

City Council Chamber, City Hall, Tuesday, February 17, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 17, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. 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. Council Member Jarvis Johnson absent out of the city on city business.

Note: Council Member, District H Position, vacant.

At 1:52 p.m. Mayor White called the meeting to order and stated that Council Member Sullivan would begin presentations. Council Members Clutterbuck, Adams, Khan, Holm, Rodriguez, Brown, Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan invited Mr. Jonathan Ward to the podium and Mr. Ward stated that he was from the University of Texas Medical Branch in Galveston, the director of their national institute for Environmental Health Science Toxicology Center and the CD Center for Environmental Health and Medicine; that they were pleased to confer the 2009 Houston Galveston Environmental Research and Outreach Award (HERO) to Mayor White; that the award was honoring individuals who worked significantly to improve the quality of environment in which they lived and 2009 was their third year of the (HERO) Award and they were honoring Mayor White for his broad insight into the economic, social and health needs of citizens of Houston and the region; and Mayor White stated that for each of the individuals of City Council as well as employees of the City of Houston he wanted to convey something that would last longer than one meeting; that this award, any award, should first go to scientists and men and women in health sciences, atmosphere sciences, etc., who helped shine the light on what was needed to breath cleaner air; that he applauded their work and urged all in science professions to be independent minded and speak out on what needed to be done, if the air posed significant risks he did not care where political pressures came from he applauded those who would not let science bend to the will of politics at the moment; that he appreciated the award and was committed, regardless of his title, to advance the work within the community. Council Members Holm, Rodriguez and Jones absent.

Council Member Noriega invited the Preciado family to the podium and stated that Houstonians held in high esteem the spirit of caring and compassion for others and citizens from every age group and walk of life responsibly served the community by performing deeds from acts of kindness to uncommon valor and on January 21, 2009, 16 year old Sergio Preciado and his family went to the rescue of their neighbors when their home caught on fire with a young child trapped inside; that the toddler's mother was outside yelling and Sergio, his father and Ms. Vega, the child's mother, tried to enter the home but when they could not find any entrance available Sergio kicked through the window and he and his father climbed in along with Ms. Vega and the room was filled with thick smoke and Sergio found the crib and grabbed the unconscious child and handed him to his father who passed him out the window to his wife and then Ms. Vega collapsed and the father and son saved her; that because of Sergio and his family Ms. Vega and her child were present today; and presented him a Proclamation saluting and commending Sergio Preciado and his family for their heroic efforts and thanking them for being a shining example of neighbors helping neighbors and proclaimed today as "Preciado Family Day" in Houston, Texas; and Sergio thanked Council for the recognition. Council Members Holm and Jones absent.

Council Member Noriega stated that on March 7, 1999, a fire ripped through Justina Page's home leaving her with third degree burns over 55% of her body and while in the hospital she was told they lost their home, all possessions and one of their 22 month old twin sons; that Amos died in the blaze and with the Lord now; that Justina spent 2-1/2 months in the hospital recovering and one year in therapy and 10 years later she found an answer to the impossible in the Amos House of Faith, a nonprofit she founded in memory of her lost child, the group provided resources and support groups for families affected by burns and she was now raising funds to open a family room next to the Texas Medical Center to provide support services and temporary lodging for caretakers of burned patients and on behalf of her efforts a dinner would be held January 21, 2009, to raise funds for her cause and honor a woman of faith and the work she did; and presented her a Proclamation recognizing her dedication and service and proclaimed today as "Amos House of Faith Day" in Houston, Texas. Council Members Lawrence, Sullivan, Holm and Jones absent.

Council Member Brown stated that today they were honoring Houston Professional Firefighters Local Union 341 because this was the "Fill the Boot" kickoff campaign day in Houston, Texas, benefiting the Muscular Dystrophy Association and invited those present for the presentation to the podium. Ms. Dalton stated that for more than 50 years firefighters helped Jerry's Kids by filling their boots with donations from citizens of their communities and for eight of the last ten years the Houston Firefighters of Local 341 had been Number One, proving Houston was the city with the biggest heart; that last year they raised a record breaking \$568,708.00 for MDA and in kicking off this years campaign thanked all for their support on behalf of all families served; and invited all at the Council Table to be first to drop in a dollar and help MDA and provide hope to all families; and introduced Ms. Forbes, a member of the MDA family, and Ms. Forbes thanked all for the opportunity to start their "Fill the Boot" kickoff; that they expected great things from the City of Houston and its firefighters; that there were 43 newer muscular diseases taken care of through MDA and she was one who had a disease which attacked all muscles, those used for chewing, talking, blinking, even swallowing and she was much better because of information from the Muscular Dystrophy Association and God; and thanked all for all their concern and sharing; and the boot was passed around the Council Table; and Mayor White presented a Proclamation to them and stated it was particularly effective because citizens trusted the firefighters, people from time to time solicited on corners and they did not want people to trust them, but firefighters were good stewards of the money. Council Members Lawrence, Sullivan, Holm and Jones absent.

Council Member Rodriguez stated that he already made his contribution and thanked the MDA, Fire Station 8 and the union for being present and for all they did. Council Members Lawrence, Holm and Jones absent.

At 2:18 p.m. Council Member Khan stated that Mr. Shack was an outstanding young leader of the Islamic community and appointed Iman by the Local Islamic Society of Greater Houston, Iman was the one who lead congregation prayers and gave sermons on Friday and invited him to lead all in prayer and Council Member Khan led in the pledge. Council Member Jones absent.

At 2:21 p.m. the City Secretary called the roll. Council Member Johnson out of the city on city business. Council Member Jones absent.

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

At 2:22 P.M. the City Secretary began calling the public speakers. Council Member Jones absent.

Mr. Maurice Johnson, 1015 Hemp Hill, Houston, Texas 77007 (832-267-1572) appeared, pictures were presented and he stated that he was a representative of the Salvation Army, an adult rehabilitation center on Washington Avenue treating the addiction of alcohol and drugs, and was present concerned with the growth of establishments around them selling alcoholic beverages as they were encountering parking problems and increased criminal activity and trash; and urged responsibility be taken for ample security and parking. Council Members Lawrence and Jones absent.

Mayor White thanked Mr. Johnson for coming and stated that they had met with others in the Washington Avenue Corridor on this issue and there was a town hall meeting requested and he appreciated Council Member Noriega and her willingness to serve as a potential convener and he wanted to make sure they gave her and others interested a briefing on tools which could be used; and to Ms. Vasquez stated that he would suggest they have such a group and it would include someone from Neighborhood Protection, Parking, HPD or Parking Management Section of the General Services Department, PWE and representatives of the Washington Corridor Coalition all attend so they could come up with choices and alternatives. Council Members Lawrence and Jones absent.

Council Member Holm thanked Mr. Johnson for coming and Mayor White for giving guidance; that there were several meetings of which her office was a part of along with several staff members from Legal and different areas and it was important to make sure they offered opportunity to everyone; that people were looking to coexist with businesses and not curtail them. Council Members Lawrence and Jones absent.

Council Member Adams thanked the community for the photos presented and stated that as they looked at this area they needed to take into account all communities having the same problem, if they were trying to create tools they needed to look at the City of Houston as a whole and get information from various Council Members to see what problems they were having on the issue. Council Member Lawrence absent.

Ms. Jane Cahill-West, 2114 Lubbock, Houston, Texas 77007 (832-721-9080) appeared, presented information and stated that she was the president of the Washington Avenue Memorial Park Super Neighborhood or SN22 and with one exception Washington Avenue neighborhoods between I-45 and I-10 were all struggling with adverse consequences caused by the increased number of alcohol establishments; that at some establishments there was inadequate sound proofing, parking and law enforcement and in December a representative of Legal told a crowd in Rice Military that the city lacked the power to offer relief and today she and others were present raising awareness of the issue and asking for the town hall meeting and a taskforce; that they were not seeking to close or ban businesses and she believed her ten suggestions were circulated with the photographs presented. Council Member Lawrence absent.

Mayor White stated that he appreciated her identification of problems and offering of solutions; and he wanted citizens to know that in each legislative session they tried to get authority to regulate certain establishments in neighborhoods and the state laws were written and there may be more they could do, but in Austin they passed laws saying no city could have jurisdiction over the closing hours of a place which served alcohol. Council Member Lawrence absent.

Council Member Lovell stated that the pictures could be in any area of the City of Houston experiencing the same problem and neighborhoods bearing the brunt and while they do this for Washington she would like it broadened a have a taskforce which dealt on the issues for every

neighborhood and would ask for patrols to be stepped up as it may help for now on some issues. Council Members Lawrence and Noriega absent.

Council Member Khan thanked Ms. Cahill and all citizens who took time in highlighting a serious problem every community was facing and he would be in support of not only the town hall meeting but a taskforce; that in southwest Houston they were using the TABC hearing process for controlling or putting a damper on some establishments; and thought they should ask for help in Austin. Council Member Lawrence absent.

Council Member Noriega thanked all for coming and stated that they would visit with the Mayor and talk about the possibilities and then get back with them and they would include all. Council Member Lawrence absent.

Council Member Brown thanked all for coming and stated that Washington Avenue could be one of Houston's great streets but it was a sad declining street and city government had a responsibility to partner with the private sector and community and address and find solutions to the problem and the city did have control on what happened in the private right-of-way and recommended stronger nuisance ordinances, strengthen the parking ordinance, use police powers more effectively and the city could create special districts such as the Washington Avenue Corridor District. Council Members Lawrence and Khan absent.

Mr. Brian Baker, 1820 Decatur, Houston, Texas 77007 (713-557-5773) appeared and stated that he lived in the east end of the Washington corridor in the Old Sixth Ward and their quality of life had diminished since the coming of the clubs; and urged more officers with more decibel meters and new ordinances. Council Members Khan, Brown and Noriega absent.

Council Member Jones thanked all for coming and stated that she still did not know why zoning was a bad word in Houston and thought Council Members should revisit that and she had been working with Ms. Gafrick on Chapter 42 things to allow neighborhoods to protect themselves from new people coming in and changing the character of the neighborhoods, where people lived was their biggest investment and those on Washington were not in this alone. Council Members Sullivan, Holm, Rodriguez, Brown and Noriega absent.

Council Member Clutterbuck thanked all for coming and stated that they adopted a change to the city rules on conducting meetings and she would like to gently remind Council Members they did have time limits by which to comply and if they were going to move to extend the rules perhaps they could have a discussion about it now; and Mayor White stated that the time for Council Members was five minutes, collectively, and a point of order would be entertained at anytime anyone violated that. Council Members Sullivan, Holm, Rodriguez and Brown absent.

Mr. Lee Krause, 1820 Decatur, Houston, Texas 77007 (713-861-1168) appeared and stated that he lived in the Sixth Ward and present to discuss development along the Washington Avenue Corridor; that he was not against businesses or clubs but asking for a proactive plan for parking in neighborhoods, to enforce current nuisance laws such as tickets to bars for too high sound levels and to require off duty police officers working the clubs to enforce all laws such as public intoxication, disturbing the peace, excessive noise, etc. and not just guarding the clubs front doors. Council Members Sullivan and Holm absent.

Mr. Michael Paolucci, 102 Oak Place, Houston, Texas 77006 (713-256-1171) appeared and stated that he was an owner/operator of a soon to be opened establishment in the Woodcrest area along Washington Avenue and he would be selling alcoholic beverages and staying open until 2:00 a.m. certain nights and he was a property owner and operator of such an establishment in the Midtown area and today was present to show support to the cooperative approach advocated by Super Neighborhood 22; that working with rather than against

neighborhood associations was the best course of action to a peaceful coexistence and today was also asking the city to begin immediate evaluation of the signage for parking along Washington Avenue as well as the current permit parking ordinances in place including a permit parking ordinance developed similar to ones used by mostly dense areas in cities such as Chicago allowing property owners and their guests to benefit from street parking. Council Member Holm absent.

Mr. Jerry Harper, 2003 Decatur, Houston, Texas 77007 (713-880-5861) had reserved time to speak but was not present when his name was called. Council Member Holm absent.

Ms. Evie Browning-Krause, 820 Decatur, Houston, Texas 77007 (713-861-1168) had reserved time to speak but was not present when her name was called. Council Member Holm absent.

Mr. Bobby Orr, 8554 Katy Freeway #100, Houston, Texas 77024 (713-554-6522) appeared and stated that he was a commercial property owner on Washington Avenue as well as Heights Blvd. and had millions invested in the corridor; that he also served on the Washington Avenue Coalition and his concerns were many, Washington Avenue was a signature corridor and should be, but the residential and commercial values were going to be negatively impacted by the proliferation of bars which had no adequate parking and which opened as retail establishments when they were bars and those which opened as valet when he wondered if it was enforceable; that this was going to be another Richmond Avenue with the difference being Washington was residential, it was a neighborhood first, and there seemed to be a disconnect between the City Permitting Department and the ordinances relating to parking, one establishment had enough parking for eight of the seventeen required for his property. Council Member Sullivan absent.

Council Member Holm allowed Mr. Orr to continue; and Mr. Orr stated he needed to find nine more parking spaces within 250 feet of his property and if he could not he should not open and should not have been given a permit to begin with, he was asking the City of Houston to enforce parking ordinances and they did not have to look to the State Legislature to control this problem; that he expressed problems to Ms. Gafrick and others and no one was looking at the proximity of the bars to the schools and an ordinance said you could not have a patio in connection with a restaurant within a proximity of a school and yet there were some that had. Council Member Jones absent.

Mayor White stated to Ms. Stein and Ms. Vasquez that he would say they had a meeting on this about a month ago with some specific things to do and to Mr. Orr and Ms. Gafrick and the community and Legal Department and others one issue was individuals who applied for permits as restaurants and really were not and he did not know who followed up and he was not making a request, but directing people to identify what those issues were so if someone did not have a permit and second he would like the Planning Department, specifically on the issue of parking requirements, look at a couple of cases Mr. Orr would give them and say whether it did or did not comply with city ordinances; that it would be easy if they could have a concentration requirement for alcohol beverage establishments, but he was told they could not do that; that they could not set time limits near residential neighborhoods and they could not make a resolution to apply to a bar if it did not apply to all, but he did want to go to the limit on what they could do; that he also wanted to know about the existing terms and conditions of restaurant permits where they said they were restaurants and they were really bars and he thought it 50% or more and who was going in and auditing them; that was what he wanted to know; and Mr. Orr stated that he would suggest on the valet parking ordinance the bar owners bring a lease with the property owner allowing them to valet park on their property and that the property owner give the city notice in the event the parking agreement terminated, he believed some would lease with property owners to satisfy the parking requirement then it terminated and they went

to the streets; and Mayor White stated that if there were one or two cases, specifics he could think of, he would ask the Legal Department with assistance of other departments investigate it. Council Member Jones absent.

Council Member Holm stated that Mayor White had this focused, but this community brought every aspect of the community together for the good and they should cease the opportunity for the whole city; that they should work with the legislature, but right now work with tools they had. Council Member Jones absent.

Mr. Phil Neisel, 2313 Union Street, Houston, Texas 77007 (713-381-6577) appeared and stated that he was president of the Old Sixth Ward Association and they were experiencing problems with club patrons parking in the streets and their loudness woke people up; that in the last six months of 2008 they worked closely with bar owners and they funded generously out of their own pockets for additional patrol in the neighborhood, but they could not be everywhere and they felt their best chance of protection was to get help from permit parking and they were working with the Parking Management Department now with Ms. Rambo who had been very helpful, the problem was regulations were a bit reactive and she was subject to those rules, for an application to pass they must show 60% of on street parking was taken up and in addition 25% were used by out of area cars. Council Members Lovell and Jones absent.

Council Member Rodriguez allowed Mr. Neisel to continue; and Mr. Neisel stated that it prevented them from including adjacent streets in the application which they knew would be a problem and the application took up to six months for approval, it was more reactive than proactive. Council Members Lovell and Jones absent.

Ms. Phyllis Thomason, 611 Knox, Houston, Texas 77007 (713-880-4119) appeared and stated that she was president of the Rice Military Civic Club and present regarding bars proliferating along Washington Avenue; that in November they learned five businesses requiring liquor licenses were being planned in the 5100, 5200 and 5300 blocks of Washington and applying for late hours; that on December 3rd a neighborhood meeting was held with representatives from the City of Houston Legal Department and the TABC the commercial property owner and a bar operator was in attendance and residents were told there were no laws governing the number of bars allowed within a specified space; that TABC protests could be filed which could slow the process but not stop it; that parking lots were being identified as sufficient to require the city requirement of shared parking, but the only thing that did not compute was four bars were claiming the same lot and each having the requirement of seventy spaces and the lot only held 120 cars. Council Member Lovell absent.

Council Member Noriega allowed Ms. Thomason to continue; and Ms. Thomason stated that valet parking was a problem on the east end, according to the code the valet company was to arrange for off street parking and they were not allowed to park on the street and they were asking the City to become more aggressive in enforcing codes.

Mayor White stated that Ms. Suzy Hartgrove was present and he would like someone to get with Ms. Thomason today, if people were claiming the same lot and it was satisfying multiple permits either someone changed the laws of physics or what she said was not true or there was a problem in how they were doing business and he wanted her to find out where it was, he wanted to know if three bars were using one lot and he wanted to know this by tomorrow and would appreciate it by the end of today.

Council Member Khan stated that if it were the case more than one establishment claimed the same parking spot for their permit then what would the City of Houston's options be, could they pull their permit; that follow-up was crucial.

Ms. Kathy Vossler, 2212 Decatur, Houston, Texas 77007 (713-861-9447) appeared and stated that she lived in the Old Sixth Ward and she took the pictures each Council Member received today; that she did not live on the east side where most of the problems were, but had heard about the problems about a year ago, then in October there was a meeting and a Mr. Harper appeared and talked about being woke up at night over and over again and she knew the problem was too big for him and that was when she went to take pictures and it was over only a few nights, but the photos did not demonstrate the incredible noise. Council Member Holm absent. Council Member Holm absent.

Council Member Noriega allowed Ms. Vossler to continue; and Ms. Vossler stated she did not get many of the photos with a still camera at night it was difficult and she hoped Council Members would act quickly. Council Member Holm absent.

Mrs. Kari Malloy, 6602 Wanita Place, Houston, Texas 77007 (832-419-5204) appeared and stated that she was present as a concerned mother, she lived behind an establishment at 6603 Westcott which was currently vacant, but a permit was there for another establishment to open; that it was hard to have a young child sleep with people tramping through the front yard screaming and peeling out; that their neighborhood was beautiful and they had nine children under five near the facility; that she did not want to shut down an establishment, but there was not enough parking for a new one. Council Member Holm absent.

Mayor White stated that Ms. Hartgrove was working on this issue and to Ms. Vasquez he would like to know if there was a pending permit, use this as a case study, see if there was a permit for a retail establishment pending and it would be helpful to have the permit and the copy of the ordinance on parking regulations and requirements. Council Member Holm absent.

Council Member Lawrence stated that she would suggest she call Planning and speak with them about petitioning her street for no parking, if there was 75% it would take care of it. Council Members Khan and Holm absent.

Council Member Brown stated that it was their neighborhood, bars came and went, and all agreed at the table something needed to be done to protect them as they made an investment in Houston and asked she be patient. Council Members Khan and Holm absent.

Ms. Chalon Fontain, 6627 Wanita Place, Houston, 77007 (713-252-9573) appeared and stated that she lived in Camp Logan and was Kari's neighbor and also present to speak on the establishment at Washington and Westcott, it was a bar/restaurant a number of years and recently changed hands and they planned to make it a sports bar serving breakfast, lunch and dinner and staying open until 2:00 a.m. nightly; that they met with him and he told them since it was a restaurant for many years he did not have to worry about parking because he was grandfathered in and that meant all he had to provide was 18 parking spaces, even under new ordinances he would only have to provide 40 and they wondered where the other 100 or 200 people would park and they were asking for help. Council Member Khan absent.

Mayor White stated that on this he would be interested in legal taking a look. Council Member Khan absent.

Mr. James Schriver, 1808 Lubbock, Houston, Texas 77007 (713-523-1709) appeared, presented DVDs and stated that he was present on enforcement actions, they had a number of DWI arrests and it increased over the years; that in 2007 there were 5 such arrests and in recent months they saw as many as 31; that he had been taking videos of people falling and it showed one woman unable to navigate, she could not even stand up and landed face first in the gutter and her boyfriend was not much better; that more enforcement was needed and maybe a

bar should have enforcement in numbers according to the number of customers allowed. Council Members Khan and Holm absent.

Council Member Jones stated that this was directed to Mayor White, if someone had a permit for a restaurant did the law provide them to be grandfathered for another use; and Mayor White asked for an answer and Mr. Heilman stated that they would review specifics on this case; and Mayor White stated that if he did not know, it was a good question and asked he get on the phone with someone who did know if there was a change from the use how did it affect the grandfathering, it was a pure legal use and he wanted to know himself; and he wanted to thank Ms. Vasquez and the IT staff, they had been tinkering here and wanted to get better, but on the screen they would see Ms. Malloy's house at the back of the establishment; that he would also like the permits pulled for the location to be placed on the screen and that would allow decisions to be made in real time. Council Members Adams, Holm and Lovell absent.

Council Member Sullivan moved to suspend the rules to hear from Mr. Curran at this time, Mr. Curran appeared at the podium; and Mayor White stated that with no objections they would hear from Mr. Curran at this time on unanimous consent. Council Members Adams, Khan and Lovell absent.

Mr. Michael Curran, 2207 Delmonte Drive, Houston, Texas 77019 (713-894-3400) appeared and stated that last summer a new waterline was put in River Oaks north of San Felipe between Kirby and Shepherd and Metro City was the installation contractor, a company named PTI was hired by the city to inspect and monitor the contractor, the problem was lack of management and inspection resulted in a substandard job and some work still was not done; that basically the city paid for a job they had not received; that streets in some instances had subsided, the sprinkler systems were torn out, sod not put back, under ground wiring was torn out and now a subcontractor for Center Point was fixing those and much patch work was not done; that River Oaks was an older street but there was no care taken with heavy equipment, etc., he was out of water three days because they could not find his water meter they just skipped him; that emails were sent and that head of the River Oaks Property Association had sent letters to the Water Department and there were no replies; that since he decided to speak to Council he had many people's attention, but he told them he wanted it fixed but not the city to fix it, he wanted those paid to do the work to fix it. Council Members Adams, Sullivan, Khan, Rodriguez and Lovell absent.

Mayor White stated that this was a good opportunity..., who was present with Public Works, there was a day he tried to get someone with contracting experience in there to run it; that he knew Mr. Curran had built more pipelines than anyone in the world and he personally knew that and felt it would be helpful, he would ask him with his doggedness and Public Works to have the project manager and the supervisor of the construction company and would almost like to have it video taped, to go through what he saw and then set forth who received and what was done with email complaints from residents and whether or not, who was the job site supervisor; that they could not have a job site supervisor there all the time, but they did need a job site supervisor with authority to direct work on site at all times and he did not know how you did construction jobs without a job site supervisor and if there was not one how did they think the work was being monitored; that he wanted the project manager with the city, the project manager for the contractor and Mr. Curran and what he mostly wanted was figuring out what the procedures were and the difference of what the Public Works and he thought to be appropriate; and Mr. Curran stated that he would do as requested. Council Members Adams, Sullivan, Khan and Lovell absent.

Council Member Holm stated that she too hoped the issue would be addressed and more importantly again this resident brought to light something faced in every neighborhood and about every project; that when the city did contract with someone to do a job it was their

obligation to spend the taxpayer's money wisely and make sure it was done appropriately and before they were paid improvements should be made; that time and time again projects came forward not more than six months after it was paid for and there was a problem and then nothing could be done; and Mayor White stated that state law required low bid contracting unless they could show someone not financially responsible, but they could make certain requirements concerning the nature of qualifications the job site supervisor placed by the contractor was responsible for and then be responsible for the city's own employees and not just process paper but go out periodically; that it should be the contractor, PTI and the City of Houston in-house project manager. Council Members Sullivan, Khan and Lovell absent.

Council Member Clutterbuck stated that there were many similar situations in District C and her frustration was a project manager paid for by the City of Houston and City of Houston inspectors were on the ground in charge of the projects and on some the city inspector had a thick file of indications where he or she told the contractor to make the project right and it had not been made right and then they came to Council for accept work and they did not know these things and site inspectors, etc., were extremely frustrated about their concerns and that thick paperwork was not reflected all the way up and the city did end up paying for it; that now she had an issue where a contractor poured a sidewalk in the storm last week and promised to guarantee it a year because that was what the contract called for; that they were paying millions to contractors and they were trying to expedite it to get early incentive pay and not doing adequate work and she planned to look at all accept works in District C to see if they were adequately addressed; and Mayor White stated they only had a few contractors left and going into remediate something at the tail end was much more expensive than doing it as they went and there did need to be clarity and they could suspend work, but in public right-of-way they did want work moved along and that was why giving his judgment about if the contract job superintendent or project manager had competence and authority to make sure what was done was done, it would help him and give direction to Public Works. Council Members Lawrence, Sullivan, Khan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that she met with Mr. Marcotte about the same issues and thanked Council Member Clutterbuck for making her statements; that two weeks ago they had a community come about sidewalks and to add on to what Council Member Clutterbuck said constituents were the best eyes, but if calls were made in within a year to day there were damages and now it was five years later who was responsible for the sidewalk; that Mr. Marcotte was checking, but they needed a way to handle contractors beyond one year. Council Members Lawrence, Sullivan, Khan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that he was curious, normally the engineer of record was responsible for construction administration in the field and it was the same entity responsible for the construction documents and he was curious why a new entity was doing construction administration or project management, it was not efficient and confused the lines of legal responsibility for performance. Council Members Sullivan, Khan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. David McBroom, 26231 Cypresswood Drive, Spring, Texas 77373 (281-288-7783) appeared and stated that he was present to discuss the abuse of the United States flag, the flag the Council as a body started each meeting with; that from time to time, though tragic, a member of the police or fire department may lose their life and the Mayor or department head ordered the U. S. flag to half staff and it was in direct violation of the U. S. Flag Code, lowering of the U. S. flag was established to display a nation in mourning and only the President of the United States or Governor of the state had the authority; that he was a staff member of the American Legion and responsible for flag education and etiquette and the gesture of placing the flag at half staff meant the nation or state mourned the death of a highly regarded national or

state figure, individuals and agencies which usurped the authority and displayed the flag at half staff on inappropriate occasions were eroding the honor and reverence of a solemn act; that they believed proper respect for the U. S. flag should be maintained no matter the circumstance, he understood the emotion of a department wanting to honor a fallen member, but how could you show respect to them by disrespecting the symbol in which they chose to honor them; that he wore many hats, a police officer, firefighter and a member of seven special forces group and wore the "green beret" and had seen "Old Glory" waived in countries around the world as a beacon of hope and sign of freedom and although burned and mocked in streets of foreign lands and even at home, he understood the rights and privileges he fought to defend, but no arm of government should ever be the abuser, if they were not going to lower the flag for every soldier, sailor, airmen, Coastguardsmen and Marine, if they did not constitute a nation in mourning why did firefighters and police officers; and asked Mayor White to send a directive to department heads the U. S. flag would no longer be disrespected and did hope he would take leadership in righting a wrong most were not aware of. Council Members Sullivan, Khan, Holm, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. McBroom for his passion on the issue and how well he conveyed it. Council Members Sullivan, Khan, Holm, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence thanked Mr. McBroom for coming and sharing his passion and reminding all, sometimes mistakes were made, and anytime he saw a mistake she would appreciate letting them know, what he said was dear to all and they did want to do what was right; and Mr. McBroom stated that he did not bring a problem without a solution, there was a way to correct it, the American Legion authorized a mourning pendant to be placed below the U. S. flag to be flown at full staff to let all know that the department or entity was in mourning and displayed a black strip. Council Members Khan, Holm, Brown, Lovell and Green absent.

Council Member Jones thanked Mr. McBroom for coming and for all the service he had given. Council Members Khan, Holm, Brown, Lovell and Green absent.

Council Member Adams thanked Mr. McBroom for coming and sharing information and educating Council and many watching on the municipal channel as to respect for what they did and why they flew the flag at half staff; and thanked him for what he did and what he had done; and Mr. McBroom stated that he spoke with Mr. Dadoush and had been fighting this for over a year and he agreed with him, but somehow the message was not getting out and it was important the Mayor take the role in directing department heads the policy would no longer be followed. Council Members Khan, Holm, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. David Sneed, 3000 Murworth, Houston, Texas 77025 (281-832-3566) appeared and stated that he was present regarding two corrupt police officers who falsely arrested him on August 24th, a Sunday night, J. R. Barber and K. M. Goren worked for the Unit 5554; that he had never been arrested but he was snatched out of the car and thrown against it and handcuffed and taken to jail, one said he was the police and could do what he wanted and that was the mentality of many officers and he would like to know what could be done, what the city did to discipline corrupt officers. Council Members Lawrence, Khan, Holm, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Sneed for coming and stated that he contacted her office and this was a situation where he was pulled over and asked where he was going and he said he did not think it was any of their business and arrested and placed in jail; and he was concerned there may be a quota system. Council Members Lawrence, Khan, Holm, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Mayor White stated that there was a sergeant with HPD present and he could assure Mr. Sneed officers were not perfect as there was no perfect pool to pull them from, just like all the rest of us, but there were laws on what an officer could and could not do and based on cases of discipline he was aware if there were few professions scrutinized as HPD and cases came across Chief Hurtt and he tried to make sure they were fair to all and in some cases things were said that were not true; that there was a system for filing complaints and those complaints were taken seriously, it was not a perfect system, but professionalism within HPD was taken very seriously; and Mr. Sneed stated that he went to Internal Affairs and did what he could, this was August 2008 and he received a letter stating nothing was wrong, but he did not trust it, it was HPD and he and a lot of Blacks could not get justice and why was it only White officers in Black neighborhoods he thought it to be a setup. Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that this was frustrating and the perfect time to open discussion of a Civilian Review Board with teeth, nine times out of ten HPD did not find wrong doing, she personally had experience, she did agree they had a dangerous job and she wanted good fair police enforcement and that was good government; that the only time they believed the police wrong was when there was a camera which caught them and then they still said they thought there was a knife or gun; and again urged a Citizen Review Board; and Mr. Sneed stated that the Gang Unit told him there was an arrest quota and with that they would create arrests; and Mayor White stated that Chief Hurtt and he reviewed a case where the person was terminated and which they insisted be tried for felony trial and many can identify with a violation they did not commit and it did not happen to just one demographic. Council Members Khan, Holm, Rodriguez, Brown and Green absent.

Ms. Beatrice Livings, 4700 Enda #1018, Houston, Texas 77033 (713-734-1126) had reserved time to speak but was not present when her name was called. Council Members Khan, Holm, Rodriguez, Brown and Green absent.

Mr. Kent Crawford, 5118 Red Start, Houston, Texas 77035 (713-254-3602) appeared, presented information and stated that he was a resident of Westbury and ran a group called Horseshoes From The Heart, a 14 year old charity which took those with disabilities and put them into active trail rides and real situations; that each year they held a campfire in Westbury and there was a new ordinance having to do with burning and campfires and if you had a Boy Scout or Girl Scout Troop or charity and wanted a campfire your minimum cost would be \$750.00 and require permits, site plans and an inspector by the Fire Marshall's Department to stand there during the event; that this was written around a trash burning ordinance and not a campfire, it was Section 6.6 of the LSB, Line Safety Bulletin, and that section covered trash burning to bonfires and camp fires and the parts in question was 6.5 the containment of campfire, it should contain a metal container not to exceed 36 by 36 and 24 inches tall and that was when rubbish burning was allowed, it was not written for a kids campfire. Council Members Khan, Holm, Rodriguez, Brown and Green absent.

Mayor White thanked Mr. Crawford for coming and exposing some of the foolishness of people; and upon questions, Mr. Heilman stated that he was not sure how long the ordinance had been on the books; and Mr. Crawford stated that the Fire Marshal was trying to now actively pursue this. Council Members Khan, Holm, Rodriguez, Brown and Green absent.

Council Member Clutterbuck stated that the ordinance had been on the books as long as anyone could remember, she spoke with Captain DuPont and she was unaware of how long, they made changes about two years ago to the fee structure and now the Fire Department was going out and enforcing; that Council Member Noriega agreed to take up in her committee and it needed to be brought up as quickly as possible; that there needed to be a distinction in the Life

Safety Bulletin and they wanted to permit the fires and the ordinance needed a change allowing for nonprofits such as the Scouts, etc., so they could have a fire without the fire captain standing by and she would like a time line and perhaps Legal or the Fire Department could come forward with a proposed ordinance change; and Mayor White stated to Council Members Noriega and Clutterbuck if they could help by considering instructions and give to Legal in bullet point form of changes. Council Members Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Mary Capers, 9702 Maddox, Houston, Texas 77078 (713-663-0462) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Mr. Willie Baker, 6523 Vera Jean Drive, Houston, Texas 77088 (281-272-0995) appeared and stated that he was the spokesperson from the Acres Homes Area in the northwest section of the City of Houston and they were voters and taxpayers; that for four years Ms. Mary Helen Taylor was the chairperson of Willow Run and she had a program of YMCA and their area was growing and the land for the "Y" was there, but the Mayor was overlooking the necessity of a YMCA in a very productive community and asked he set guidelines so the organization could work and for all to support the "Y" in Willow Run. Mayor White, Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that some might argue Mr. Baker was Mayor of Acres Homes and she knew Ms. Taylor was present and had the Administration's update, Ms. Taylor came often asking for the "Y" in Acres Homes and several years ago Council set-aside about 20 acres and \$1.6 million for park grounds in Acres Homes and the speakers wanted a "Y" there, she spoke with Mr. Stovall with the Downtown "Y" and Mr. Baker, a high up there, said he would meet with Ms. Taylor and former Council Member Edwards next week she believed, but as explained to Ms. Taylor during this money crunch she believed the money was reallocated and needed to know that from the Administration, but she needed to find corporate partners, the city did not build YMCAs; and Mr. Baker stated that he did appreciate her input, but urged all do what they could to get a "Y" in their area. Mayor White, Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Reverend James Nash, 8418 Colonial Lane, Houston, Texas 77051 (713-725-1664) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Loretta Kiser Jasper, 13007 Wilde Glen Lane, Houston, Texas 77072 (832-889-7702) appeared and stated that she was president of Families Fighting Against HIV and AIDS and was present on behalf of Ms. Taylor; that the "Y" was a good idea, she raised eight children; and she was present supporting her to the fullest. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Janie Montoya, 8306 Tibbons, Houston, Texas 77012 (713-923-6955) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Connie Villarreal, 3110 SW Freeway, Houston, Texas 77098 (713-292-0236) had reserved time to speak but was not present when her name was called. Mayor White, Council

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

Mr. Joseph Ballard, 6302 Rocky Nook Drive, Humble, Texas 77396 281-850-0380) appeared, presented information and stated that in January the Mayor addressed Black on Black Crime and he had important things to talk on and the Mayor and half the Council was not present; there was 139% increase in the number of young African-American's arrested in killings; that all should be present for speakers, the Council should be present and if they had a matter it should be done a different day; that they were having a Stop The Killing Summit on February 26, 2009, at the Pleasant Grove Missionary Baptist Church and he was inviting Council Members and the Mayor to come and participate; that they were trying to be a solution. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Mr. Ballard for coming and stated that because the Mayor was not present it did not mean he was not listening, he was just in the back and there was a television; and Mr. Ballard stated that was not the point, when people came they wanted to speak with him. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones thanked Mr. Ballard for coming and stated that she would certainly be there; that she lost family to violence and was happy to come and be supportive; that they did need to pay attention to people killing people and she thanked him and those he worked with for doing what they did; and Mr. Ballard stated he would apologize, but he had a lot to say and he did want to thank some Council Members and Claudia, they did a lot in the community and he wanted to do it in person and would have felt better if they were present; and Council Member Jones stated that the Summit had primary goals and some issues to be discussed would be job raining, anger management, job referral agencies, etc. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Charles Cupp, 1237 Althea Drive, Houston, Texas 77018 (713-682-7010) appeared and stated that his son was murdered 2-1/2 years ago by drug dealers; that last week he called the police because the people who did this took his picture in the front yard of his house and he was concerned thugs were looking for trouble and they had his picture; that he called police and said he wanted them to let him talk to the people who took his picture and he wanted to know if the people said they shot his son with the paint ball gun; that the incident report showed they had five separate murders; that they took him to court for threatening them; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that all were very sorry for his loss, they had no jurisdiction with the Medical Examiners Office and could not help him, but a sergeant was present and could speak with him at this time. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Margaret Mitchell, 5342 Dumfries, Houston, Texas 77096 (713-726-0255) appeared, presented information and stated that her home was severely damaged by Hurricane Ike and the insurance company denied coverage; that homeowners needing substantial and expansive repairs faced complex challenges and when contractors were chosen it was difficult to monitor the quality of their work and depended on government to set standards and inspection procedures to implement those standards, homeowners were vulnerable and officers stated it could be weeks before investigation and she had been ripped off thousands of dollars; that information should be in a user friendly manner on permits required and exact scope of work for the permit and when multiple permits were required there should be one coordinator available to oversee the project and schedule and contractors should conform to legal standards or have penalties. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Ms. Mitchell for coming and stated that Mr. Roberto Medina with Public Works was present and could sit with her and go through her issues. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Tammy Newsome, 7342 Finch, Houston, Texas 77028 (713-633-4147) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Ron Banks, 7107 Peerless, Houston, Texas 77021 (713-823-2681) appeared, presented information and stated that he wanted to bring attention to officials work his company did during the storm cleanup for vegetation; that they had a contract in place with Silver Bullet who had a contract with Cahaba who had a contract with DRC who had a contract with the City of Houston; that they met with Mr. Randal Trehan a couple of months ago and he forwarded the information he was complaining about to Mr. Cahaba, City Attorney and Velma Laws and what they wanted was for the city to help them get paid for the work they did; that his packet showed the original invoice and check mailed to them and which stop payment was placed on sixty days later; that they were owed about \$16,000 to \$18,000 at this point; that another issue was Cahaba entered a lease contract with his company for a property to store vegetation on and they reneged and had not paid them for the lease and that information was in his packet also; that he wanted the City of Houston involved as he could not get payment. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Mr. Banks for coming and stated that when people did work they did want them paid. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that in going through his invoices she wanted to understand, he was a subcontractor and he did not get paid by Silver Bullet; and upon questions, Mr. Banks stated that there was DRC and they subbed to Cahaba and they subbed to the person they had a contract with which was Silver Bullet; that Silver Bullet paid them but 60 days later they stopped payment on it; and Council Member Adams stated that she wanted to speak with Mr. Harry Hays the Director of Solid Waste; and upon questions, Mr. Banks stated that they stood before Council during the storm as a contractor and pointed out the fact that the minority contractor was not being used properly and these problems occurred after they spoke to Council so they believed it to be a sort of retaliation; and Council Member Adams stated that she wanted to meet with him after Council Members spoke with him and get details. Mayor

White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Banks stated that the check paid to Silvestri Investments was who leased the property to his company; that the check showed he honored his agreement with the people he had a contract with, he was the contract administrator for Houston Kaco and they leased the land for storage of vegetation and that property was leased from his company but they were never paid; that the check received from Silver Bullet was dated October 9, 2008, and they had placed it in their account, but then the company stopped payment on it. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Ms. Darlene Williams with the Solid Waste Management Department was present and would sit with him at this time and see what could be done. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Catherine Shorter, 5955 Ridgeway, Houston, Texas 77033 (713-734-3863) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. April Tulley, 2053 Country Village Blvd #C, Humble, Texas 77338 (281-224-1383) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Santresa Stewart, 3315 Knotty Oaks Trail, Houston, Texas 77045 (832-863-4065) appeared, presented information and displayed an "adult video" case which she had purchased the video to show Council and stated that she was also irritated the Mayor was not present to hear her as it was of great concern to the community and it was his city she was trying to look out for; that she was outraged as a mother because neighborhood stores and gas stations in the predominately Black lower income communities were selling pornographic videos and they were on a stand of which any minor could look at; that one at 610 and Cullen had a McDonalds inside the Chevron and the movie stand was right where you paid for your gas so she and her son stood right next to the pornographic videos; that the list presented was only of ten stores she knew of with the videos but it was not just those stores, they were all across communities and she did not know how they were overlooked; that it was not just skimpy bathing suits, the movies were "XXX" rated and outrageous porn and the cover showed it and it was there for all to see; that she had three young children and was outraged; that the fight movies were on the outside of the stand and the porn was right in the middle and she did want it stopped. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Ms. Stewart for bringing this issue to the Council Members attention. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she thanked her for coming with this and the first six places on her list were in District D and being a Council Member this was something they did not want to see; that they could put taskforce on cigarettes, etc., and when putting taskforce together much should be looked at and a taskforce needed to be brought back to the

convenience stores and she was going to send her list to Vice as she wanted them to go in and look and not only did porn needed to be looked at there, but now with DVDs in vehicles you could see pornographic "XXX" movies through their car windows going down the street and police officers needed to enforce policies and when you could see this through car windows they needed to be pulled over and ticketed and she also wanted to know what the policy was on underage people purchasing such just as on purchasing cigarettes; that she wanted to know if there was an age limit just as for beer, etc., that she would not tolerate this and wanted HPD enforcement on pornographic videos and she hoped that HPD and Chief Hurtt were looking at this now to see what policies there were or which policies needed to be placed. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice MPY Lovell stated that Sergeant Chomiak was present and would sit with her at this time; and Ms. Stewart stated that the list was only on the way to her house, but they were all throughout the community; and Vice Mayor Pro Tem Lovell stated that they could begin with her list; and thanked her for coming. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was the Restoration Beautification President of Willow Run North Plaza and present again on behalf of the YMCA; that she was told there were no funds, but they could get funds from United Way, Harris County, taxes, etc., and they would get a tax break because of living status and the Forestry could give money as well so there were many ways to get funding. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Ms. Taylor for coming and continuing to be an advocate for her community. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he did give those present credit for staying, but they preached about which laws to follow and they could not follow their own; that Council Member Clutterbuck brought up time limits for Council earlier and the meeting and it could have been over a long time ago; that his time was also important and someone was waiting for him, but they talked too much, constantly going over the time and that was why he had no respect for them; that he was suing the City of Houston for his land at 1611 Holman; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that Mr. Galvan called her office Friday about a street light and she had information on who needed to be called at Center Point and Ms. Vasquez would give him the number. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Theodore Johnson, no address given (no phone number given) appeared and stated that last week he was present speaking on his van and he went through the procedures to fill out a complaint and the officer said he could not get ...; and the officer said she did not care who said he was not going to get it; that he did not want runarounds. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Johnson stated that he gave her the information last week; that the officer was Officer Hutcheson and she was with HPD. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that if Mr. Johnson would get with Ms. Vasquez she would call those with the towing industry and see how to assist him with his van. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Marian Ray, 6111 Willow Bend Boulevard #808, Houston, Texas 77096 (832-689-8149) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 4:58 p.m. City Council recessed until 9:00 a.m., Wednesday, February 18, 2009. Council Member Johnson absent out of the city on city business. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, February 18, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Jarvis Johnson out of the city on city business.

Note: Council Member, District H Position, vacant.

At 8:30 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:42 a.m. Mayor White called the meeting to order and stated that the first item was a Mayor's Report.

## **MAYOR'S REPORT**

Mayor White stated that from time to time Council Members ask multiple questions and he would take the opportunity to publicly respond to questions; that first, just as a matter of scheduling, there had been questions by Council Members concerning the stimulus package and what money may be available to the people of Houston, directly in or indirectly through the City or others, that he would say that within one week or two they would have a posted full Mayor's Report on that, that they would have received some information concerning the final bill that came through and he would publicly thank their Council Members who take the time and effort to work with State and regional government, such as HGAC, because the way the federal funds were distributed, the grants, were typically not made directly to the City so their participation in Austin and in regional Council's was extremely important and he thanked those

who devoted the time and activity to that, that they would have the Mayor's Report in more detail, in one or two weeks, on that particular issue; that the other issue that he had gotten questions on had to do with certain aspects of the proposed firefighter contract and would take this opportunity to review some things, some of which were facts or laws, that may not be so obvious; that an amendment to the City Charter passed in 2003 obligated the City to negotiate in good faith for a Collective Bargaining Agreement if certain acts were triggered by the firefighters union, that this was not an option or a policy, there was a Charter requirement which had passed overwhelmingly in a vote, that it was initiated in response to the fact that there had many years without a fire contract so many of them understood the purpose for the initiative, even though some of them, like him, opposed the Charter amendment because they understood and expressed to the public that it limited the flexibility of City government, that it passed overwhelmingly, that the steps needed to comply with the law were undertaken by the union and followed by seven months of extended and hard negotiations for the City trying to make sure that they were fair to the taxpayers and to their employees, of course the union leadership very vigorously represented the interest of its members, that there were quite a few people involved in that and he wanted to thank Ms. Mitchell and Ms. Judy Johnson, who was retained, and both of whom were fair and also fiscally conservative, that for many years, before this administration, firefighters worked without a contract which meant that their pay fell behind their counterparts in other urban fire departments, including those within this State, that it was important that they be able to attract and retain firefighters, that the contract that they passed several years ago did much to close the gap between Houston and other urban fire departments, that they did extensive studies, rank by rank of other comparable cities within Texas, not even taking into account that there was some higher cost of living in Houston and historically they had tighter labor markets than in some cities; that the amendments to the contract took into account, and were very specific in detail, discrepancies between the compensation and the rank structure of Houston and other major cities, with the object of attracting people who wanted to make fire and EMS services as a career, for which they had a possibility for economic and professional advancement, that their firefighter capability ranked at the very top or in the very top ranks of firefighting in the United States, that he could elaborate on that but that was not just his opinion, it was the opinion of professionals in the field, and he would remind people that 80% of their runs were EMS runs, that Chief Boriskie, and the command staff had greatly expanded the amount of EMS training and that paramedics were some of the most competitive, that people with paramedic skills were in some of the most competitive occupational categories in the Country, that it was important that they be competitive so that they retain and were able to recruit those with those important skills; that it was important to him, and should be important to others, that they have a transition between the administration which leaves the City in sound financial condition, that during the time of an economic downturn there would be little room for error on that but he would tell them that if they simply refused to negotiate in good faith, violated the Charter or the outcome did not come through an agreement through the process, then under the Charter amendments passed overwhelmingly by the public, a contract would be imposed by an arbitrator or a district judge, then it would not be up to the oversight of this body or anyone charged with the budgetary stewardship of their City government, that it would also be an outcome that would be bad for firefighters since there would be no certainty and if the proceedings were protracted and a fair pay adjustment was delayed then when it did occur it would be likely to be greater taking into account the delayed compensation for the cost of living and perhaps even greater disparities with those in urban departments, that it would also be distracting to those working very hard and doing a good job for the City, that he would not attempt to characterize the agreement further, it had not been ratified by the union members, that it took seven months, not because people were idle, but because it was a very tough negotiation, the union stood up and they (the City) had some views and he thought it was a tribute to many involved that they were able to come to an agreement, the agreement was taken into account in the multi year budgeting that they had and it would have been prudent to do so because as he said the question was whether or not there would be an agreement but the question was whether or not they in the firefighters union were able to reach that agreement or it

was imposed by an arbitrator or district judge; that he would put the information that he had just given them in a memo in writing to City Council Members, which he hoped would be circulated by the close of the City Council meeting today, and that concluded the Mayor's Report. Council Member Adams absent.

Council Member Lawrence stated that they paid for their attorneys in the negotiation and was it her understanding that they also paid for, in collective bargaining, the firefighters attorneys, was that in the Charter, who paid for their attorneys, that the reason she asked was that theoretically somebody could extend it much longer, not that any attorneys would dare do that just to get more hours of pay, that it was just something that she thought about, that she thought they paid also, in the collective bargaining, both sides attorneys, or would this time, and she questioned that, and Mayor White stated that was a good question and would investigate that and would get back to her on that. Council Members Adams, Holm, Rodriguez and Green absent.

At 9:52 Mayor White stated that they would move to the consent agenda. Council Members Adams, Rodriguez and Green absent.

### **CONSENT AGENDA NUMBERS 1 through 54**

#### **MISCELLANEOUS** - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the reappointment of **MR. ROBERT D. TANNER**, to Position Six, representing HISD, of the **SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2010 – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams, Rodriguez and Green absent. MOTION 2009-0073 ADOPTED.
2. REQUEST from Mayor for confirmation of the reappointment of **MR. MARK WORSCHER**, to Position Three, representing HISD, of the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2010 – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams, Rodriguez and Green absent. MOTION 2009-0074 ADOPTED.
3. RECOMMENDATION from Director Department Public Works & Engineering to accept the January 2009 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$5,952,846.07 for Revenue Bond Debt Service as recommended in the Report – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams, Rodriguez and Green absent. MOTION 2009-0075 ADOPTED.

#### **ACCEPT WORK** - NUMBER 4

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$739,436.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Carverdale and Schwartz Park Improvements - 4.99% over the original contract amount **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council

Member Johnson out of the city on city business. Council Members Adams, Rodriguez and Green absent. MOTION 2009-0076 ADOPTED.

**PROPERTY** - NUMBERS 6 and 7

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Hart Schleicher of Capital Real Estate Commercial, on behalf of Kurkel Manufacturing, Inc., (Bob Kurtz, President), for abandonment and sale of Semmes Street, from Brooks Street south to its terminus, located in the S. F. Noble Addition, Parcel SY9-028 - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. MOTION 2009-0077 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Barry Hunsworth, Gene Carroll & Assoc., L.P., on behalf of Medistar River Oaks Medical Center, Ltd., [Medistar River Oaks Management, LLC (Robert M. Hodge, Vice President), General Partner], Portsmouth Oaks, Ltd., [Portsmouth Management, LLC (Robert M. Hodge, Vice President), General Partner], and Hospital Properties of Houston, L.P. [HPH Management, LLC (Charles W. Johnson, President), General Partner], for abandonment and sale of a 10-foot-wide utility easement, within Reserve A, Block 1 of the Twelve Oaks Medical Center Subdivision, out of the A. C. Reynolds Survey, A-61, Parcels SY8-013, SY8-038 and SY8-039 - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. MOTION 2009-0078 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 and 12

10. **ORATOR PLUS, INC** for Image Capturing Cameras and Panoramic Video Spherical Photograph Immersive Digital Recorders for the Mayor's Office of Public Safety and Homeland Security \$134,400.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. MOTION 2009-0079 ADOPTED.
12. **KNAPP CHEVROLET, INC** for an Ambulance through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Fire Department - \$92,225.00 Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. MOTION 2009-0080 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 15 through 52

15. RESOLUTION acknowledging and supporting the development and construction of Costa Vizcaya II Multi-Family Project located in Council District A, for purposes of the Texas Department of Housing and Community Affairs requirement for a proposed new Affordable Housing Tax Credit Development which is to be located within one (1) linear mile from an existing Affordable Housing Tax Credit Development which received an allocation of Housing Tax Credits within the last three years and which will be located in a Census Tract that has more than 30% Housing Tax Credit units per total households in the Census Tract - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none.

Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. RESOLUTION 2009-0001 ADOPTED.

16. RESOLUTION acknowledging and supporting the development and construction of South Acres Ranch II, a Single-Family Project located in Council District D, for purposes of the Texas Department of Housing and Community Affairs requirements for a proposed new Affordable Housing Tax Credit Development which is to be located within one (1) linear mile from an existing Affordable Housing Tax Credit Development which received an allocation of Housing Tax Credits within the last three years - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. RESOLUTION 2009-0002 ADOPTED.

17. RESOLUTION designating certain properties within the City of Houston as historic landmarks:

Western Electric Company Building 100 Jackson Street **DISTRICT I - RODRIGUEZ**

Eller Wagon Works -

Pittsburgh Plate Glass Building 101 Crawford Street **DISTRICT I - RODRIGUEZ**

Waddell's Housefurnishing

Company Buildings 806-810 Sampson Street **DISTRICT I - RODRIGUEZ**

– was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. RESOLUTION 2009-0003 ADOPTED.

18. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:

Houston Heights Church of Christ Building 1548 Heights Boulevard **DISTRICT H**

Richardson House 3307 Austin Street

**DISTRICT I - RODRIGUEZ**

Elbert C. Crawford House 428 Westmoreland Avenue

**DISTRICT H**

Daisy Wilson Bland House 227 W. 18th Street

**DISTRICT H**

Farnsworth and Chambers Building 2999 South Wayside Drive **DISTRICT I - RODRIGUEZ**

– was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. RESOLUTION 2009-0004 ADOPTED.

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 20-foot wide storm sewer easement, out of Restricted Reserve "B" of Houston Intercontinental Trade Center Partial Replat No. 3; Parcel SY8-065; vacating and abandoning said parcel to AMB HFC, L.P., the abutting owner, in consideration of its conveyance to the City of a 20-foot-wide storm sewer easement out of a 5.5577-acre tract of land, situated in the Jacob Armstrong Survey, A-89, Houston, Harris County, Texas; Parcel LY8-032; and its payment of \$300.00 (minimum fee) and other consideration to the City - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0100 ADOPTED.

22. ORDINANCE consenting to the addition of 3.034 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0101 ADOPTED.

23. ORDINANCE consenting to the addition of 12.2780 acres of land to **HARRIS COUNTY**

- MUNICIPAL UTILITY DISTRICT NO. 157**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0102 ADOPTED.
24. ORDINANCE consenting to the addition of 54.78 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0103 ADOPTED.
25. ORDINANCE consenting to the addition of 184.397 acres of land to **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3**, of Harris and Fort Bend Counties, Texas, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0104 ADOPTED.
28. ORDINANCE establishing the north and south sides of the 700 block of Omar Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0105 ADOPTED.
29. ORDINANCE establishing the north and south sides of the 700 block of Omar Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0106 ADOPTED.
31. ORDINANCE establishing the east and west sides of the 200 block of Vincent Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0107 ADOPTED.
32. ORDINANCE establishing the east and west sides of the 200 block of Vincent Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0108 ADOPTED.
33. ORDINANCE specifying locations for Early Voting by Personal Appearance and the dates and hours such voting shall occur in the Special Election to be held on 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 Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0109 ADOPTED.
34. ORDINANCE approving and authorizing Foreign Currency Exchange and Business Services Concession Agreement between the City of Houston and **LENLYN LIMITED, d/b/a ICE CURRENCY SERVICES USA**, at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - Revenue - **DISTRICTS B - JOHNSON and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0110 ADOPTED.

35. ORDINANCE approving first amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twenty, City of Houston, Texas (the Southwest Houston Zone); authorizing the City Secretary to distribute such plans - **DISTRICTS F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0111 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for Tuberculosis Physical Services; providing a maximum contract amount - 1 Year with 3 successive one-year renewals - \$62,400.00 Grant Fund – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0112 ADOPTED.
37. ORDINANCE approving and authorizing contract between the City and **GATEWAY TO CARE** for Elderly Services provided through the Harris County Area Agency on Aging - \$357,832.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0113 ADOPTED.
46. ORDINANCE amending Ordinance No. 2006-1237 (passed on December 13, 2006) to increase the maximum contract amount for contract between the City of Houston and **PROVIDENCE ENGINEERING AND ENVIRONMENTAL GROUP LLC** for Mobile Ambient Air Monitoring Laboratory for the Houston Department of Health & Human Services - \$137,295.50 - Grant Funds – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0114 ADOPTED.
47. ORDINANCE appropriating \$126,173.00 out of Parks Consolidated Construction Fund to Purchase and Install New Security, Phone and Networking Equipment including Card Readers, Cameras and Motion Detection System Equipment under existing citywide contracts with **BL TECHNOLOGY, INC, DC SERVICES, LLC** and **INX, INC** for the Newly Renovated Forestry Complex for the Parks & Recreation Department - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0115 ADOPTED.
50. ORDINANCE appropriating \$445,300.00 out of Reimbursement of Equipment/Projects Fund and \$120,000.00 out of General Improvement Consolidated Construction Fund as an additional appropriation for Roof Repair/Replacement Services and Task Order Roofing Consultant Services for the Denver Harbor MultiService Center Roof Replacement under existing contracts with **CHARTER ROOFING COMPANY, INC** and **BUILDING ENVELOPE CONSULTANTS, INC DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0116 ADOPTED.
51. ORDINANCE appropriating \$152,064.96 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the Agreement between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for the Transportation Enhancements for Near Northside, Package II (approved by Ordinance 2002-0618) - **DISTRICT H** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0117 ADOPTED.

52. ORDINANCE appropriating \$136,400.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Engineering Services Contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES** for the Reconstruction of Buffalo Speedway from North Braeswood Boulevard to Holcombe Boulevard (approved by Ordinance No. 2007-0529) **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Adams and Rodriguez absent. ORDINANCE 2009-0118 ADOPTED.

Mayor White stated that with permission of Council, he wanted to acknowledge and thank all of the owners of the structures who were designating the structures as landmarks, as protected landmarks, of the City of Houston, that it was something that was done voluntarily and thought that one of them happened to be the residence of their City Controller, that he appreciated people setting good examples of civic leadership. Council Member Adams absent.

Council Member Brown stated that he wanted to second what Mayor White stated and wanted to recognize and thank Mir Azizi, who had registered three of the properties as permanent historic landmarks. Council Member Adams absent.

Council Member Lovell stated that she also wanted to say thank you to everyone who had done that, and yes it was the Controller's incredible home on Westmoreland, that she wanted to thank her and Kathy for doing that, that it was listed as being in District H and believed it was in District D, that she wanted to thank everybody else for protecting these historic structures. Council Member Adams absent.

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

**PROPERTY**

5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Greg Travis, Travis Law Firm, Inc., on behalf of MBI, Ltd., [MBGP, Inc., (Rex L. Mosser, President), General Partner], for abandonment and sale of Hohl Street, from the west line of Lot 2, Block 2, east to its terminus, and the sale of two tracts of fee-owned land, in exchange for the conveyance to the City of a full-width utility easement, a 40-foot storm sewer easement, and right-of-way necessary for the construction of a cul-de-sac at the terminus of Hohl Street, located in the E. O. Greiner Subdivision, out of the J. T. Harrel Survey, Parcels SY9-030A-C, VY9-027, LY9-030 and AY9-020 - **DISTRICT H** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. MOTION 2009-0081 ADOPTED.
8. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and file objections to the award in connection with eminent domain proceeding styled City of Houston v. Ha Phuong Corporation, a Texas Corporation, et al., Cause No. 887,616; for acquisition of Parcel AY6-029; for the **LONG POINT @ BLALOCK INTERSECTION IMPROVEMENTS PROJECT (Oak Tree - Freedonia) - DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. MOTION 2009-0082 ADOPTED.
9. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. Autotronic Systems, Inc, et al., Cause No. 890,961; for acquisition of Parcel

AY6-028; for the **LONG POINT @ BLALOCK INTERSECTION IMPROVEMENTS PROJECT (Oak Tree - Freedonia) - DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. MOTION 2009-0083 ADOPTED.

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

11. **GILBREATH COMMUNICATIONS, INC** for Public/Disaster Preparedness Education/Outreach Programs and Companion Marketing through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council - \$581,595.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. MOTION 2009-0084 ADOPTED.
13. ORDINANCE appropriating \$1,596,132.75 out of Equipment Acquisition Consolidated Fund for Purchase of Medium- and Heavy-Duty Cabs & Chassis and Truck Bodies for Various Departments – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0119 ADOPTED.
- 13a. **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$2,747,108.84, **TEXAS UNDERGROUND, INC** - \$328,141.68, **SANTEX TRUCK CENTER, LTD.** - \$388,690.00 and **HOUSTON FREIGHTLINER, INC** - \$86,719.00 for Medium- and Heavy-Duty Cabs & Chassis and Truck Bodies through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Various Departments - \$3,550,659.52 – Enterprise, Equipment Acquisition Consolidated and Stormwater Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. MOTION 2009-0085 ADOPTED.
14. **BASELINE PAVING AND CONSTRUCTION, INC** for HVAC Replacement at Fire Station No. 44 for General Services Department - \$62,652.00 and contingencies for a total amount not to exceed \$68,917.20 - In-House Renovation Revolving Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. MOTION 2009-0086 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

20. ORDINANCE consenting to the addition of 2.00 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0120 ADOPTED.
21. ORDINANCE consenting to the addition of 35.42 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 153**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0121 ADOPTED.
26. ORDINANCE establishing the south side of the 1700 block of Norfolk Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye.

Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0122 ADOPTED.

27. ORDINANCE establishing the south side of the 1700 block of Norfolk Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0123 ADOPTED.
30. ORDINANCE establishing the south side of the 1800 block of Portsmouth Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0124 ADOPTED.
38. ORDINANCE approving and authorizing Amended and Restated Pre-Development Loan Agreement between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION** to provide additional funding for the development of Affordable Multi-Family Rental Housing located at 4004 Irvington Street, Houston, Texas - \$100,000.00 - HOME Grant Fund - **DISTRICT H** – was presented, and tagged by Council Member Jones. Council Member Adams absent.
39. ORDINANCE approving and authorizing Amended and Restated Agreement between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION** to provide additional funding to cover operating expenses for capacity building in connection with the development of Affordable Housing - \$100,000.00 - HOME Grant Fund - **DISTRICT H** – was presented, and tagged by Council Member Jones. Council Member Adams absent.
40. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **U.S. DEPARTMENT OF JUSTICE JUVENILE AND DELINQUENCY PREVENTION ACT FUND**, administered by the Governor's Criminal Justice Division (CJD), to support the After-School Achievement Program; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0125 ADOPTED.
41. ORDINANCE approving and authorizing the submission of an application for grant assistance (as approved by Ordinance No. 2008-0003) to the **U.S. DEPARTMENT OF EDUCATION SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES ACT FUND**, administered by the Governor's Criminal Justice Division (CJD), to support the After-School Achievement Program; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. Council Member Adams absent.

Council Member Lawrence stated that she thought they had made great strides with their After School Program, that in a conversation recently with people who did a lot of 501(C3)'s, there were 200 After School Programs in the City and as they went forward and create other After School Programs she thought it would benefit everybody to be sure that they were not overlapping different areas and that the best place for each of these programs, that to her knowledge nobody had an org chart or map showing all 200 of the After School Programs, that

she thought as they went forward with federal and State dollars and ISD dollars that they could look at where every one of these were and be sure that they were not missing a certain section of the City or certain areas, that she thought it would be beneficial for Parks to investigate. Council Member Adams absent.

Mayor White stated that he would make a note and stated to Ms. Stein that it might be appropriate for Council Member Johnson to have a hearing and get some evaluation of how the processes were and how they reached out. Council Member Adams absent.

Council Member Clutterbuck stated that it was an issue that received a lot of interest in District C, as she thought throughout the City and just last month she appeared at the Southwest 2000 Crime Prevention meeting where this was a topic and she thought it was important for all of them to know that the Harris County Department of Education, in fact, cataloged all of the After School Programs and did have a website, that they received a grant to be able to do that because there was such a need in the community, that it was a website that if they entered their address they could identify all of the After School Programs in their area, that she would urge Council Member Johnson to include them in his hearing and thought it was important that they had that kind of input to the process as well, and the Parks Department provided a number of After School Programs, as well as ASAP grants to local providers, that she wanted to give a thanks to Doug Earl who attended that meeting as well and was an outstanding advocate for their City programs. Council Member Adams absent.

A vote was called on Item No. 41. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0126 ADOPTED.

42. ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **GLOBAL TEL\*LINK CORPORATION** for Jail Inmate Telephone and Security/Surveillance Systems for the Houston Police Department to increase the commission rate, allow the City to replace outdated security camera equipment and to extend the term of the Concession Agreement - Revenue – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0127 ADOPTED.
43. ORDINANCE awarding contract to **TEXAS UNDERGROUND, INC** for Sewer Cleaning Equipment Maintenance, Repair and Replacement Parts Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options \$854,343.79 - Fleet Management Fund – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0128 ADOPTED.
44. ORDINANCE awarding contract to **BALAR HOLDING CORPORATION** for Sewer Cleaning Equipment Maintenance, Repair and Replacement Parts Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,353,955.00 - Fleet Management Fund – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0129 ADOPTED.
45. ORDINANCE awarding contract to **KINLOCH EQUIPMENT & SUPPLY, INC** for Sewer Cleaning Equipment Maintenance, Repair and Replacement Parts Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,312,287.50 - Fleet Management Fund – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0130 ADOPTED.

48. ORDINANCE amending Ordinance No. 2008-0617 (passed by City Council on July 1, 2008) to increase the maximum contract amount for Contract #4600008932 between the City of Houston and the **LAW OFFICES OF PATRICK ZUMMO** for Legal Services relating to the City's continued enforcement of the Sexually Oriented Business Ordinance; establishing a maximum contract amount - \$118,200.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0131 ADOPTED.
49. ORDINANCE appropriating \$1,000,000.00 out of Public Library Consolidated Construction Fund, \$486,000.00 out of Parks Consolidated Construction Fund, \$650,000.00 out of General Improvement Consolidated Construction Fund, \$300,000.00 out of Police Consolidated Construction Fund and \$100,000.00 out of Public Health Consolidated Construction Fund for minor construction, repairs, rehabilitations or alterations of various facilities under existing Job Order Contracts with **WILLIAMS & THOMAS LP dba JAMAIL CONSTRUCTION, INC** and **RHJ-JOC, INC** – was presented. Council Member Adams absent.

Council Member Green stated that he had some questions about the contract and understood they were increasing the amount and had done this periodically throughout the life of the contract and his question or suggestion was that they add additional contractors to it because it seemed these contractors, although they were doing a good, there was a lot of work out there that needed to be done and thought they needed to speed up some of the work that was being done on their own City facilities, that it was done in house, that he did not know if they had discussed the idea of adding additional contractors or additional funds to move this quicker, and asked Mayor White if he could provide a little background; that it seemed that a lot of these projects were behind schedule. Council Member Adams absent.

Mayor White asked Council Member Green if he would like some kind of response from Mr. Dadoush on that, and Council Member Green stated yes, somebody from Building Services, anybody who could let them know if increasing the amount plus increasing the number of contractors would not speed the work up, that he thought that was what was most important, that they get these City facilities up and running and if these contractors, although they were doing a good job, it looked like they had reached their capacity and how could they get their facilities up and running even quicker, that would be his question and if that was something that Building Services was amenable to that he thought it would help them in the long run. Council Member Adams absent.

Council Member Lawrence stated that she had a comment on Item No. 48, that she thought they had two big lawsuits on the agenda this time and was wondering if they had made any arrangements to recover funds if they win, in other words, countersue, that she had spoken with Legal a little bit yesterday.

Mayor White asked Mr. Michel if he wanted to respond, and Mr. Michel stated that on the inverse condemnation they were going to look at that, that he thought it was going to require a result of the trial; that the other one, the sexually oriented business contract was a little different, that part of that was to just pay for ongoing advice and another part had to do with the couple amortization hearings that they had to provide due process so that they had recouped their investment under their ordinance and that had been upheld, but they would not be able to recover attorney's fees there, but the third component of that contract was the appeal of the penthouse litigation and there they did obtain attorney's fees from the trial court. Council Member Adams absent.

Council Member Rodriguez stated that on Item No. 49 he would like to know if there were

any other opportunities for any MWBE firms to participate if they did increase the amount of contractors performing on the job order contract. Council Member Adams absent.

Mayor White stated that there was certain information, that he had made a note for Mr. Dadoush that one of the two contractors was an MWBE and there was a question if they did expand could there be more. Council Member Adams absent.

A vote was called on Item No. 49. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0132 ADOPTED.

53. ORDINANCE allocating \$1,301,630.00 out of Water & Sewer System Operating Fund; awarding contract to **MCKINNEY CONSTRUCTION, INC** for Water Distribution System Rehabilitation and Renewal, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Operating Fund – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0133 ADOPTED.
54. ORDINANCE granting to **CONTRACTORS ROOFING & SUPPLY OF TEXAS, LLC, A Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0134 PASSED FIRST READING IN FULL.

**NON CONSENT AGENDA** - NUMBERS 55 through 55B

**MISCELLANEOUS**

55. ORDINANCE appropriating \$875,000.00 out of the Water and Sewer System Consolidated Construction Fund for Legal Services in connection with litigation styled Maguire Oil Company v. City of Houston - had been pulled from the Agenda by the Administration, and was not considered. Council Member Adams absent.
- 55a. RECOMMENDATION from City Attorney for additional and final funding for legal services contract with **ANDREWS KURTH LLP** to represent the City in Maguire Oil Company v. City of Houston – was presented, moved by Council Member Khan, seconded by Council Member Green.

Council Member Khan stated that he had a couple of questions, that it said additional final funding, did they know that this was the end of the line for this one, and Mr. Michel stated that this litigation was into it's sixteenth year and this was closing out the old contract, and the other item was the new contract for the upcoming trial, and Council Member Khan stated that he knew it was a legal matter but there were some questions they were getting from the news media and constituents and asked if Mr. Michel could share with them what the status was and where were they going, that it was sixteen years old and there was a lot of history, and Mr. Michel asked if he wanted it in a written form, that he would do the written form and if there were any other questions the expectation was that the trial this spring would at least put an end but there may be an appeal afterwards, that he could go into further detail, but he would probably wind up with

a much bigger overview, that was what he was sensing. Council Members Clutterbuck and Adams absent.

Council Member Jones asked Mr. Michel if they took out the \$875,000, and Mr. Michel stated that was still under Item No. 55b, and Council Member Jones stated that it was her understanding that the \$83,000 was for work already done and they had not paid for that, and Mr. Michel stated yes, and Council Member Jones stated that was what she was advised of and she knew that they were asking to approve \$875,000 because of the amount of potential liability, but she was informed that part was taken out, was the \$875,000 taken out, and Mr. Michel stated that he thought the \$875,000 was under Item No. 55b. Council Members Clutterbuck and Adams absent.

A vote was called on Item No. 55a. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Clutterbuck and Adams absent. MOTION 2009-0087 ADOPTED.

55b. ORDINANCE approving and authorizing contract between the City of Houston and **ANDREWS KURTH LLP** for Legal Services and Representation of the City in connection with all matters relating to Cause No. 817,512; Maguire Oil Company v. City of Houston in the County Civil Court at Law No. 4 of Harris County, Texas and Cause No. 9355813; Maguire Oil Company v. City of Houston; in the 55th Judicial District Court of Harris County, Texas; establishing a maximum contract amount – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Clutterbuck and Adams absent. ORDINANCE 2009-0135 ADOPTED.

**MATTERS HELD** - NUMBERS 56 through 60

56. ORDINANCE determining the population of the City and the population of each of the Council Districts and determining that the populations of the existing City Council Districts are not materially unbalanced; making various findings and provisions related to the subject – **(This was Item 33 on Agenda of February 4, 2009, POSTPONED BY MOTION #2009-0054)** – was presented. Council Members Clutterbuck and Adams absent.

Council Member Rodriguez stated that he would like to offer an amendment to Item No. 56, that he thought that back in 2006, as the Mayor stated, was probably the opportunity to do a redistricting and to take that approach, that he was very interested in working with Mayor White and the administration to build consensus on the item and to make sure there were resources out in the community for a complete and accurate count and appreciated the Mayor's willingness to appoint and to approve a complete count committee. Council Member Adams absent.

Mayor White stated that he was planning to have a Mayor's Report next week and would have a communication out to Council Members either at that time if not before, asking for the participation and suggestions of each of them for the complete count committee and then going through the various very important steps that they needed to make sure that all of their citizens were counted; that everyone of them benefitted if everyone responded to a census form, that was because first, federal funding formulas were based on census counts in many cases, those included federal funds that may come directly to a City or a City department, but he would also say that when it came to transit funds and scoring of transit projects they were based on the number of residents per census tract of a certain age to run those models; that second, private grant funding did take into account the population of the City, the demographics and the social needs of the City that were reflected fundamentally in the census tract by census tract in numeration because there were legal issues where the courts gave almost total deference to

census information, but funding sources did use it as the most complete source of information concerning the population of the City; that number three, many Council Members had been strong proponents of economic development in underserved areas, that he would tell them that in deciding where retail locations would be that people looked and did intense analysis of the demographic information in that area to determine where they would invest their money for retail, that for all those reasons it was going to be critically important that everybody be counted and that they had the best information available when decisions were made; that they would make that the next topic of the Mayor's Report and would be asking every Council Member for help. Council Member Adams absent.

Council Member Rodriguez moved to amend Item No. 56 by substituting a revised ordinance that had been distributed around the Council table, seconded by Council Member Lovell. Mayor White stated that the administration supported that. Council Member Adams absent.

Note: The following is the caption of the revised ordinance:

"ORDINANCE determining the population of the City and the population of each of the Council Districts and determining that the populations of the existing City Council Districts are not materially unbalanced for purposes of Article V Section 3 of the City Charter; making various findings and provisions related to the subject"

After further discussion by Council Members, Mayor White stated that they also wanted to do what was legal, that two years ago they had a pretty open discussion around the Council table concerning the City Charter, that the City Attorney, Arturo Michel, had some views based on case law, they had outside Council who specialized in these case, that former City Attorney, Anthony Hall, had followed both professionally and as a lawyer and City Attorney at the time when they commenced the litigation to challenge the 2000 Census afterwards for the under count, a challenge that they lost, that they brought to his attention and they did others the fact that reliance on any data other than the Census data the overwhelming odds would be held unlawful in court; that both he and Mr. Michel spoke with Mr. Frumencio Reyes at the time, who had always represented those challenging and Mr. Reyes advise was clear and he shared the view that there ought to be more representation of minorities, but he said that if they proceeded with any thing other than Census data he thought it would be unlawful and there would be no question about it, that he would say that he was at the table and helped craft the language that resulted in the Charger amendment creating the two new Council districts, that he was counsel for those people who crafted it, that his intention was not to subvert that, his intention was to effectuate that in a way that was lawful, so it was not just a matter of judgment, it was a matter of law.

After further discussion by Council Members, Council Member Jones stated that she had asked for the pre clearance that they did with the Justice Department, she believed, in 1979, that she would like to have that information. Council Member Holm absent.

After further discussion by Council Members, Mayor White stated that there were two different issues, both of which he thought were important, that they were related, but were also independent; that first was the Census process, that they were going to kickoff soon and he would invite the participation of various Members of Council and community based organizations; that to give them a snap shot they were going to have to involve hundreds of community groups to get the word out and they were going to budget some amount for communication and raise and seek private grants, that it was going to be a massive volunteer effort, that the Census would be hiring huge numbers of people and the mailing would be made to every house and for those who do not return by mail every door would be knocked at, at least twice, and they would still wanted a higher participation rate than they got in 2000, that it was up

to them to raise awareness from the beginning until 2010 when it was reported to the President in December, that it was a process that would be extensive and involve thousands and tens of thousands of people, that the complete count committee would be based on that; that on the redistricting principles themselves, he wanted to go with the flow of what he heard around the Council table about the timing and nature by which they articulate, that there were some legal principles that they must abide by on redistricting, which the City Attorney would prepare a memo on, and then there were some policy issues that needed to be articulated.

Council Member Khan asked what was the status, and Mr. Michel stated that they would likely come forward with a contract for the lawyers that they had mentioned before, Heath Bickerstaff and Smiley, who had done the redistricting for the City before and were nationally known experts, unless they got it dismissed very quickly, that they would also have Mr. Frumencio Reyes as a lawyer on the contract because of the knowledge that he had and was also a known expert in the field. Council Member Clutterbuck absent.

After further discussion by Council Members, Mayor White stated that no, they had never used data other than Census data in the effort; that he thought when there was an annexation of say Clear Lake then they did have some redistricting but they used Census data, and Mr. Hall stated that he would defer to the City Attorney to answer the question precisely, after he made a comment, that the Census data, as he remembered, had always been the base data that they used, that when they got into redistricting they got into a lot of discussion of what he would call sub issues, and the fundamental principle that was advocated in 1979 and others was that there be fair representation of the various citizens who made up the community and that sometimes involved issues that people actually knew about because they had been there and that became relevant for the purpose of trying to assure that the ultimate goal of providing fair representation was accomplished, that having said that they deserved a precise answer and he did not want to answer erroneously, that this requirement really emanated from what used to be a history in their City of very aggressive and regular annexations, so obviously they would have to make the judgment that if they annexed a Clear Lake or Kingwood, that the districts were unbalanced and they had to go through the process of balancing them out, that they had obviously not been as aggressive in their annexations in recent years as they used to be; and Mayor White asked that in any event when they made adjustments based on annexations had it been based on Census data, and Mr. Michel stated yes. Council Member Holm absent.

After further discussion and questions by Council Members, Mayor White stated that, number one, when redistricting occurred, were there risks that communities would be split and the answer would be yes; that number two, if they voted no then they would be compelled to have an election and would in violation of the City Charter, which required them to pass an ordinance; and number three, the best available data, the Legal and Planning Department, say that the best available data for the purpose of determining the population of individual districts for voting purposes was the last Census data, for the purpose of the Voting Rights Act and the Constitution, so that they were consistent with Federal law.

After discussion by Council Members, a vote was called on the motion by Council Member Rodriguez to amend Item No. 56 by substituting a revised ordinance. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2009-0088 ADOPTED.

A vote was called on Item No. 56 as amended and substituted. Council Member Jones voting no, balance voting aye. Council Member Johnson out of the city on city business. ORDINANCE 2009-0136 ADOPTED.

57. 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 – **(This was Item 6 on Agenda of February 11, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2009-0137 ADOPTED.

- 57a. **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 – **(This was Item 6a on Agenda of February 11, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2009-0089 ADOPTED.
58. 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 – (This was Item 11 on Agenda of February 11, 2009, TAGGED BY COUNCIL MEMBERS NORIEGA and LOVELL)** – was presented, and tagged by Council Member Rodriguez.

Council Member Rodriguez stated that the Gulfcrest Super Neighborhood would be meeting on Thursday and wanted an opportunity to review this item and if he could have the appropriate staff out at the civic club meeting he would appreciate that.

59. 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 – **(This was Item 20 on Agenda of February 11, 2009, TAGGED BY COUNCIL MEMBERS JONES and LAWRENCE)** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2009-0138 ADOPTED.
60. 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 – **(This was Item 22 on Agenda of February 11, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2009-0139 ADOPTED.

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

Council Member Brown stated that he wanted to make everyone aware to attend a very special joint Council Member Committee meeting of Sustainable Growth and Transportation Infrastructure and Aviation to discuss two important issues, Houston Galveston Area Council's Livable Centers Program and moving forward with transect oriented development along their

existing and future light rail lines. Council Members Adams, Khan, Holm, Lovell and Noriega absent.

Council Member Rodriguez stated that he wanted to offer his condolences to the Alvarado Family on the passing of Mr. Frank Alvarado. Council Members Adams, Sullivan, Khan, Holm, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he wanted to congratulate the Parks and Recreation Department for being honored by the Park People at their award reception, that Mr. Joe Turner had earned the George R. Brown Leadership Award and Parks and Recreation were also honored with the Synergy Award by the Urban Greenery and would share the spotlight with the Planning Department and Quality of Life Committee; that they would have the Fourth Ward Community meeting tonight, Wednesday, February 18, 2009 at 6:00 p.m. at the Allen Parkway Village, 1600 Allen Parkway; that he wanted to thank his colleagues on support of Item No. 56. Council Members Adams, Sullivan, Khan, Holm, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he had heard in the public discussion that other cities had redistricting plans done in short order, those were done based on Census data and the 2000 Census, they knew, would not take into account the growth in the Hispanic population, nor would they be able to identify and take into account that growth if they did it by using building permit data because those were not identified by the background of residents. Council Members Adams, Sullivan, Khan, Holm, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that yesterday she was curious about the gentleman who came from River Oaks and talking about Project 50035-L2-4, that looking into that in the last 12 hours Metro City Construction had a 22% MWBE, that obviously there were problems whether with Metro City Construction or his subcontractors, that five years ago she tried to see about doing some evaluation and finding out who was doing good work and who was not doing good work and they could not because they did not hire those subcontractors so because of this problem that many of them had when water sewer lines were replaced she would ask before they brought forward what was pulled from the agenda last week that they look at it as an example and not blame necessary Metro City Construction for what happened, but were there some of his subcontractors who did a bad job that continued to get work, and see about putting some type of rating system by the contractors in, so instead of Metro City Construction getting a bad name, where were the problems with the problem that the gentleman spoke about, to look at the problem so that they could have an effective small business or MWBE Program, whatever it was, but not have complaints from the neighborhood as soon as something new was put in that immediately caused problems in that neighborhood, that should not be the situation when the City spent literally millions of dollars on some of these projects, that some way they had to get a rating system with their subs. Council Members Adams, Sullivan, Holm, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that on February 28, 2009 would be the Third Annual Turkish Olympiad at the George R. Brown Convention Center; that the Dragon Boat Festival would be on May 2, 2009, that it was the Ninth Annual Boat Festival, that for information they could call the Texas Dragon Boat Association at 281-381-7154; that Asia Society Texas was inviting everybody for their Tiger Boat 2009 on February 26, 2009 at the Intercontinental Hotel, that this year they were celebrating Splendors of China, that with that there would also be a US and China forum on Thursday at the Intercontinental Hotel. Council Members Lawrence, Adams, Sullivan, Holm, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that the joint committee meeting was on Monday, February

23, 2009 at 2:30 p.m. in the Council Chamber; that by the time Mayor White concludes his 6 years as Mayor, Houstonians would enjoy the opening of 5 new libraries, that he recently attended the groundbreaking of a LEED certified library in Kingwood and the Kindall Library this week; that he attended at the George R. Brown Convention Center the Electrical Reliability Task Force that the Mayor had assembled to see what they do with CenterPoint and others to convert their electrical grid into what was called a smart grid, less vulnerable to hurricanes, winds and flooding and would be a more balanced system, that it would help to get their electrical rates down; that he happened to drive down Fairview, between Montrose and downtown and passed out a picture and wanted to show an example of what not to do in terms of their overhead utility lines, poles, wires and transformers, that it had ruined Fairview as a street where anybody would want to invest, that it diminished their property values, that they had to work hard to find some alternatives to that. Council Members Lawrence, Sullivan, Khan, Holm, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank Council Member Rodriguez for mentioning Carol Alvarado's father; that it was her privilege to attend two funerals over the weekend, one for Ms. Eleanor Tinsley and the other for Ms. Magoo Untermeyer, that these two women were spectacular in their own right, both of a similar generation that set an example for how to do things extremely well and how to serve their Country, that she wanted to wish their sincere condolences to the Tinsley Family and the Untermeyer Family; that she also wanted to extend their condolences to the Alfred Family for the passing of Charles, that he would be greatly missed. Council Members Lawrence, Sullivan, Holm, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that in District H this Saturday the Annual Fun Run Cleanup was being organized through the District H Staff and their partners the Conoco Phillips, the Great Northside Management District and State Representative Farrar's office, that they could register at the Houston Livestock and Rodeo website or the Conoco Phillips website, that if they wanted to help with the cleanup to come on February 21, 2009 from 7:30 a.m. to 12:00 p.m. at the Northside Worksource building at 1906 Cochran Street; that if they were in need in District H of food distribution the Wesley Community Center, through the Villarreal Food Co-Op was also distributing food this weekend, Saturday, February 21, 2009, from 9:30 a.m. to 11:00 a.m., that it was located at 1410 Lee Street, that they could call David Medina at 713-223-8131 for additional information; that immunizations for children and the Flu vaccine was available for adults and children in the Harris County Hospital District at \$3 per child, that please bring the child's immunization records on February 23, 2009, from 9:00 a.m. to 1:00 p.m. at the Carrasco School Base Clinic at Marshall Middle School, at 1115 Noble in Houston, Texas, that for more information they could call 713-873-4894. Council Members Lawrence, Sullivan, Holm, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that he wanted to thank Council Member Rodriguez for his continued leadership and commitment to District I; that the Kenny Thomas Foundation at Jones High School would be the first school in Houston to host the education initiative, that the foundation would provide education support to students within the Houston Independent School District; that the Suburban Houston/Fort Bend Alumni Chapter of Delta Sigma Theta Sorority, Inc., that Missouri City Sugarland Chapter of Kappa Alpha Si Fraternity were sponsoring an Empower You Health and Wellness Fair on Saturday, February 21, 2009 at the Fort Bend Boys and Girls Club at 5525 Hobby Road in Houston, Texas, that she would be the co-chair of the fair; that on February 23, 2009 they would hopefully be doing their final and closing meeting with the CES and Palm Center Community to discuss the settlement, that she wanted to thank the Legal Department for partnering with them so they could get the information out so they could understand what the settlement agreement meant; that she wanted to remind the community that they were on their second Public Safety Forum and it would take place on Thursday, February 26, 2009 at the Fort Bend Boys and Girls Club in the gymnasium, at 5525 Hobby

Road, that she wanted to thank the Houston Police Department for their continuation; that she wanted to thank Mayor White for what he had done with the car wash on MLK, that this morning she had the opportunity to testify about the car wash and the demolition, that she wanted to thank the Neighborhood Protection Department and the Legal Department for working expeditiously on it, that yesterday they had a young lady who appeared before Council and provided some disturbing news and brought to their concern that in regular convenience stores and gas stations there was porn located in the store between the gum, chips and candy, that she brought photos and the top six were in District D, that she wanted to work with the Vice Division and Legal Department to see how they could hold those businesses accountable and abide by the ordinance that was on the books; that SHAPE Community Center was having a fund raiser on February 21, 2009 from 6:00 p.m. to 9:00 p.m. to give donations so they could increase their rolls to the polls, that they pickup senior citizens to go vote, that the tickets were \$8 but was sure they could give more, that it was located at 3815 Live Oak. Council Members Lawrence, Sullivan, Holm, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White asked if the landlord appeared at the hearing and Council Member Adams stated no, that according to the car wash issue, no one was represented from the landlord or owner of the facility, and Mayor White stated that it baffled him why it took so long, and asked if they knew what the next step was, and Council Member Adams stated that they made a final decision and a member of her staff called and let her know that they were going to tear it down in 30 days; and Mayor White stated to Mr. Michel that he wanted to know the full amount of the lien and it should be filed promptly, and asked if they could sue the person to recover their costs and Mr. Michel stated "yes". Council Members Lawrence, Sullivan, Holm, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:32 a.m. Council Members Lawrence, Sullivan, Holm, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary