mr. Michel and some input from Legal about the extend to which he was not prejudging how they handled the issue, that it was obviously a very

legitimate issue of public concern, whether there were certain categories of employees that should have ongoing fitness standards and the extend of the ability of management to deal with that was exclusively a matter of the labor agreements or the management prerogative, whatever department that may be, civilian or classified, that they would make sure they addressed the issues under both fire and police to determine the executive authority on that, that the reason that he mentioned it, and he understood Council Member Lawrence's point, that he would mention the following, that first, he had asked Legal to give them some view on that because if somebody was not fit or could not perform their particular job then in the absence of some federal or State law prohibition there ought to be management prerogatives period; that the second issue, the voters did pass, at the time that some of them were elected, something giving certain collective bargaining rights to firefighters, that he thought that each of them knew that up until May individual firefighters, many times had relations between the administration and the governing body in fire was better than it had been, some people had said, for two decades, that he was not supportive of that particular change in the City Charter just because of some principles involved, for not letting the District Court determine their finances, but he want people to remember the fact that there were special laws that governed this and in the absence of an agreement that others would decide what their budget was. Council Member Adams absent.

After further discussion, Council Member Lawrence asked if she understood right, did Mayor White asked Legal to check into different physical testing, and Mayor White stated that he was really saying was why was it not a management prerogative that could be dealt with through departmental policy, that he had asked Legal to tell them if there was anything that precluded them, was there any reason why that standard could not be set as a matter of management prerogative, and Council Member Lawrence asked if they could get that as a Council backup and Mayor White stated yes. Council Member Adams absent.

After further discussion Council Member Holm stated that she to would like a little bit more input if she was being asked to vote on expenditures and on process and agreements being made, to have some information about what those concessions and agreements were and how they came to a balanced outcome and hoped that even on this issue before it came forward for acceptance she would like to have a full understanding of how they got there. Council Members Adams and Noriega absent.

After further discussion Council Member Jones stated that she would like to know from Legal whether there was anything that precluded them from having a physical requirement because that was important. Council Member Adams absent.

Upon further discussion Mayor White stated that knew it was an odd numbered year, and it had significance, but there would be quite an opportunity to discuss the merits of the Collective Bargaining Contract and the merits of that and he would also advise his colleagues that he would sort of push back a little bit on issues about transparency when something was posted for the public and open to the public and went on for months, posted to the public and open to the public, that there would be plenty of opportunity for Council discussion, that on the particular issue of fitness he thought it was an appropriate issue and they were going to deal with that and believed the answer would be that it would be a matter of management and that they could have some other discussion of how they would try to address that with all stake holders. Council Members Adams, Brown and Lovell absent.

A vote was called on Item No. 18. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Members Adams, Brown and Lovell absent. ORDINANCE 2009-0093 ADOPTED.

19. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **STATE OF TEXAS THROUGH THE CRIMINAL JUSTICE DIVISION, OFFICE OF THE GOVERNOR (“CJD”)** for the Police Storefront Crisis Team Grant/17 Program; declaring the City’s eligibility for such grant; authorizing the Mayor to act as the City’s representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Members Adams and Brown absent. ORDINANCE 2009-0094 ADOPTED.
20. ORDINANCE appropriating \$463,800.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Professional Construction Management Contract between the City of Houston and **WESTON SOLUTIONS, INC** for Sanitary Sewer Replacement and Rehabilitation Projects – was presented, and tagged by Council Members Jones and Lawrence. Council Members Adams and Brown absent.
21. ORDINANCE appropriating \$110,000.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **R.G. MILLER ENGINEERS, INC** for Local Drainage Improvements (approved by Ordinance 2007-267) – was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Members Adams and Brown absent. ORDINANCE 2009-0095 ADOPTED.
22. ORDINANCE appropriating \$500,000.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BURY+PARTNERS-HOUSTON, INC** for Generic Citywide Asphalt Overlay Project – was presented, and tagged by Council Member Jones. Council Members Adams and Brown absent.
24. ORDINANCE approving and authorizing Purchase and Sale Agreement between John Clinton Bybee, Jr., Mary Elizabeth Bybee Brown and Margaret Gready Bybee, Sellers, and the City of Houston, Texas, Purchaser (the “City”), for 6.149 acres (267,846 square feet), more or less, of land in fee (Parcel LY9-021) related to the Monroe Paving Improvements Project (from Fuqua Street to Beltway 8), Houston, Texas - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Members Adams and Brown absent. ORDINANCE 2009-0096 ADOPTED.

**MATTERS HELD** - NUMBERS 25 through 30

25. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,688,514.74 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS) 2.83% over the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK and E - SULLIVAN** - **(This was Item 4 on Agenda of February 4, 2009, TAGGED BY COUNCIL MEMBERS JOHNSON, GREEN and JONES)** – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. Council Members Adams and Brown absent.

After discussion, Council Member Johnson stated that he would be voting no on this item, not so much against Insituform, but was voting no against the MWBE Department because he felt they were not doing their due diligence to insure that these contractors were meeting their obligations and their goals, that he would expect the MWBE to do a lot better job in making sure

that when contractors set a goal it should have been met, that if they were not going to do the job then scrap the MWBE Department and start all over and get some people in there who are going to make sure that companies were meeting their obligations to the contractors in the City, especially the small and minority contractors so that they could start doing business that was indicative of the City of Houston. Council Member Holm absent.

Council Member Lawrence stated that since her colleague was voting no for the reasons of the organization of the MWBE Program, for the last five years what he was seeing and saying no about were things that she had complained about so she would be voting no, not on the issue but on the organization of the department, that not one of them, she would challenge, had a meeting with the MWBE Program to discuss possibilities and things like that, that it was like the way to take care of that department was do not say anything.

Council Member Green stated that he had tagged the item last week for the same reasons as Council Member Johnson did, that the issue that he, and had for the last five years, was if the department did existing contracts as well as the certification process he did not think they would have the issue, that they used the certification process to keep people from being certified as opposed to getting people certified, that it was almost like the department acted like a gatekeeper for small businesses to keep them out of the process, that they would not have that many companies not meeting their goals if that department, he thought, did their job.

Mayor White stated that he thought in listening to three of the comments that they had concerning the certification process, his belief and he would also direct it to Mr. Hall, was if each person who had spoken had a particular firm or group of firms, that he knew he had done it several years ago, where they could map out the process, that he would tell them how good management occurred, they mapped out a process and if somebody complained they would go through step by step what the process was and how long something was on somebody's desk and who was responsible for what, that it was tedious but it was how they really had made real improvements in the permitting process, and in that process they found what percentage of the complaints were valid and what processes could be improved; that if there was nobody who was an expert on process engineering, then bring them in so that they could map out the process and come up with a remedial plan, and if Council Members wanted to participate in that, but the first place was, number one, get some specifics, number two, Mr. Hall, do it in meetings where they went through step by step with the participants and map out the process and set goals, like they did the permitting process, that if they needed an expert, a facilitator or consultant in process engineering the Association of Process Engineers had volunteered individuals to help or they could retain them, and then they could make a report back to City Council.

After discussion, by Council Members, Council Member Khan stated that after the project was awarded it was up to the department to be managing the project and there had to be cooperation on this aspect of the MWBE Program, and would appreciate if that aspect was looked at also.

After discussion, Council Member Brown stated that the purpose was not to get a lot of names on a list, the purpose was economic development and expand the skills and specialized construction capabilities all across Houston, and he wondered if they could use the office to mentor young small firms help them gain the specialized skills that allowed them to compete, that maybe they were not being as proactive as they should so he was going to vote against the item.

Mayor White stated that he would say to on the relevant subcommittee Council Members should be aware of the expanded financial resources available to mentorships and to training, that he thought it would be worth reviewing it and if it was not worth it then take back the money, and if it was working then in no uncertain terms, Ms. Laws and the management said that they

heard them about the extra resources and time being spent on mentorship, that the particular firm that was involved was one of those who had actively participated in the program, that he did not know anybody from the firm but was just noting that, that if that was what they wanted they needed to know those people that they both applauded their actions as well as the ones that they condemn them because people did not need to do work for the City.

After discussion, Council Member Jones stated that some of them on Council had actually spoken with the head of that department and tried to get a grasp of what was going on, that she did not know if she wanted to scrap the program, but certainly did not believe it was working like it should be, she just thought they needed to encourage the director or find a director who was going to set up a program that did what it was supposed to do, which was to help small businesses grow to be big businesses, that she wanted a program that did what it was supposed to do.

Council Member Adams stated that she wanted to get some clarification, when it came to contracts with the City of Houston the department issues the contract, that this was a Public Works contract and once the contract was awarded Public Works was the one who monitored the contract, who they put, and she knew that at the beginning the Affirmative Action Department sets the goals and goals were just a good faith estimate, but also if she remembered back during the budget, and she did not think she was on Council then, the Affirmative Action Department had a staff of about eighteen workers, the budget was cut tremendously from eighteen to about four employees and they were talking about monitoring contracts or monitoring estimate goals for four people to do throughout the whole City, so one thing she thought they needed to look at was to increase the budget of the Affirmative Action Department so they could bring in adequate personnel to monitor, and would like to make a motion to delay this discussion for two weeks, and maybe Mr. Hall or Mr. Michel could answer the question for her, if this was voted "no" today and it was a final contract where did the City of Houston fall in their breaching their contract with that person.

Mr. Michel stated that this payment for work that they had already completed and if they did not pay that they might face a breach of contract claim, absent any defenses they would have for any breaches that they thought may have occurred, that if it was voted "no" and they believed they must pay then it would have to be reconsidered as some point. Council Member Sullivan absent.

Council Member Adams moved to postpone Item No. 25 for one week, seconded by Council Member Khan. Council Member Sullivan absent.

After further discussion, Mayor White stated that he would ask Council Members who were interested to take this time and perhaps use this as a case study.

Council Member Noriega stated that she thought it was important that the folks in the audience and the folks that listened to the broadcasts realized they were serious about it, that they were serious about the department, the folks who let the contracts and monitored them, the companies who had the goals and may or may not work as hard as they needed to take care of them.

A vote was called on Council Member Adams motion to postpone Item No. 25 for two weeks. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. MOTION 2009-0070 ADOPTED.

26. MOTION by Council Member Khan/Seconded by Council Member Lawrence to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Gilbert Froehlich Jr. of United

Lumber and Supply Inc, for abandonment and sale of a 12-foot-wide alley from Detering Street to Lester Street (formerly Settegast Street), Block 2, Settegast Dodge Addition, Parcels SY9-040, SY9-043, SY9-044, SY9-045 - **DISTRICT H – (This was Item 5 on Agenda of February 4, 2009, TAGGED BY COUNCIL MEMBERS BROWN and HOLM)** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez out of the city on city business. MOTION 2009-0071 ADOPTED.

27. ORDINANCE appropriating \$1,022,575.00 out of Equipment Acquisition Consolidated Fund for Purchase of Ambulances, Cabs & Chassis for the Houston Fire Department – **(This was Items 6 on Agenda of February 4, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez absent. ORDINANCE 2009-0097 ADOPTED.

27a. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Purchasing Agent to award to **LAWRENCE MARSHALL CHRYSLER, LLC** - \$93,225.00 and **KNAPP CHEVROLET, INC** - \$1,013,650.00 for Ambulances, Cabs & Chassis, and a Squad Utility Vehicle through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Airport System and the Houston Fire Department – **(This was Items 6A on Agenda of February 4, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Member Johnson absent.

Council Member Adams moved to amend Item No. 27a to delete “award to Lawrence Marshall Chrysler, LLC”, but would like to leave the money amount so that they could purchase another vehicle, seconded by Council Member Khan. Council Member Johnson absent.

Upon questions by Council Members, Mayor White stated that Item No. 27 would be the appropriation and Item No. 27a would define in some sense how it would be expended and they would come back with a new motion that dealt with the contract, that the funds would be available but they would do that with a subsequent motion. Council Member Johnson absent.

After further questions, Mr. Hall stated that they could not spend the money, obviously, until they had a contract with somebody to spend it, that was a separate process, that obviously they would have to get a vendor, and Mayor White stated that this was an authorization for a purchase order and unless somebody pointed it out to him it was not required at the time they appropriated the funds that all of the purchase orders be authorized at that time, that he was told that they would have to do another ordinance and there was a vendor willing to do it for that price and they would post it next week to use the other vendor. Council Member Johnson absent.

Mr. Hall further stated that it was not unusual to be in a situation for a variety of reasons that in a bid process the apparent low bidder was unable to deliver, that in this instance this business was unable to deliver, that he assumed that they were not the only ones who bid on the process, that if he were doing it, what he would do if he needed the vehicle right away, and he was sure they did, he would go to the second low bidder and bring it back to them next week and tell them that; and Mayor White stated that appropriation was a term of art and they were appropriating certain funds which meant essentially that those funds in the City’s books were spoken for, that there were certain other laws that limited the ability of the City to enter contracts or obligations and in this case he thought it was entering into a purchase order, that there was an entity, HGAC, which did for fleet and vehicles, procure and negotiate, so that they aggregate volumes in the region for public entities in order to get vehicles at a good price and before any amount was obligated to HGHC for the \$93,000 they would come back with a certain motion authoring them to do so and there should be plenty of individuals to ask about the HGAC procedure for procuring the vehicles and all that other stuff; and Mayor White stated that they

were talking about an ambulance and they would get the information about the ambulance, vendor and pricing, that before they brought it to a vote there ought to be an opportunity to get the Council Member briefed. Council Member Johnson absent.

After further discussion a vote was called on Council Member Adams motion to amend Item No. 27a. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez absent. Council Member Johnson absent. MOTION CARRIED.

27a. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Purchasing Agent to award to ~~LAWRENCE MARSHALL CHRYSLER, LLC~~ - \$93,225.00 and **KNAPP CHEVROLET, INC** - \$1,013,650.00 for Ambulances, Cabs & Chassis, and a Squad Utility Vehicle through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Airport System and the Houston Fire Department – **(This was Items 6A on Agenda of February 4, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Member Johnson absent.

A vote was called on Item No. 27a as amended. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez absent. Council Member Johnson absent. MOTION 2009-0072 ADOPTED AS AMENDED.

29. ORDINANCE approving and authorizing contract between the City of Houston and **DENTON, NAVARRO, ROCHA & BERNAL, P.C.** for Legal Services and Representation of the City in connection with all matters relating to Cause No. 4:08-CV-2404; Dwight Bazile et al. v. City of Houston; in the United States District Court, Southern District of Texas; establishing a maximum contract amount - \$197,400.00 - Property and Casualty Fund – **(This was Item 18 on Agenda of February 4, 2009, TAGGED BY COUNCIL MEMBERS GREEN and LAWRENCE)** – was presented.

Council Member Green stated that he had tagged the item last week because it seemed that by the time items got to the Council table, and he did not know what the background on the negotiations were and how they attempted to resolve the issue before it became one that was filed in the courts, but it seemed that \$197,000, and he knew they had a good Legal Department, but they spent a lot of money on outside Legal help and he did not know, and maybe somebody could give him some insight at the table about what they did to try to resolve the issue, would the \$197,000 be better spent before it even got to a lawsuit, if somebody could give him some insight. Council Member Johnson absent.

Mayor White requested Mr. Michel to comment on that, and Mr. Michel stated that it went through the EEOC process, so they had EEA, which always attempted to mediate it, that they also dealt with the issue indirectly in the EEOC charges by female firefighters and at the table they also had the union because at the heart of it it was something that was covered by the union contract, which was the promotional test policies and so on, so they attempted to do various things to do that but to the degree they changed it and won there was another affected party, so he thought they had made a good faith effort to try to get it resolved. Council Member Johnson absent.

A vote was called on Item No. 29. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez absent. Council Member Johnson absent. ORDINANCE 2009-0098 ADOPTED.

30. ORDINANCE approving and authorizing Agreement between the City of Houston and **CONWAY CONSULTING, INC** for Professional Consulting Services for the Houston Airport System \$1,000,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E -**

**SULLIVAN and I - RODRIGUEZ – (This was Item 26 on Agenda of February 4, 2009, TAGGED BY COUNCIL MEMBERS JONES, GREEN, BROWN and KHAN)** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Rodriguez absent. ORDINANCE 2009-0099 ADOPTED.

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

Council Member Adams stated that Covenant House Texas would be having a special event on Saturday, February 14, 2009 called “Do All Things”, that they continued to give to the population of homeless youth, that donations ranging from toiletry items, bus cards, clothing, diapers and monetary gifts would be accepted from 10:00 a.m. to 3:00 p.m. at the Campus at 1111 Lubbock near Westheimer and the Montrose intersection; that Gerra Gistand, a Fourth Grader of the MacGregor Elementary School, won first place during the 13th Annual MLK Jr. Oratory Competition, that she was a finalist and gave an original 5 minute speech on the topic, “If Dr. King Were Alive Today What Do You Think He Would Say About Current Events”, that they were proud of her in District D for a job well done; that they wanted to say thanks to Joe Turner in the Parks Department for the Southcrest Park and St. Lo Park, that they were completed and let them know that the SNAP process worked; that they had a new jogging trail at South Park Community, that they submitted their SNAP items; that they were having their CIP meetings on Thursday, February 12, 2009 at The Judson Robinson Community Center from 6:00 p.m. to 8:30 p.m.; that on Saturday they would be on Praise Radio Station to talk about public safety in the community; that they would continue their public safety forums, they had one in the McGregor Community and the Third Ward surrounding communities at the Wheeler Avenue Baptist Church, that on February 26, 2009 they would be at Fort Bend at the Boys and Girls Club from 6:00 p.m. to 8:00 p.m., that on March 19, 2009 they would be at the Hiram Clarke Community at the New Faith Baptist Church from 6:00 p.m. to 8:00 p.m. and on April 23, 2009 they would be at the Neartown Montrose Community at Wharton Elementary School from 6:00 p.m. to 8:00 p.m., that the public safety forums had been community driven and she wanted to thank Chief Hurtt and HPD for going with them in the communities to discuss the public safety issues; that she wanted to thank Kenny Thomas, former player of the Houston Rockets, that today they were at Jones High School to discuss the importance of mentoring. Council Members Lawrence, Johnson, Holm, Brown and Lovell absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he took a tour last week of the Houston Fire Department Training Academy on Braniff across from Hobby Airport and wanted to thank Chief Boriskie and Chief Longoria for meeting him out there; that he wanted to compliment the Public Works Traffic Management and Right-of-Way, that they had a wreck in Kingwood that damaged a bridge railing and Jeff Weatherford drove out and brought additional safety barriers and put out an electronic sign that said “bridge damage ahead, caution”, things that they appreciated in a residential area, that he also worked with Tracy Windgate, who ordered parts on Monday morning, that all of this was on a Sunday and both of these men were on their day off and he wanted to thank them for their service; that Kingwood had a YMCA event called Bridgefest and it was a success and they had over 4,500 runners, that he wanted to recognize the Mayor’s office of Special Events who helped with the permitting problems they had which made everything go very smooth, that Cory Clinton was great in getting community events put on, that he also wanted to thank the Public Works employees with the cones and traffic control devices, that they also had participation from HPD and Public Works Street Maintenance came out and patched some holes for them and smoothed out the rough spots in the road, that he wanted to thank everyone who had a hand in that, that the Houston Police Department also helped with a neighborhood who had been victim of a hotroding neighbor, that he wanted to compliment the Kingwood substation for sending out officers to sit down with those residents for about an hour and heard their concerns; that the Houston Police Department dropped off three radar trailers in District E to help monitor traffic; that Chief Hurtt held a press conference at the Boys and Girls

Club on Airline where 10 HPD officers had volunteered their time to be mentors to those young boys and girls and he wanted to acknowledge them for doing that, that the Police Assistance League, PAL, was also there to show their support. Council Members Johnson, Brown, Green and Jones absent.

Council Member Lovell stated that they lost former Council Member Eleanor Tinsley and asked if at least at City Hall if the flags could be put at half staff in recognition of her service and as a sign of respect, that tomorrow, Thursday, February 12, 2009, at Eleanor Tinsley Park, located west of downtown on Buffalo Bayou, there would be visitation with her family, that it would be from 4:00 p.m. to 6:00 p.m. and all are welcome; that last week the Greater Houston Preservation Alliance presented it's annual Good Bricks Award for excellence in historic preservation, that the honored projects included Mid Century Homes, a depression area commercial building, two Houston Independent School District Facilities, Wharton Elementary and Reagan High School; that she wanted to recognize the Friends of the Texas Room, the Houston Public Library support group, which was honored for it's documentary, "In Search of Houston History", that the Texas Room was housed in the historic Julia Ideson Library Building; that they had a new baby giraffe at the Houston Zoo, who was born on January 30, 2009 and was named Miles. Council Members Johnson, Green and Jones absent.

Council Member Lawrence stated that two Saturday's ago they planted 12,500 trees, and last Saturday they had 428 volunteers, who signed waivers, and they built a park on Pittner, at the Family Community Center, that she wanted to thank everybody who participated; that their CIP, her last one, was wonderful and she wanted to thank her constituents; that she wanted to thank Council Member Brown for the nice rose and wished everyone a Happy Valentines. Council Members Johnson, Sullivan, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Holm stated that she wanted to thank Council Member Brown and wanted to wish everyone a Happy Valentines; that District G would have, on February 16, 2009 at 1:00 p.m. the groundbreaking for the new Kendall Library, that they planned to open it by the end of the year; that the District G meeting would be on February 17, 2009 at 6:00 p.m. at the Tracy Gee Center, that they looked forward to talking about the Capitol Improvement Projects in the district as well as other issues with the department heads of the City of Houston; that she wanted to mention the Municipal Courts, if they could just get some good updates on it, that the whole process and system was something that they had spent millions of dollars on and to have spent that much money and for a virus to infect these machines and break them down for literally four or five days, if that happened to Wall Street or 9-1-1 or any other agency it would be more than just the emergency that it was now, that she was baffled that they could have a new project that they had invested in so much and did not have the protections in the appropriate balances that they should in order to have their business going forward, that she would like an accounting of all the dollars they had spent, what they spent it on, how it was and also a follow up to figure out and understand how this happened. Council Members Johnson, Sullivan, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to offer his condolences to the family of former Council Member Eleanor Tinsley, that there were SPARK school all over town which commemorated her work. Council Members Johnson, Sullivan, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to thank Mayor White, that he had asked his friend Randy Butler to initiate a program, that it would be at the Houston Baptist University next Wednesday, February 18, 2009, that it would be a way for people to come together for conflict resolution and to stay away from gangs, that he wanted to thank Texans Together for being part of this initiative; that on April 25, 2009 they would have their 17th annual festival at Burnette

Bayland Park from 11:00 a.m. to 3:00 p.m.; that he wanted to thank all of the department directors who were at their successful CIP meeting on Thursday, that he wanted to thank the community members, especially those who made the presentations and gave some excellent suggestions, and also his staff who did a wonderful job and worked very hard. Council Members Lawrence, Johnson, Sullivan, Holm, Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to congratulate the Sisters Network, they just purchased a home in the Midtown area, that the Sister Network was an outreach organization for African American women who were affected by Breast Cancer and they had purchased a new facility where they would house their offices and also provide lodging for women who came to down for treatment of Breast Cancer, somewhat like the Ronald McDonald House, but for women with Breast Cancer, that his had was off to Colleen Allen and the Sisters Network, that they would have an open house towards the end of the month and for more information they could contract [www.sistersnetworkinc.org](http://www.sistersnetworkinc.org); that the Fourth Annual Youth Empowerment Summit would take place on Saturday, February 28, 2009 at the Ripley House, 4410 Navigation, from 8:00 a.m. to 1:00 p.m. that the summit would cover how to successfully sell themselves to a college or employer in 30 seconds, that it was free but they must register by Sunday, February 22, 2009, for more information they could call Ripley House at 713-304-3336; that Houston's Real Men Read, a partnership between HISD and Scholastic Books, was looking for 200 men to volunteer one hour once per month to read to students, that what happens is that the student gets a book one a month and gets to keep the book to add to their library, so they were asking any men who would like to come out and read to students to please contact HISD Trustee Paula Harris at 713-556-6121 or his office at 832-393-3012, that they had the kickoff about two ago they had it at the Central Library and had lots of people come out and sign up. Council Members Lawrence, Johnson, Sullivan, Holm, Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to wish a Happy Valentines Day to his wife, Ann and to all the wonderful women in his life and all of colleagues and to say that a rose was for Eleanor Tinsley, that Eleanor Tinsley was a pioneer in integrating HISD schools, an extraordinary leadership role that she took an in effect modernizing their City. Council Members Lawrence, Johnson, Sullivan, Holm, Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that he attended a number of CIP meetings; that he thought it would be interesting to do a map, similar to the map in the Sharpstown TIRZ, by district to show over the last 5 1/2 years the physical improvements that had occurred in the City, that he thought it would be a very informative thing and let the people know that they had worked hard to improve the infrastructure and the quality of life in their neighborhood and business districts; that he went to a special crime meeting in the Heights, that he spoke with a police officer that said that crime had not spiked in the City of Houston because of the downturn in the economy, that what was happening in the Heights were gangs, syndicates, who were stealing from houses, that it was very important that they have policing at that neighborhood level; that he wanted to recommend to everyone the Houston Grand Opera entitled Chorus. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that Council Member Rodriguez was at a HGAC meeting today and his CIP meeting would be tonight, February 11, 2009, at E. B. Cape Center from 6:30 p.m. to 8:30 p.m. at 4501 Leeland St., for more information they could contact Cecilia Ortiz at 832-393-0945; that the Harris County Flood Control District and the U.S. Army Corp of Engineers were conducting a study to identify a plan that would reduce the risk of future house flooding along Halls Bayou, that the study was being conducted in a manner to qualify for federal funding and comply with the National Environmental Policy Act, NEPA, to collect input

from the community three public meetings would be held at MacArthur Senior High School, 4400 Aldine Mail Route, Houston, Texas 77039, that two meetings would be held in English, on February 17, 2009, with an open house from 6:00 p.m. to 7:00 p.m. and a presentation and public comment from 7:00 p.m. to 8:00 p.m., and February 21 with an open house from 9:00 a.m. to 10:00 a.m. and a presentation and public comment from 10:00 a.m. to 11:00 a.m., that a meeting for Spanish speakers would also be held February 21, 2009 with an open house from 12:00 p.m. to 1:00 p.m. and presentation and public comment from 1:00 p.m. to 2:00 p.m., and translated in Spanish the information on the February 21, 2009 meeting and stated that if they had questions or needed more information they could call 713-684-4114. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that Eleanor Tinsley was an extraordinary mentor to both her and her husband and a friend of her parents, that she addressed issues that mattered, that she had the focus to get it done, that she was able to keep moving down the road and get it down and had the courage to stand her ground on some very difficult issues. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:38 a.m. Council Members Clutterbuck and Rodriguez out of the city on city business. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

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Barbara Guzman, Acting Assistant City Secretary