

City Council Chamber, City Hall, Tuesday, February 24, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 24, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marty Stein Agenda Director present.

Note: Council Member, District H Position, vacant.

At 2:09 p.m. Mayor White called the meeting to order and stated that Council Member Johnson would begin presentations. Council Members Lawrence, Adams, Sullivan, Holm and Jones absent.

Council Member Johnson stated that they were honoring the Second Chance Workshop, an informative seminar which gave assistance to people in getting their criminal records expunged, sealed, etc., that it was important a record of someone who paid their debt to society was cleared so they could become working individuals; and presented a Proclamation saluting and commending the Millions More Movement and proclaiming today as "Second Chance Workshops Day" in Houston, Texas. Council Members Lawrence, Sullivan, Holm and Jones absent.

A spokesperson for the group thanked all on behalf of the Nation of Islam and the Millions More Movement and others involved for the recognition; and stated that they would see them in the future looking for more resources and funding for other things. Council Members Sullivan, Holm and Jones absent.

At 2:15 p.m. Council Member Green invited Dr. Clarence E. Grant Malone, Pastor of St. Johns Missionary Baptist Church to lead all in prayer and Council Member Green led all in the pledge. Council Members Sullivan, Holm and Jones absent.

At 2:16 p.m. the City Secretary called the roll. Council Members Johnson, Sullivan, Holm and Jones absent.

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

At 2:17 p.m. the City Secretary began calling the public speakers. Council Members Johnson, Sullivan, Holm and Jones absent.

Ms. Chris Errickson, 3510 Urban Woods Trail, Houston, Texas 77008 (713-880-2234) appeared and stated that she was appalled to read that the city may be giving a \$3,000 grant so people not currently credit worthy could buy more homes, a mortgage for a home in this country was not an entitlement it was a privilege and if people made poor decisions and did not qualify for a mortgage they should not get a home; that the idea everyone should own a home had gotten out of control in this country and the idea of homeownership was distorted; that they insisted people with poor credit and low incomes have funds so they could get a home, but a loan was not home ownership, home ownership was paying cash for a home and being forced to rent it back from our government at highway robbery property taxes; that government should not punish taxpayers and bailout those who could not buy home; that credit requirements had gotten more stringent and people could not get loans, but if that had happened all along people

would not be in the mess they were today and there was growing outrage in the middle class in this country as they were being punished and taxpayers needed a break and grants did not need be given to those who did not deserve them and if the city did approve this the entire city would be a joke in this country, had they not learned from the mortgage fall out, this proposal was a slap in the face to the "average Joe" trying to get ahead and she did not want to live in a socialist country. Council Members Johnson, Sullivan, Holm and Jones absent.

Council Member Khan thanked Ms. Errickson for coming and stated that it was people like her who made it worthwhile for Council to do their job and this was important and to Mayor White stated that he would request he share his thoughts; and Mayor White stated that he agreed with Ms. Errickson they should not pay people's installment loans just so they could qualify for a loan which was a part of a program where the Federal Home Loan Bank Board had given a grant to Amegy Bank to do for a number of years, their program and the program proposed by staff never included credit card debt, what they did need to do was to figure out a way for people in the 580 to 620 credit score who did make incomes and pay their monthly rent on time, but low income, they could make house payments for the same amount they were renting and as credit scores were rising banks had to figure ways to not artificially lower the credit scores but to help people get their credit card debt down, but he did not think the use of taxpayer money was appropriate to do that and he told staff to pull it and go back to the drawing board and he would say there was a risk in the country that they were going to throw the baby out with the bath water because a lot of abuses which led to financial collapse were the non FHA products where they had a low down payment and they were barely qualified to make the monthly payment needed and if there would be a turn in interest rates they would lose their house, in the program administered through the city they made 800 loans and only one default and the reason was they used FHA loans, etc.; and Council Member Khan stated that the item was pulled and it would not be considered and hundreds of Houstonians called and they were heard. Council Members Brown, Lovell and Jones absent.

Council Member Clutterbuck thanked Ms. Errickson and all the people like her who felt so outraged by the item, she shared their frustration; and to Mayor White stated that she did not know if it was expressed enough but hoped this was not just going back to the drawing board, this issue had hit a nerve across the country; that giving people the ability to increase their credit score artificially was exactly what got us all into this crisis in the first place; that she was surprised it was placed on the Agenda, if they had to help people pay off their credit card bills they could not afford a house in the first place, it was a critical issue and citizens needed to examine their own portfolios and they should not rely on the government to pay off debt and only until people were aware they needed to pay off their own debt would they then be able to own homes, etc., and she did hope this was dead. Council Members Brown, Lovell and Jones absent.

Mayor White stated that he agreed about people incurring excessive debt and that was one reason those who ran the program for housing assistance insisted on sound underwriting standards and the program with Amegy Bank in the federal government as he understood which resulted in this staff recommendation never encompassed credit card debt and paying credit card debt for people would be ridiculous. Council Members Lovell and Jones absent.

Council Member Lawrence stated that many people say they could put someone in a house at the same as their rent but it was not because they had bills, taxes and up keep and even with some housing they did in the city today, they had lost their houses; that they did not need another Fannie May II here and just an hour ago national radio was criticizing Houston for the agenda item and this did not need to happen. Council Member Jones absent.

Council Member Holm displayed a stack of paper and stated that the stack was emails she received this morning and many phone calls and for the exact reason; that people were

outraged and to interpret it for anything else, there was no committee meeting she was aware of, no information and no one shared information to a policy maker other than one piece of paper stating the reason for the item was to provide \$3,000 grants to be made to eligible applicants to decrease their debt ratio in order to increase their scores and allow them to qualify to close on home loans; and agreed with Council Member Clutterbuck the reason they were in the situation they were today was because people could not afford to live in the house once they closed on it and this was the exact same thing and she was truly embarrassed at the item and it showed poor leadership. Council Members Lovell and Jones

Council Member Adams stated that when she read the RCA it said an ordinance deappropriating \$444,000 in funds appropriated of the TIRZ Affordable Housing Fund and it was for emergency Hurricane Ike repairs and when you look at homeownership you look at education and she was a City of Houston employee and qualified for the First Time Home Buyers Program and received \$10,000 for it, but it took education from other sources and you had to change mindset with a house; that when people called for emergency home repair they were told the list was long and there was no money; that there were still blue roofs after Ike and if they had money in emergency repair it needed to remain there. Council Members Sullivan and Lovell absent.

Council Member Green stated that Ms. Errickson was not representing the middle class because everyone was outraged over the item; that he was like Council Member Holm if this was run by people he was not in the group; that years ago there were unscrupulous mortgage brokers who artificially inflated credit scores to get people houses and if they had the \$444,000 maybe they need help someone being foreclosed on to move, who was to say even if they gave people the \$3,000 their score would go up and if it did not did they ask for the money back; and he hoped the item was pulled permanently; and Mayor White stated that he agreed with those sentiments. Council Members Sullivan and Lovell absent.

Council Member Johnson stated that his comments were not directed to Ms. Errickson but thought many around the Council table had received hundreds of letters, emails and calls from constituents on the item and he agreed with many the city should not pay on someone's credit card debt, but from another standpoint understood the notion by which the idea was born, the city had an obligation to improve home ownership and such opportunities and they had over the years through the Housing and Community Development Department; that he thought this was well intended and they did try to increase the city tax base and the money was to be in Houston HOPE areas which were typically underdeveloped and there was a plethora of crime because of lack of homeownership and density of apartments and he would not say they should not revisit this, he believed they should. Council Member Sullivan absent.

Council Member Jones stated that she sent something to her colleagues stating her office received numerous negative calls regarding the item and a number of Council Members wanted to know it the item came before the Housing and Community Development Committee and it did not; that she read about it in the newspaper and was reviewing it when she heard it was pulled; that she believed it was well intended but not well vetted, but she wanted people to understand because of the use of funds they could only be used for certain ways received for; that affordable housing needed to be improved, but perhaps they could clear up blue roofs with it or stop houses from being foreclosed on; that they were listening and the item was pulled. Council Member Sullivan absent.

Council Member Brown stated that he agreed with most of his colleagues, it was an ill-conceived idea and Ms. Errickson coming today showed how government worked, she made her point and Council listened and he was pleased with the item being pulled and being reconsidered in a different way.

After a lengthy discussion by Council Member Lovell stated neighborhoods needed to be stabilized to protect others investments and find ways to move people into homeownership; Mayor White stated he did not think the city should be in the business of paying off someone's debt to buy a house, but there were people trying to figure ways to get loans and Mr. Celli conceived this based on the existing grant program done by the federal government for FHA loans of which they had good success; that he was against excessive consumer indebtedness and many heard him talk about that and within peoples own communities the default rates did tend to be caused by two things, people having too much note payments in relationship to their income and people who had teaser rates at the beginning before it went up; that all in the country were dealing with a situation now where the difference between a 580 and 600 and 620 credit score was affecting many families wanting to move into homeownership and resulted in a collapse in the housing industry so how the city before appropriated funds for credit counseling and how they could get their credit up..., paying down consumer debt was not the way to do it, but he did hope Council Members and their staff would think about ways to help citizens get their credit up pin a responsible fashion so they could participate in the "American Dream"; Council Member Khan stated that home ownership was not an inherent God given right, it was a privilege if you work hard, play by the rules and be responsible then you have the pursuit of happiness which included homeownership; that he thought government should never get into business of helping individuals pay off consumer debts, etc., that creates a problem of why your debt and not my debt; Council Member Noriega stated that Ms. Errickson one more time reminded Council the difference between a handout and a hand up and they agreed; and Council Member Jones stated that the federal government, FEMA and HUD offered states money for affordable housing and if received had to be used as they said, TIRZ had an affordable component as well, "X%" had to be dedicated to affordable housing and that was systemic and it trickled down from government; that she did not want this to be anti-affordable housing; and Council did agree with the speaker. Council Members Lawrence, Sullivan, Holm, Brown and Lovell absent.

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

Ms. Grace Wright, 10225 Scott #208, Houston, Texas 77051 had reserved time to speak but was not present when her name was called. Council Members Lawrence, Sullivan, Holm, Brown and Lovell absent.

Council Member Noriega stated that on a point of personal privilege she wanted to recognize Mr. John Lewis, Jr., who was visiting in Houston today, he was son to her staff member Georgia Lewis and asked him to stand to be recognized. Council Members Lawrence, Sullivan, Holm, Brown and Lovell absent.

Ms. Edna Jones, P. O. Box 280145, Houston, Texas 77228 (713-633-0842) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Sullivan, Holm, Brown and Lovell absent.

Mr. Steve Reiter, 6799 Main, Houston, Texas 77030 (713-793-3700) appeared and stated that the Mayor had proclaimed today as I-HOP National Pancake Day and it was important to Shriners Hospital for Children as for the last five years I-HOP in partnership with them raised almost \$300,000 to help them provide free pediatric orthopedic healthcare services, to not only Houston citizens but those in the State of Texas and they wanted to recognize I-HOP and bring attention to this and on the way home they could stop and get a free stack of pancakes for a donation and it would go a long way and Shriners Hospital for Children had been in Houston since the 1920's and they rendered free pediatric healthcare services, free care for kids who had been burned and free spinal cord injury care and if not for support of the citizens and

community they served they would not be able to continue; and thanked Council Member Adams for joining them to help celebrate. Council Members Lawrence, Sullivan, Holm, Lovell, Green and Jones absent.

Council Member Adams thanked Mr. Reiter for coming, she had invited him and stated they could eat breakfast all day and by going they donated to Shriners; and thanked Mr. Reiter for all he and the Shriners Hospital did for children. Council Members Sullivan, Noriega and Green absent.

Ms. Cynthia Sanders, P. O. Box 841696, Pearland, Texas 77548 (713-725-5021) appeared and stated that she was representing the American Federation of Government Employees Union and for the past six years they had been representing the rights and organizing the TSA workers at Homeland Security and even though the TSA workers did not have collective bargaining rights they understood the need for organizing and for the past six months or so she was able to obtain a permit at Bush Airport with no problems, but in the last six weeks or so she was not granted a permit because another union was seeking to represent the TSA and Airport management made a decision to keep her from representing her membership by not allowing her to hand out her literature without a permit, but the membership of close to 500 members needed to know she was out supporting them; that she had the right to be in the airport and she abided by all rules set in permit Ordinance Number 95-05 and never violated them and management did not have the right to play favorites; that they lobbied for the union to violate terms of the permit without checking the permit or investigating the plan; that they had been seen behind security in an area sanctioned as off limits and she reported it and was now being penalized for following the rules; and was asking a look be taken at permits issued to make sure it was fair to all unions. Council Members Sullivan, Noriega and Green absent.

Council Member Jones stated that she heard first amendment issues, if people were allowed to pass out literature at the airport how was it decided who did without regulating content which she felt was a constitutional violation; and Mayor White stated that there were certain locations where people could exercise first amendment rights within the airport as at other public facilities, there was also some back and forth that did involve dialogue with the union that he would have to ask Ms. Stein and Mr. Hall to report back and it had to do with actions of people who were not employees to areas of the airport; that he was reviewing a memo given him which said the operating instructions concerning those wishing to picket were being reviewed and in the process of being revived to provide convenient registration process and a better methodology about the 16 available picketing locations among different organizations; and Council Member Jones stated that she would like to get the information, she did not like infringements on the first amendment; and Mayor White stated that they would get an answer to her and the comment he received was not responsive to Ms. Sanders particular issue. Council Members Clutterbuck, Sullivan, Rodriguez, Noriega and Green absent.

Upon questions by Council Member Johnson, Ms. Sanders stated that she would say her permit was denied as her members reported to her they saw the other union in locations declared off limits soliciting information and if she did get a permit it was in the furthest locations and last week did not get one, the permits were issued every five days and she had been out there six months; and Mayor White stated that he thought a couple of unions were competing for TSA employees; and Ms. Sanders stated that was correct; and Mayor White stated that a number of permits were issue and they were on locations and criteria and policy and those within the Aviation Department and Mr. Hall would be familiar with some of that; and Council Member Johnson stated that they would look into it and get back to her on what he found. Council Members Clutterbuck, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

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

Ms. Sherry Harris, 7305 Regency Square Court, Houston, Texas 77036 (713-266-5398) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Pastor Chris Wright, 6503 W. Montgomery, Houston, Texas 77091 (832-251-0701) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Mary Adams, 1558 Diplomat, Houston, Texas 77088 (281-975-7272) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Edwin Ursin, 21818 Manner Court Drive, Katy, Texas 77449 (281-759-3235) appeared and stated that he was CEO of Ursen's Energy Efficient Lighting and currently he worked for the city in management lighting projects since 2004 and every year they were over on the dollar amount of the contract due to lighting conditions of the library, library lights were ready to burn hours and the system did not allow library lamps to be relamped every 20,000 burn hours as they were supposed to and due to that fact every year he would go over on the contract \$5,000 to \$10,000; that in 2008 he was over on the contract \$30,000 and Johnson Controls said the city would not allow them to pay for the overage so he had to eat it and in October 2008 he ran out of money to cover the contract because the contract dollar amounts were over what the city was giving Johnson Controls so Johnson Controls told him he would need to continue out of his pocket and he could not so they let him go and today he was present to expose the fraud in the Affirmative Action system with the general contractors, he was about to lose his house because he could not afford the note because Johnson Controls would not allow him to have the work they put him on the contract until 2013 for \$582,000 and now said he could do no more work because he stopped in October because it was to go until December, but he had no more money; that Johnson Controls allowed him to rebid in February and then told Affirmative Action he had gone out of business and that was why he was not chosen, he went to another contractor RHJ, he had the citywide contract, he went to him and they offered him a deal to take 15% of a \$150,000 contract and they would pass it to another contractor, give him \$14,000 to sit on the side; that he was on another contract with Payless Insulation for \$50,000 and he called them to see if he could get work and they said they had nothing, but when they called him to put him on the contract they did not say they would use his name just to meet the roster quota and he was here to see what was going on with Affirmative Action. Council Members Sullivan, Holm, Brown, Noriega and Green absent.

Upon questions by Council Member Johnson, Mr. Ursin stated that he was a certified minority contractor in the City of Houston and the contract referred to was with the city's Library System, the energy management lighting maintenance contract, he was subbing the contract with Johnson Controls and the percentage of work was about 15% though he was not sure, but on February 13th they put them down for five years and \$582,000; that Mr. Hamilton contacted him to see if he was out of business and then informed Johnson Controls he was not out of business and he had been trying to contact Johnson Controls but they said because he stopped working in October and his contract was to go into December they had another contractor not hired on paper but out doing the work now, they were still using his name on paper. Council Members Holm, Brown, Noriega and Green absent.

Mayor White stated that he believed Mr. Hamilton, who was present with the Affirmative Action Department, along with Mr. Berry Williams wanted to go through and compare the blow by blow account Mr. Ursin had of the status as well as that of the general contractor and he would encourage him to do that with the Building Services Department and Mr. Hamilton; that there was a contractor and subcontractor and upon questions, Mr. Ursin stated that he was paid to December of last year but the money ran out in October and in December he was in the hole for the other \$16,000 being given; that the scope of work was to replace bulbs when out, but the lighting was so old they had more work than money and money was gone before the contract term; and Mayor White stated that he understood the money he was paid through December did not cover his cost past October, but did his contract say he could stop doing work in October; and Mr. Ursin stated it did not say that, but he had been going over every year and he informed Johnson Controls of that and was told they had to eat it, but they did for so long when a county job was finished he had no more work to cover it, he had used his county money to cover the city work; and Mayor White encouraged Mr. Ursin again to visit with the Building Services Department and stated that he would be interested to know if the contract server followed the contract. Council Members Khan, Holm, Brown, Lovell, Noriega and Green absent.

Council Member Rodriguez stated that as chairman of the MWBE Committee he wanted to get to the bottom and hear all the facts and he would like to convene a meeting with Building Services, Affirmative Action, all necessary people to work this out; and Mayor White stated that he would suggest Mr. Hamilton and Mr. Williams do that and if they need Council present and make a report to them and then they decide the role elected officials should play if that made sense to him; and Council Member Rodriguez stated it did and a staff member of his would get contact information. Council Members Khan, Holm, Brown, Lovell, Noriega and Green absent.

Upon questions by Council Member Jones, Mr. Ursin stated that the first fraud was Johnson Controls and HVAC want him to put a contractor on his payroll and put them in a truck and the second was IHJ wanted him to take 15% of \$150,000 on the contract and pass it to a majority contractor; and Council Member Jones stated that she would like information from Council Member Rodriguez. Council Members Khan, Holm, Lovell, Noriega and Green absent.

Upon questions by Council Member Lawrence, Mr. Ursin stated that Mr. Hamilton called him previously he did not know he was coming before Council. Council Members Johnson, Khan, Holm, Lovell, Noriega and Green absent.

Upon questions by Council Member Adams, Mr. Ursin stated that when he spoke of fraud he was speaking of the prime contractor, not Affirmative Action. Council Members Johnson, Khan, Holm, Lovell, Noriega and Green absent.

Mr. Scott Koenig, 15727 Cutten Road #1310, Houston, Texas 77070 (832-594-6912) appeared and stated that he was the chief operating officer with Renaissance Healthcare System, they owned several hospitals and one in Houston was in District H at the intersection of 59 and Little York and the hospital had been surveying citizens of Houston since the early '60's and in September they sustained damage from Hurricane Ike and the hospital had been closed since then, a little over \$3 million in damages they had repaired and improved, during this time they decided to upgrade equipment to improve service capabilities to constituents and the hospital had been highlighted on the learning channel regarding the obesity surgeries performed and they were proud of the contribution they were making in improving people's health; that he was present inviting the Mayor and Council to a reopening event Thursday at 5:30 p.m. to 8:30 p.m., they were having a ribbon cutting and it was in conjunction with the Hispanic Chamber of Commerce and they were looking forward to it. Council Members Johnson, Khan, Holm, Lovell, Noriega and Green absent.

Council Member Clutterbuck thanked Mr. Koenig for coming and telling them of the reopening of the Renaissance Hospital, it was very exciting, and she wanted to give a note of appreciation to the good people in the District H office who were still working hard on behalf of the citizens of District H, they personally walked the invitations around to Council Members last week and she wanted to tell them thank you and their service was appreciated. Council Members Johnson, Khan, Lovell, Holm, Noriega and Green absent.

Mayor White thanked Mr. Koenig for coming and congratulated him on the reopening of Renaissance Healthcare. Council Members Johnson, Khan, Holm, Lovell, Noriega and Green absent.

Ms. Doris Grimes, 7418 San Marino Drive, Houston, Texas 77083 (832-297-5178) appeared and stated that she worked for Family Under Urban and Social Attack and did HIV testing and counseling and on the fourth she had ten months to get her mortgage cashiers check, one for the car payment and one for the insurance and he was stopped by the police, her office called and said her car was stolen, but she said it could not be because she gave it to Francis to go run an errand for her and now she was still behind because the money and the car was seized by HPD; that all documents were in the car and after they chased him they should have looked in the glove compartment and see it was not stolen, his name was on the insurance, up until now she had been given the runaround and been to Riesner and the Harris County Sherriff's Office, police station and they called her lender, she went several times to get the car but she was told HPD picked the car up on the 18th; that they carried her son to jail and she got him, but they still had the car and called her lender and said she did not want to pick it up but she went and they would not let her get it. Council Members Johnson, Khan, Holm, Lovell, Noriega and Green absent.

Upon questions by Council Member Jones, Ms. Grimes stated that she wanted help to get her car, she had tried since February 4th to get it; that HPD called her lender and tried to give it back to them; and Council Member Jones stated to Mayor White that she would like to know if they could help get her car for her; and upon questions by Mayor White, Ms. Grimes stated that they had the car at the police compound on 59 and Bissonett; and Council Member Jones stated that if what she said was true, shame on them; and Mayor White stated that Lieutenant Gallier was present and he would ask him to check on it and determine how to apply city policies to this case; that there were laws governing what could and could not be done with cars by HPD and others and they did not want to create a situation in which they created a downward economic spiral for people, someone should be able to get their car back at a reasonable price because it helped the individual and storage facility, on the other hand there were some laws they passed and they did not tell police to obey one law and not obey another law and there may be some part of the story he did not fully understand, but Lieutenant Gallier would meet with her at this time. Council Members Johnson, Khan, Holm, Noriega and Green absent.

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

Ms. Alejandra Valles, 4299 San Felipe #200, Houston, Texas 77027 (713-403-8888) appeared, presented information and stated that she was executive director of HOPE; that Section 10.05 of the Holiday Pay in the contract signed by the Mayor and HOPE stated the city agreed to review the current ordinance (Section 14-168(d) City of Houston Code of Ordinances) and refer to the MECC for discussion and recommendation for revisions, if any, the dispute that the city and HOPE were having was over a different section, Section 14-168(8a) which was outside the scope of authority the city and HOPE had to change and it changed overtime calculation; that the city claimed HOPE discussed changing the section at the MECC and she

was present to say they did not, Mr. Anthony Hall told their members last Thursday he also discussed the change in detail with all of Council and they understood the new holiday ordinance would negatively affect the existing benefit. Council Members Johnson, Khan, Holm, Lovell, Noriega and Green absent.

Council Member Adams stated that Ms. Valles should continue; and Ms. Valles stated that Mr. Hall said the Council understood the new holiday ordinance would negatively affect the existing benefit in regard to how overtime was calculated and it was at odds from what they had been hearing from some of Council; that they never agreed to this at the MECC and even if they had it was outside the scope of what they had authority to deal with on the MECC which was Section 14-168(d) and not Section 14-168(8a) and in addition the contract also stated that the city committed that as a result of the review of the resolution of the MECC it would not reduce benefits specified in the current ordinance which it did by changing how overtime was calculated and Mr. Anthony Hall told their workers to deal with it through a grievance which they were doing, but why force them to take options through grievance or litigation or take the city to court and spend taxpayers money needlessly and they were asking Council to do what they believed was their intention all along to improve holiday pay and not engage in a takeaway on overtime pay, this was a budget neutral item because it was already budgeted for in the past and department directors and supervisors also had direct control on the issuing of overtime and it was clear the city was not forthcoming with the union about increasing the holiday benefit for workers and taking it on one end and taking it away from their tables on the other in regards to changing the calculation of overtime; that they were asking the Mayor to put the issue on the Agenda for the next Council Meeting, they wanted to resolve it and did not believe it to be a good use of taxpayer money to send it to grievance or court; and Council Member Adams stated to Mayor White they needed clarity, she was looking at the old ordinance and in Holiday Pay Section 10.05 stated the city committed that as a result of the review or resolution by the MECC, it would not reduce the benefit specified in the current ordinance and in the new ordinance it said changes would be made and there was a conflict in the old and new ordinance and she supported what HOPE was doing and people needed to come to the table. Council Members Johnson, Khan, Holm and Green absent.

After a very lengthily discussion, Council Member Jones stated if it showed in the Meet and Confer Agreement where overtime was supposed to be effected she wanted it to be shown to her; Council Member Brown stated there may be room for compromise; and Mayor White stated the interplay between holiday time and special pay and regular pay and overtime was an issue and the subject of quite a lot of discussion over an extended period of time because you don't want to have the law of unintended consequences because they had so many people who did work and they had jobs during holidays you want to make sure all employees were treated fairly and you wound up with predictable rules; that Mr. Hall would do a better job than he and he asked him to come; that the agreement signed obligated the city and they pushed to get it done by Thanksgiving to clarify and improve the provisions of the holiday ordinance, they thought the holiday ordinance needed improved; that the contract also said maintenance of provision standard did not include any terms or conditions related to hours, shifts, overtime coverage, etc., not specifically articulated and agreed to in this agreement nor did it apply to merit or performance to pay programs currently in effect, then there was scenarios in the negotiation session on work not scheduled and did not work the holiday and not scheduled and worked the holiday and scheduled and worked the holiday on how overtime would be calculated under each scenario; that he understood there was a conference with employees and it was noted in consultation with employees the note should be clarified to say holiday pay and premium holiday hours would not be used for 40 hour base pay calculations for overtime and they did not take this as being anti social or somehow inappropriate for people to file grievances and people had the right to do it; that he was not at meetings and could not tell them and if they needed another report on this were to get all Council Members to go blow by blow through the negotiation session and language of the contract with Mr. Hall and then Council Members could

help make a decision; and Council Member Rodriguez stated that he would like to hear from Mr. Hall; and Mayor White stated that they needed to come up with a time where they could get a briefing and he was on his way if someone wanted to suspend the rules when he arrived to take this up and they could have an informed discussion; that he would encourage those in the Administration to look at it as follows, the topic of resolving the holiday benefit they did not come to an agreement in the agreement on that but they agreed to consider those things, they knew the holiday ordinance was outdated; that Ms. Valles comment on good faith, he believed those negotiating on behalf of the city were not trying to slip something by and he believed she was genuinely surprised; that there were two things, the process and if there was some inequity here, some unfairness to the employee, but he believed there was a real attempt by people in the city to rationalize the holiday ordinance and there was a belief in schedules they saw were reviewed by employees; that he believed people acted in good faith on both sides. Council Members Johnson, Sullivan, Khan, Lovell and Green absent.

Ms. Jere Talley, 4299 San Felipe, Houston, Texas 77027 (713-403-8888) appeared and stated that she was a 16 year veteran with the City of Houston and a proud HOPE member; that city MECC representatives used the holiday pay issue as an opportunity to negatively impact overtime which during her last visit some Council Members clarified this was not their intent and it was consistent with what was being said today; that the contract only provided for the MECC to change Section 14-168(8d), changing 14-168(8a) was violation of HOPE's contract Section 10.05, doing anything with overtime was outside the scope of HOPE's contract. Council Members Johnson, Sullivan, Khan, Brown and Green absent.

Council Member Adams stated that Ms. Talley should continue; and Ms. Talley stated that HOPE MECC members never agreed to touch overtime and their contract did not allow MECC to reduce benefits and in the February 18<sup>th</sup> meeting Mr. Anthony Hall stated that he walked Council Members through the revisions of the ordinance which included how recommended changes would effect overtime and how definition of time worked with change and at the MECC meeting city representatives shut down any conversations on overtime and they were told to deal with it through the grievance process and she was asking Council Members to fix the overtime problem. Council Members Johnson, Sullivan, Khan, Lovell and Green absent.

After a lengthily discussion Council Member Lawrence stated that Mr. Hall needed to clarify whether people were penalized for working ten hours four days a week or not, it needed to be a bullet point, she wanted to know if they received holiday pay; Council Member Jones stated she wanted Mr. Hall to point out language in the Meet and Confer Agreement which said it was the agreement as that set rules and should clarify it; Council Member Noriega stated to Mayor White she wanted to know exactly what was being said; and Mayor White stated that they had filed a grievance and he wanted all to be in a position to ask questions and be informed; that the prior speaker said they did not think they were getting what they thought they got and they did want employees treated fairly, the agreement by it's terms said it would address under the contract holiday schedule and not talk about overtime, that was where they were. Council Members Johnson, Sullivan, Khan and Green absent.

Mayor White stated if someone wanted to suspend the rules they could get a quick report from Mr. Hall; Council Member Noriega stated yes; and Mayor White called on Mr. Hall and stated that they were on the issue of holiday changes, the overtime, and he had two questions, the short one was he would like him to give a general idea of number of meetings and people involved on the holiday schedule; and Mr. Hall stated that on the holiday pay their discussions probably started in October; that when they negotiated a contract with HOPE they were careful and certain at the Mayor's direction the contract would be concluded upon the adoption by HOPE and approval by Council, there was only one issue they agreed to discuss in the MECC which was a group of four representatives of HOPE and four representatives of the City of Houston and its purpose was to discuss issues to bring attention to problems and it had in it a

mechanism for resolving any disputes which took place, the one exception to the conclusion of all the issues in the contract was the issue of holiday pay and they agreed they would have the MECC discuss the issue within 90 days and the reality was the HOPE representatives were not appointed before the expiration of the 90 days so they did not meet that schedule, but at the first meeting they brought the issue up and it was important to understand what their obligation was under the contract and it was specific, the language was clear, they made no commitment to change holiday pay, the commitment was they would not do anything that reduced holiday pay from what it was existing at the time, but they thought they should make holiday pay more consistent and that was why they delayed the item for discussion, after discussion with a number of department heads the realization they essentially inconstant application of that before the introduction of SAP they entered the meetings with a request to HOPE they tell them what they wanted to see the holiday pay be and they got no written response but a representative said they should be paid 2-1/2 times and they were told they would think about it and then discussed it with departments and it was recommendation to the Mayor and approved that they present the proposal to make holiday pay across the board on every occasion 2-1/2 times a persons regular pay and that was the substance of the agreement; at the same time though the city pays employees overtime for a number of activities for which they don't show up to work among them was vacation time, sick time and that kind of thing and when they agreed to raise that they agreed to eliminate holiday pay for the calculation of overtime, it would be the tradeoff, they would not get essentially holiday pay and overtime at the same time, 2-1/2 times holiday pay, the issue was discussed at MECC and Council should be aware they were given from attorneys of HOPE a notice of intent to file a contract dispute under the provisions or a grievance on behalf of some employees; that the issue now was whether or not they were aware the city would not calculate the 2-1/2 times holiday pay they were now paying into any overtime calculation and for him it was fairly mystifying because it was fairly presented and included in plain language in the ordinance and at the MECC they gave an actual matrix of what the present ordinance did under various circumstances and what the new proposal would do; that they had a hearing on the ordinance and Council Member Holm specifically started a line of questioning to ask if holiday pay would be included in overtime and was told no it would not and later Council considered and adopted the ordinance; that the legal, technical issue was whether the reference of the section in overtime pay which removed holiday pay from the proposition of what they would be compensated for in the list which included sick and vacation, etc., was in some kind of way violated contractual provisions, but he thought it should be looked at in the dispute process; and Mayor White stated that the issue was in taking a case if there was a holiday for two days and someone worked four hours per day on each day then under what they did instead of getting 1-1/2 times they get 2-1/2 times for that amount and if the same employee in addition to that worked on two days for 10 hours and received 20 hours so a total of 36 hours the employee did not get paid for overtime because they worked 36 hours in the week and for the holidays they were getting 2-1/2 times, but no overtime for the extra two hours worked on the other two days; and Mr. Hall stated that was correct; and Mayor White gave a scenario and Mr. Hall stated that it was hard to understand how an employee could if they were getting the equivalent of another whole days pay for the holiday, more than they used to get, that was what 2-1/2 times against 1-1/2 times meant; and Mayor White stated if they worked the holiday; and Mr. Hall stated no, if they did not work they used to get 1-1/2 times and now received 2-1/2 times and it was the equivalent of another whole work day. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent.

After a lengthily discussion Council Member Lovell stated she wanted to be sure it was understood the door on communication was not being closed and preferred to not go to the grievance process, but this was not the proper place; Mr. Hall stated that the contract dispute process was probably more appropriate; and Mayor White stated they could have several Members of Council; that he would direct Mr. Hall and Ms. Aldridge to go through scenarios with one or more Council Members; that the way they attempted to do it was engaging a committee which met on a number of different occasions to review different scenarios and remembered

some discussion to which he was a party along the lines of asking for reactions from the union on the different scenarios presented and he thought the best way to do it was to go through scenarios, but there was the issue of what they could lawfully do and obligated to do and they were confident in the legal position and on the issue of was there some unfairness, was it not good business practice to have something where you increase holiday pay and take it into account, they would have to work through some individual cases and see if there was a hardship; and Mr. Hall stated that the issue was discussed with a number of directors and some say we should follow the federal law with overtime and count only hours worked and other than for holiday pay they did not change any other allowances which exceeded what was required by the federal law and practiced by most private employers; upon questions by Council Member Jones, Mr. Hall stated that the MECC process deliberately did not require an agreement, there was no process for agreement, the MECC was a body which discussed issues and advised the Mayor and there was only one provision in the contract for which they had to have agreement and it was not by MECC but by the union itself and it was regarding increases in healthcare costs; Council Member Jones stated that she did not intend with her vote to decrease existing policies of overtime; and Mr. Hall stated that the MECC was not a place to negotiate and she needed to get that out of her mind, it was only for discussion and no decisions were to be made by MECC and no documents to be signed and no agreements to be reached except for healthcare; that a host of things happen in the Administration for employees, there was no requirement there be an amendment to the contract or agreement by HOPE unless it was something today that would reduce a benefit the union had; that Council Member Holm asked if overtime would be calculated when considering holiday pay and the answer was no; and Mayor White stated that Council Member Lovell asked the appropriate question, he was not sure public session would be a way to go through scenarios and he thought there was a question, the agreement was carefully negotiated over a long period of time with union representatives and they worked hard to come out and define what would and would not be included in the agreement and there was a specific undertaking to look at holiday pay; that Council Members Noriega and Lovell wanted to know what a good mechanism would be to look at where they were today and where they were and see if it was fair or not and he believed the mechanism to be a special committee hearing. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent.

Council Member Rodriguez moved the rules be suspended for the purpose of hearing from a speaker out of order, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. MOTION 2009-0090 ADOPTED

Ms. Alejandra Valles appeared and stated that Mayor White stated that he respected the workers right to organize and the best mechanism to deal with this was the MECC, that was why MECC was established, Mr. Hall shut down the process and told them to take it up in a grievance or litigation and they did not believe it to be the best way and maybe Council could send it to a subcommittee to continue conversations and direct Mr. Hall to continue conversations with MECC; the contract with regarding MECC stated the city agreed to review the current ordinance Section 14-168(8d) in the City of Houston Code of Ordinances and refer it to the MECC for discussion and recommendation for revision if any and that as a resolution of the MECC the city would not reduce benefits specified in the current ordinance and it was their impression they would come up with a joint recommendation and it would go to Council, but the city touched a different section on how to define hours worked and gave another scenario and stated now to get overtime you would work 48 hours to get it, and they wanted time to count toward the work week as it had in the past. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent.

MR Hall stated that if the city required someone to work 48 hours before overtime they would violate federal law and they were careful to not do that. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent.

Mayor White and Ms. Valles discussed another scenario and Ms. Valles stated that hours should be counted as in the past; and Mayor White stated that the governing body had authority to change it; and upon questions, Ms. Valles stated that Section 14-168(8a) should not have been changed, what they wanted changed was the new ordinance, page 5, section (8) and it go back to the way it was in the past. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated they had talked on this an hour now and she felt they needed to go to a place where they could break it down and ask appropriate questions, to break it down for clarity and assist and asked Mr. Hall to look at the old ordinance and what they voted on for the new to see what wording was changed to affect why Alejandra was present today because those it affected were the ones really low on the pay scale. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. (NO QUORUM PRESENT)

Mayor White stated that time had expired and he wanted to say to everyone this was a time in which there would be a couple of budgets to have "0" increase in the overall budget and where every dollar paid came out of another pocket and he would defend the agreement with workers and he was not talking about freezing pay, but he wanted everyone to think about what was right and what they did with the right balance, if they increased holiday pay and if they had a philosophy that you get paid for overtime for hours; that the holiday time you got compensated for was straight time or substantially more. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. (NO QUORUM PRESENT)

Council Member Noriega stated that an adversarial agreement did not seem as productive as to just resolve it and she was with Council Member Lovell it should be somewhere else and clarify. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. (NO QUORUM PRESENT)

Mr. Ronald Banks, 7107 Peerless, Houston, Texas 77021 (713-823-2681) appeared, presented information and stated that he was present regarding a lease agreement they had for vegetation processing for Hurricane Ike; that he thanked Patrick Trahan and Vick Aers and Waste Management for meeting with them and solving a problem yesterday, but they had one issue now with Cahaba Disaster Recovery. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she knew he came before and she wanted to let the Mayor know before he left and thank Mr. Trahan as they met with Mr. Banks extensively on his contract and he did get his money regarding him coming last week and she was sure the way that was resolved they would work to resolve this also; and again thanked Mr. Trahan. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that all seemed to leave before she came to speak and asked if they believed in the Bible, the word of God, it was truth and righteousness and she had been coming a while regarding Willow R

un Park and the "Y" and it was a struggle; that she received a call saying Council Member Johnson called them and said the land was not allocated for a park, the city was going to do something else. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm,

Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that Ms. Taylor could continue; and Ms. Taylor stated that she was disturbed with that as it seemed like stumbling blocks were placed in their way, this parkland had been there since Kathy Whitmire was Mayor and Council Member Gorczynski allocated the park, she did not know they had to get involved, the Whites know what they had to do when they got things. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Ms. Taylor was a great advocate for her neighborhood, but her time had expired. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 4:42 p.m. City Council recessed until 9:00 a.m., Wednesday, February 25, 2009. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, February 25, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

Note: Council Member, District H Position, vacant.

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

At 9:27 a.m. Mayor White called the meeting to order and stated that the first item was a Mayor's Report.

### **MAYOR'S REPORT** - Complete Count Committee for 2010 U.S. Census

Mayor White stated that the first item was a report and a request for assistance from Council Members on the Complete Count Committee on the Census, that he thought all of them got some briefing about the fact that the role of the Census Bureau was to mail out forms, collect forms and knock on some doors when those forms were not returned, that it was the role of local government entities to raise public awareness of the importance of participating in a Census, that he thought they were handing out to Members of City Council about 50 different ways in which the Census was used, that two general types of ways that had the most impact on their citizens was first the location of businesses and the decisions of businesses to open within their community, that in many parts of the City they had citizens who complained, for good reason, that they had to travel far for shopping, even in places where they knew that there was fairly high population, that in the case of redevelopment of one mall actually a developer had to do his own Census in order to convince retailers that there was purchasing power that

was available within that particular vicinity, that they knew from non profit organizations that drilled down into several neighborhoods and tried to have a more thorough count than the Census, a project that was funded by major foundation funding, that it was very expensive to do, and some of their areas, including the Houston Hope areas that had been distressed areas with not much economic development that the Census data did undercount the number of residents in those areas and underestimated the purchasing power, that getting complete Census data was then important for having people from all over the Country invest in their communities, that it was also important on the federal funding formulas that came down, that many types of funds were allocated by federal funding formulas, some of which were obvious, like CDBG funds were allocated on the basis of population and some were not so obvious, that the Census data performed one part of the data which was used by FTA in making decisions on federal transit funding on particular routes, they needed to know how many potential riders there were before they could determine the cost effectiveness of different routes.

Mayor White stated that he would tell them what he needed their help on, that on Saturday, May 2, 2009, at 9:30 a.m. at the George R. Brown Convention Center, Room 370, they would convene the first Mayor's Complete Count Committee, that Council Members Rodriguez and Khan, among others, were helping to take a leadership role, but they would invite the full participation of any and all City Council Members; that what they also needed then to know was to get to Margaret Wallace in the Planning Department, names of organizations which they thought ought to be invited to participate in the Complete Count Committee, that they did not have a limited or fixed number of organizations that could participate in the committee because they wanted to make the effort as broad and complete as possible, they would ask organizations to make commitments, such as producing volunteers, using funds available for their own activities designed to get out the vote, with some criteria so they would not have somebody come up and raising funds and saying they were being used for something they were not being used for so they could reach out into the community and make sure that people knew it was in their interest to fill out these forms and also an interest to their neighborhood and their neighbors, that they would at the Complete Count Committee get a briefing for the community on the steps that were undertaken, a timetable, that the Census Bureau was working on, they would describe points of contact within the City, they would determine if there were logical committees to form that could be broken down by either subject matter or geographical areas within the City, where they can have groups of organizations that were working together outside of a larger group in order to focus and get things done; that they invite their participation in suggesting community groups, there had been a number that were on a first draft, many of who were already recommended by Council Members and which had been active in other efforts that they had done and that included super neighborhood groups, civic clubs, faith based and other community based organizations, but he knew there was no one who knew more about which groups were active and which were doers than the people around the table, that this was going to be an effort that begins in this administration and continues through the administration, that was why he wanted to thank Council Member Rodriguez for making sure they had continuity in the leadership role in this particular effort.

Upon questions by Council Members Rodriguez, Khan and Sullivan, Mayor White stated that the first meeting was May 2, 2009, Saturday, at the George R. Brown Convention Center beginning at 9:30 a.m. and ending at 11:00 a.m., that there may be organizations or groups that they invite to caucus as they had sort of committee signup forms; that they would begin sending letters out within the next week to a number of organizations but as their suggestions come in they would issue invitations to more organizations; that it was important that every Council Member participate, that because their City and Country had made progress in overcoming some of the barriers imposed by residential segregation portions of their City were on the periphery of the city limits, that for those of them who lived, worked and got out to civic clubs and meetings in the City knew that throughout the City there were people of different backgrounds and it was not designed just to count one type of person. Council Member

Lawrence absent.

Council Member Rodriguez moved to suspend the rules to consider Item No. 22 out of order and request a roll call vote, seconded by Council Member Jones. All voting aye. Nays none. MOTION 2009-0091 ADOPTED.

22. ORDINANCE relating to employment conditions, compensation and benefits of Classified Firefighters of the City of Houston; approving Collective Bargaining Agreement between the City of Houston and the **HOUSTON PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 341 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS**; amending Exhibit "A" of City of Houston Ordinance 2008-1167 by reorganizing certain classifications, ranks and pay grades within the Houston Fire Department, and containing other provisions relating to the foregoing subjects; suspending the operation of certain ordinances - was presented. Council Member Lawrence absent.

Council Member Holm stated that she was going to support the item but there was one issue that they needed to start addressing and that was the use of sick time, the accumulation of it and the usage of it as compensation should someone leave, that there were several instances where they did that across the board, that she thought they either needed to look at reframing or renaming all of their time as personal time for people to chose whether to use it for vacation or sick, that if it was sick time then it could accrue and any time they were sick then they should be able to use it at their discretion, but should they leave service with the City then it should not be payable in accumulated personal time, that it had nothing to do with the contract today she thought it was just the time to start opening the dialog across the board of how they used other peoples money to make sure that they absolutely protect the people who worked for them; that they looked to firefighters to make decisions and save lives on a daily basis, that it was her understanding that if they were sick they had to bring a doctor's excuse and it seemed to her if they were trusting them and empowering them to be people in their lives and taking responsibility for them then they should be able to trust them that they would be at the office if they should be and thought that for firefighters to bring a doctor's excuse every time they were sick in order to get credit she wanted to go on record that she thought they needed to review it.

After further discussion Council Members Noriega, Jones, Lawrence, Lovell, Khan and Brown stated that they were very proud to support Item No. 22 and thanked the leadership from the Fire Department for answering some questions coming from their constituents and thanked Mayor White for his leadership, and thanked the firefighters for their service and were proud to have the agreement ratified today.

A roll vote was called on Item No. 22.

ROLL CALL VOTE:

Mayor White voting aye

Council Member Lawrence voting aye

Council Member Johnson voting aye

Council Member Clutterbuck voting aye

Council Member Adams voting aye

Council Member Sullivan voting aye

Council Member Khan voting aye

Council Member Holm voting aye

Council Member Rodriguez voting aye

Council Member Brown voting aye

Council Member Lovell voting aye

Council Member Noriega voting aye

Council Member Green voting aye

Council Member Jones voting aye

ORDINANCE 2009-0140 ADOPTED.

Mayor White stated that some of them may have seen the memo that he sent out to City Council Members, the biggest fire department in the world to achieve certification standards, recognized by peers in many ways, best trained fire department, in so many ways, in the Country and better trained now with cross training EMS that even more employees had, the

good work people treat an emergency as an emergency, the customer service that they saw and the sense of professionalism for all of their professionals, that this was a vote of confidence in those men and women; that to the taxpayers of the community, it was data driven, they negotiated hard and looked at what their legal requirements were and their legal rights, they looked at what was done within other cities, and to the firefighters he wanted to tell them that the City was doing it's job to make sure that the taxpayers knew that they were represented and had confidence, and the leadership of the union was very professional and very aggressive, there was quite a bit of back and forth and there were compromises that had to be made by both sides and he really commended the firefighters on having such extraordinary leadership that could see the big picture of the City budget and yet be extremely vigorous in fighting for it's members.

Council Member Rodriguez moved to suspend the rules to hear from Mr. Jeffrey Coyman, President of the Houston Professional Firefighters Union at this time, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0092 ADOPTED.

Mr. Coyman appeared and stated that he was joined by Sandy McGhee from the International Association of Firefighters Executive Board and several of Houston's bravest, who were present on their own time, representing thousands of others just like them for all the right reasons, that they had come today to show support for their union and their fire department and their City leaders; that for almost a year and a half he had the honor and pleasure of being the voice of the Houston Firefighters and today he had the honor and pleasure of speaking both for them and to them and would like to say thanks to everyone for their hard work and support.

At 10:04 a.m. Mayor White stated that they would move to the consent agenda.

### **CONSENT AGENDA NUMBERS 1 through 36**

#### **MISCELLANEOUS** - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment of **MR. JOHN THOMAS**, to Position Eight, representing HISD, to the **BOARD OF DIRECTORS of the FOURTH WARD REDEVELOPMENT AUTHORITY**, for a term to expire June 8, 2010 – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0093 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment of **MR. ROBERT R. CASEY**, to Position Six, representing HISD, of the **UPPER KIRBY REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire July 20, 2010 – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0094 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 4 through 7

4. **MOTOROLA, INC** for Portable Radios and Associated Equipment through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Mayor's Office of Public Safety and Homeland Security - \$189,290.63 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0095 ADOPTED.
5. **DOOLEY TACKABERRY, INC** for Fire Fighting Equipment for Fire Department - \$970,000.00 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0096 ADOPTED.

7. **S. P. LUFTBILD GMBH** - \$346,500.00, **DAVID SATCHWELL** - \$69,790.00, **PARADIGM HELICOPTERS, LLC** - \$70,000.00 and **SCHWEIZER AIRCRAFT CORP.** - \$36,900.00 for Sale of Used Helicopters for Houston Police Department - \$523,190.00 - Revenue – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0097 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 10 through 30

10. RESOLUTION designating certain properties within the City of Houston as historic landmarks:  
David D. Bruton-Caroline  
Wiess Law House 2923 Inwood Drive **DISTRICT G - HOLM**  
Ben M. Anderson Home 3740 Willowick Road **DISTRICT G - HOLM**  
– was presented. All voting aye. Nays none. RESOLUTION 2009-0005 ADOPTED.
12. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of 34,134 square feet of excess, fee owned, Unimproved Fuqua Road right of way, west of Telephone Road (Parcel SY8-048), vacating and abandoning said parcel to Gulf Meadows Auto Sales, Inc., Rene R. Hernandez, and wife, Ernestina (a.k.a Earnestina) Hernandez, the abutting owners, in partial consideration of their conveyance to the City of two tracts of land (Parcels AY5-166 and AY5-167) totaling 43,815 square feet of land in fee, located west of the 10500 block of Telephone Road in the G. D. Samuell Subdivision, in the Joseph Hall Survey, A-368, Houston, Harris County, Texas; and other consideration to and from the City **DISTRICT E – SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2009-0141 ADOPTED.
18. ORDINANCE approving and authorizing contracts for Elderly Services provided through the Harris County Area Agency on Aging between the City and (1) **CITY OF LA PORTE, TEXAS**, (2) **CITY OF SOUTH HOUSTON, TEXAS** (3) **INTERFAITH MINISTRIES FOR GREATER HOUSTON**, and (4) **THE SALVATION ARMY**; providing maximum contract amounts \$13,451,003.64 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2009-0142 ADOPTED.
21. ORDINANCE deappropriating \$444,064.90 from the TIRZ Affordable Housing Fund 2409 (Fund 2409) under Ordinance No. 2008-828 for the Temporary Emergency Home Repair Program (“TEHRP”) in connection with Hurricane Ike damage; approving and authorizing guidelines for a New Credit Score Enhancement Program; reappropriating \$386,390.00 from Fund 2409 to a New Credit Score Enhancement Program, including delivery costs; and reappropriating \$57,674.90 to the TEHRP for Project Delivery Costs - had been pulled from the Agenda by the Administration, and was not considered.
25. ORDINANCE amending Ordinance No. 2006-0954 to increase the maximum contract amount and approving and authorizing the second amendment to Contract #4600006081 between the City of Houston and **IDEA INTEGRATION CORPORATION** for a series of Technical and Functional Enhancements to Upgrade the City’s Storm Water Quality Management Information System (SWQMIS) for the Public Works & Engineering Department; providing a maximum contract amount - \$247,050.00 - Storm Water Fund – was presented. All voting aye. Nays none. ORDINANCE 2009-0143 ADOPTED.
27. ORDINANCE appropriating \$377,399.00 out of Limited Use Roadway & Mobility Capital Fund and approving and authorizing Contract between the City and **STATEWIDE SERVICES, INC** for the Cullen Boulevard Beautification Project; providing a maximum contract amount - 1 Year with two one-year options – had not been received, and the City

Secretary announced it would be considered at the end of the Agenda if received during the meeting.

28. ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to Agreement for Professional Services by and between the City of Houston and **MCDONOUGH ENGINEERING CORPORATION** (Project 615D) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2009-0144 ADOPTED.
29. ORDINANCE appropriating \$94,921.00 out of Mobility Response Team Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KIMLEY-HORN & ASSOCIATES, INC** for a Traffic Operations Study in Clear Lake and within the City of Houston and its extra territorial jurisdictions - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2009-0145 ADOPTED.
30. ORDINANCE appropriating \$62,422.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Design of Reconstruction of North Main Street from IH-45 to Airline Drive (approved by Ordinance No. 2005-0381) - **DISTRICT H** – was presented. All voting aye. Nays none. ORDINANCE 2009-0146 ADOPTED.

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

**ACCEPT WORK**

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,032,724.73 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Braes Blvd. Storm Sewer Project - 0.88% over the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. Council Member Jones voting no, balance voting aye. Nays none. MOTION 2009-0098 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

6. **LIBERTY DATA PRODUCTS, INC dba LIBERTY OFFICE PRODUCTS** for Continuous Forms for Police Department - \$301,514.25 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Lawrence.

Council Member Lawrence stated that this was for inadequate equipment that had never been updated and was a tremendous amount for paper, that she got a message that in 2006 they looked at replacing so she encouraged them to come forward in their budget or an RFP in the near future, that she was sure that another department had software that had matched up so they did not need a study by HPD to find out what was the best way to do this, that she hoped that General Services intervenes in this.

Council Member Jones stated that when she was in the courts offense reports were voluminous, they needed information in order to represent their clients and it was paper, that they would not believe the amount of paper, that she knew it was difficult for what she did in her other job when offense reports were not provided.

After further discussion Council Member Noriega stated that she needed to look into and was committed to doing that; that if they were talking about going paperless that may need some attention in terms of a study; and Mayor White stated that he would copy the Council Members who had expressed interest on the intention, that he understood that there should be an item on the agenda in the next few months, that he thought people understood that it was a high priority.

A vote was called on Item No. 6. All voting aye. Nays none. MOTION 2009-0099 ADOPTED.

8. ORDINANCE appropriating \$329,915.38 out of Equipment Acquisition Consolidated Fund for Purchase of Personal Protective Gear for Houston Fire Department – was presented, and tagged by Council Member Jones.
- 8a. **LION APPAREL, INC (Bid No. 1)** for Personal Protective Gear for Various Departments - 3 Years and two option years - \$5,905,073.95 - Equipment Acquisition Consolidated and Enterprise Funds – was presented, and tagged by Council Member Jones.
9. **GTSI, CORP.** for Eroute Tracker Software System through the City's Intergovernmental Agreement with the County of Fairfax, VA, for Computer Products and Services under Section 791.025 of the Government Code for Solid Waste Management Department - \$152,336.63 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. Council Member Jones voting no, balance voting aye. MOTION 2009-0100 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES**

11. RESOLUTION designating certain property at 3376 Inwood Drive within the City of Houston as a landmark and protected landmark (William L. Clayton Summer House) - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. RESOLUTION 2009-0006 ADOPTED.
13. ORDINANCE consenting to the addition of 7.295 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2009-0147 ADOPTED.
14. ORDINANCE consenting to the addition of 18.296 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 382**, for inclusion in its district - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2009-0148 ADOPTED.
15. ORDINANCE consenting to the addition of 2.874 acres of land to **PORTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2009-0149 ADOPTED.
16. ORDINANCE establishing the north and south sides of the 2400-2500 block of Arbor 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 D - ADAMS** – was presented. All voting aye. Nays none. ORDINANCE 2009-0150 ADOPTED.
17. ORDINANCE establishing the north side of the 400 block of Euclid 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.

Council Member Lawrence stated that when they got the backup she was looking at 7 lots, 69%, well nothing divided by any of those numbers to get 69%, so how was 69% derived, that lot size mattered and she thought it was something that they needed to discuss at committee, that it was a consideration there as far as Chapter 42 that they may want to look at.

A vote was called on Item No. 17. All voting aye. Nays none. ORDINANCE 2009-0151 ADOPTED.

19. ORDINANCE approving and authorizing contract between the City and **HEALTHY FAMILY INITIATIVES** to administer and coordinate a Nurse Family Partnership Program - \$602,228.00 Grant Fund – was presented, and tagged by Council Member Clutterbuck. (Note: Council Member Clutterbuck released her tag later in the meeting.)
20. ORDINANCE approving and authorizing contract between the City and **THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for Behavioral Surveillance Services; providing a maximum contract amount - \$1,183,940.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2009-0152 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City of Houston and **TRACE MANAGEMENT, INC** for Litigation Support Services relating to Cause No. 2007-03956; the Morganti Group, Inc. v. City of Houston; in the 113th Judicial District Court of Harris County, Texas; establishing a maximum contract amount - \$120,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. ORDINANCE 2009-0153 ADOPTED.
24. ORDINANCE appropriating \$750,000.00 out of Water & Sewer System Consolidated Construction Fund No. 8500 (The “Fund”) and approving and authorizing Compromise and Settlement Agreement between the City of Houston and **P. O. KINGWOOD PARTNERS, L.P.** to settle a claim arising out of activities financed by the Fund - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2009-0154 ADOPTED.
26. ORDINANCE amending Ordinance No. 2005-1308 (passed on November 30, 2005) to increase the maximum contract amount for contract between the City of Houston and **COASTAL PUMP SERVICES, INC** for Dry Pit Pump Repair Services for the Public Works & Engineering Department - \$600,000.00 - Enterprise Fund – was presented, and tagged by Council Member Jones.
31. ORDINANCE approving and authorizing nineteen Professional Materials Engineering and Testing Services Laboratory Contracts between the City of Houston and **A&R ENGINEERING AND TESTING, INC, ALLIANCE LABORATORIES, INC, ARIAS & ASSOCIATES, INC, ASSOCIATED TESTING LABORATORIES, INC, ATSER, L.P., AUSTIN-REED ENGINEERS, L.L.C., AVILES ENGINEERING CORPORATION, BANDY AND ASSOCIATES, INC, COASTAL TESTING LABORATORIES, INC, EARTH ENGINEERING, INC, GEOTEST ENGINEERING, INC, H.H. HOLMES TESTING LABORATORIES, INC, HVJ ASSOCIATES, INC, LFC, INC, QC LABORATORIES, INC, RABA-KISTNER CONSULTANTS, INC, RONE ENGINEERING SERVICES, LTD., TERRACON CONSULTANTS, INC** and **THE MURILLO COMPANY**, for support of Capital Improvement Plan Projects – was presented. All voting aye. Nays none. ORDINANCE 2009-0155 ADOPTED.
32. ORDINANCE appropriating \$678,715.00 out of Reimbursement of Equipment/Projects Fund awarding Construction Contract to **MERIDIAN COMMERCIAL, L.P.** for West Webster Park; setting a deadline for the proposer’s

execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, Civic Art Program, and contingencies relating to construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT D - ADAMS** – was presented.

After discussion by Council Members Brown and Adams, a vote was called on Item No. 32. All voting aye. Nays none. ORDINANCE 2009-0156 ADOPTED.

33. ORDINANCE appropriating \$7,600,500.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding contract to **BRH-GARVER CONSTRUCTION, LP** for Kirby Drive Storm Sewer Relief Project - Segment 4A; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. ORDINANCE 2009-0157 ADOPTED.
34. ORDINANCE appropriating \$3,459,290.00 out of Street & Bridge Consolidated Construction Fund and \$698,634.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ACM CONTRACTORS, INC** for Neighborhood Street Reconstruction Project 458; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK and G - HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2009-0158 ADOPTED.
35. ORDINANCE granting to **ACE SEPTIC AND PLUMBING COMPANY, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2009-0159 PASSED FIRST READING IN FULL.
36. ORDINANCE No. 2009-134, passed first reading February 18, 2009  
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 - **SECOND READING** – was presented. All voting aye. Nays none. ORDINANCE 2009-0134 PASSED SECOND READING IN FULL.

**MATTERS HELD** - NUMBERS 37 through 40

37. MOTION by Council Member Khan/Seconded by Council Member Lawrence to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$5,688,514.74 and acceptance of work on contract with

**INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS) 2.83% over the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK and E - SULLIVAN – (This was Item 25 on Agenda of February 11, 2009, POSTPONED BY MOTION #2009-70)** – was presented. Council Member Jones voting no, balance voting aye. MOTION 2009-0101 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 – (This was Item 38 on Agenda of February 18, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. ORDINANCE 2009-0160 ADOPTED.
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 – (This was Item 39 on Agenda of February 18, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. ORDINANCE 2009-0161 ADOPTED.
40. 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 58 on Agenda of February 18, 2009, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** – was presented. All voting aye. Nays none. ORDINANCE 2009-0162 ADOPTED.

Council Member Clutterbuck stated that she would release her tag on Item No. 19.

19. ORDINANCE approving and authorizing contract between the City and **HEALTHY FAMILY INITIATIVES** to administer and coordinate a Nurse Family Partnership Program - \$602,228.00 Grant Fund – was again before the City Council. All voting aye. Nays none. ORDINANCE 2009-0161 ADOPTED.

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

Council Member Green stated that about two months ago they recognized Mr. Quentin R. Mease and all of the good works that he had done, that Mr. Mease passed away and he wanted to observe a moment of silence for Mr. Quentin Mease.

Council Member Rodriguez stated that he too wanted to express his condolences to the Mease Family; that they also lost a prominent Houstonian, father of State Representative Roman Martinez, that Mr. Roman Martinez, Sr. passed away at 92 years of age. Council Members Khan and Brown absent.

Council Member Rodriguez stated that the Fourth Ward Townhall meeting last week was a

great success, that many people participated and shared their concerns with them and his staff would work with the respective departments in attendance to insure that all matters discussed were addressed, that he wanted to thank HPD Captain Mark Holloway for the information that he provided, and Council Members Adams and Jones for attending, as well as City staff and department directors, that they were working on a skate board program, little league and basketball program over at Fondie, that they definitely needed to do more with the youth there, especially in the Allen Parkway Village. Council Members Khan and Brown absent.

Council Member Sullivan stated that he wanted to recognize the great amount of cooperation that the District E office received from the Mayor's Citizen Assistance office, both north and south, that in the Kingwood office they had Gwendolyn Condaleo, who helped them, they communicated with her on a regular basis, that in the south area Marie Valanuous helped them quite a bit; that he wanted to thank Tracy Wingate in the Public Works and Engineering Department and the Traffic and Transportation guys, they had bridge railing damage in Kingwood and they worked basically around the clock to get it back up and running with minimal disruption to traffic and his constituents; that he wanted to welcome a new staff member in his office, Lauren Doak, that she would be the new south sector manager and would be responsible for everything south of Highway I-10; that with respect to the firefighters contract he wanted to thank the City employees effort in the administration who represented them. Council Members Khan, Rodriguez and Jones absent.

Mayor White stated that they were going to circulate to all of the Council Members the trends and sick time utilization over the last several years and the chart would speak for itself, that he commented people who realized that sick was intended to be what it was, that there was a time when classified utilization of sick time was much higher than the civilian workforce and now those numbers were in line. Council Members Khan, Rodriguez and Jones absent.

Council Member Lovell stated that there would be a TIA Committee meeting, Transportation, Infrastructure and Aviation Committee, tomorrow, February 26, 2009 at 2:00 p.m. in Council Chambers, that at the meeting there would be a presentation in consideration of results of the City Mobility Planning Phase 1 Study, that was done by Raymond Chong, Deputy Director of Public Works and Engineering, Traffic and Transportation Division, if they would like information they could call her office at 832-393-3013; that she wanted to welcome two new interns to her staff, that every year the University of Houston Center for Public Policy sponsored a government internship program and it allowed University of Houston and University of Houston Downtown students to work in different levels of government, ranging from City to Federal, that the new interns in her office were Bonnie Gutz and Jaweria Seth; that she wanted to talk about a great organization, Scouts Honor Rescue, that it was a non profit organization and saved animals and put them up for adoption in new homes, that more than 900 animals so far had been rescued, that they currently had over 75 dogs and cats in the program and if they wanted more information they could go to [www.scoutshonor.org](http://www.scoutshonor.org), that they also had an adoption day once a month in the Heights and the next one was Saturday, March 7, 2009, from 10:00 a.m. to 3:00 p.m. at 1226 Heights Boulevard. Council Members Khan, Rodriguez and Jones absent.

Council Member Lawrence stated that last Saturday they asked the Student Council Body from Westwood Elementary to come out and they planted 30 trees, that a third grader was elected president of the Student Council, that she wanted to thank Mayor White for his part in the tree planting. Council Members Clutterbuck, Adams, Sullivan, Khan, Rodriguez, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Holm stated that yesterday Houston and people across the Nation believed that the elected officials of their City would agree to use taxpayer money to pay down or address over extended credit in order to secure mortgages, that she thought it was really important, not today because it had been pulled down and would not be brought forward, to

defend or evaluate in any way what the process was, but what really concerned her was that week after week he used the words transparency, teamwork and talked about the colleagues in support and yet what she thought was a very radical proposal came forward on the agenda on Friday afternoon in one paragraph, no backup, no information on it and for hours all day yesterday they had their citizens confused, angry and frustrated, that every Council staff office, she assumed, was like hers and spent all day long answering phone calls and emails trying to figure out from citizens that were so very concerned about how they might be using their money, that for them and for many of them the only information they had was a story in the Chronicle that Ms. Feeble wrote based on the one paragraph that they received, that in her opinion much of the situation and the crisis their Country was in was due to situations similar to this, that yes homeownership was important but they were not doing anyone favors by using money to help them artificially get credit scores to take on a mortgage and particularly she could not see at any point how it would ever be appropriate to use taxpayer dollars for personal use, that she really thought that they needed to share with their citizens in a very clear and transparent message what their process was and the openness of it and the inclusiveness of it and to help them understand, that she could not imagine how this could have gotten on the agenda, that for five years it had been her impression that it went to an agenda meeting and that the only way anything got on the agenda was through the Mayor's office and she also knew that he was usually, to her knowledge, always well informed, nothing appeared without it, so she thought they needed an explanation as to how this Council and the City could send a message to their citizens that this was a way that they could have used their money, that one that they would have considered it and two that there was not a better process for them to be informed on the important decisions that they were being asked to make. Council Members Adams, Sullivan, Khan, Rodriguez, Lovell and Jones absent.

Mayor White stated that the message that people should get would be that the requirements of public posting served their function of weeding out those proposals that were half baked and she was correct that it was sort of an exception rather than the rule and a couple of the lessons learned that he thought they could say from this experience was that, and it was no excuse but when he was in Washington meeting with various Cabinet secretaries and the President trying to make sure that Houston could get it's fair share of money on Friday, he missed that session, but the other was that he really thanked Council Members who served on committees, that committees had been great at getting proposals from various departments, some of many committees sent things back to various departments, and utilization of Council Member Jones committee, that it needed to be better utilized in the future, that he knew that it was a tremendous benefit when various proposals coming through HUD were fully vetted and were always vetted prior to this term in administration by Council Member Edwards and her leadership of this committee and there was an important role in the committee function; that he perfectly could understand those within the City, and it had occurred from time to time, that he had picked up the paper and learned of some development in the City for which he had no information, but the citizens should know that there was a process for pulling those things off; that finally, he thought, that Mr. Chavez, in particular, had done an excellent job of removing roadblocks and getting the homeowners assistance program to work as it was intended, the number of loans made using federal funds and federal criteria had soared during his tenure, that there was impatience expressed by him on what they could do within those areas that had been blighted in order to make those areas more attractive for those people who may want to move in there and the sense of urgency, that they would have an open meeting maybe at the George R. Brown concerning the mortgage crisis for those people who did have good incomes and could cover their mortgage payments; but to answer her question, it should not have been on the agenda and there needed to be better processes and that was the exception rather than the rule. Council Members Adams, Sullivan, Khan, Rodriguez, Lovell and Jones absent.

Council Member Holm stated that she believed it was a well intended program but wanted to make sure that the point was clear, that one, it was never acceptable, in her opinion to use

taxpayer money for personal usage; and second, that no matter what the process they were here to serve individuals and to provide them good information and not just to put things on the agenda hoping that if it did not work out to pull them off, that when something went on the agenda it ought to be well defined, they ought to know what it was and they ought to have backup information and just for the record, she did this for many years and was going back to it, if she did not have backup at least for 48 hours before something was on the agenda, she was going to tag it, that they had to be informed, that week after week they received a little sheet of paper with a paragraph because something had not been vetted out, was irresponsible on their part. Council Members Sullivan, Khan, Rodriguez, Lovell and Jones absent.

Mayor White stated that he agreed and would say in defense of Mr. Chavez, on the general issue, not on the details of this particular program, of what could they do in order to make sure that people had incentives to move in those areas that were blighted where many homeowners had found to be unattractive, that he thought that he was responding, understandably to his impatience that they had hundreds of vacant lots, that they were making some progress and how could they speed it up, that he acknowledged, in particular, his good service, but this was not the best way to go about doing that. Council Members Sullivan, Khan, Rodriguez, Lovell and Jones absent.

Council Member Brown stated that he wanted to thank Council Member Lovell, Chairman of the Transportation, Infrastructure and Aviation Committee for joining him in the Sustainable Growth Committee in a very interesting discussion this past week, that two important issues for the City of Houston, first, how were they going to create a more efficient City and region by planning and building livable centers, that presentation was made by Jeff Table, of the Houston Galveston Area Council; then they had a development group that was involved in transit oriented development in other cities, talking about how Houston could move forward more expeditiously, which was something that he thought all of them supported but were puzzled a little bit why higher dense, mixed use development had not really taken place as they anticipated along their main street light rail line; that he was also pleased to welcome Dr. Tim Beatley, from the University of Virginia, who had just published a new book, Resilient Cities Responding to Peak Oil and Climate Change, that he gave a speech at Rice University and called on the City of Houston to become one of these resilient cities which were categorized by a more efficient decentralized infrastructure with transit and walkable streets; that for those of them who heard President Obama's address to Congress last evening, they heard a bold vision for reshaping the American future, even in this time of economic uncertainty, that there was a great spirit of the future and changing society in a very meaningful way, that he was inspired and thought the whole vision and dream of a new America would somehow catch on and filter down to Houston, Texas for a more efficient, prosperous, safe, inclusive, greener and livable America. Council Members Sullivan, Khan, Rodriguez, Lovell, Green and Jones absent.

Council Member Noriega stated that she wanted to recognize some people in District H and wanted to thank Gunny Ortiz and the Houston Fire Department for the "Get Alarmed Houston" event in Denver Harbor on Saturday, February 21, 2009, that it encouraged residents to install smoke alarms and to check that the smoke alarms that they had were working properly and the District H office helped map out the area for Andres Ortiz and they wanted to thank them for that; that they would like to thank Conoco Phillips, the Greater Northside Management District, State Representative Jessica Farrar's office, BARC and the Mayor's Anti Gang Office for collaborating with the District H office for a successful neighborhood cleanup in preparation for the Rodeo Fun Run Event; that they would like to thank Houston Police Officer Gerald Collard and the ARA Permit Office for assisting District H businesses who had some issues with Alarm Permitting, they had some concerns and they stepped up and took care of them, that they also would like to thank the Public Works and Engineering Department for addressing an issue in the Heights, that Mr. Al Pinon had a raw sewage leak and the City after two visits determined it was a City issue and fixed the leak last week; that she wanted to thank Public Works and

Engineering Department for helping with a drain problem on North McGregor, that two weeks ago they had rain and there were some neighbors who had flooded during Ike, had just finished getting everything back to normal and the drain was not draining and the water was coming up and their driveway was blocked and they were really concerned that their house was going to flood again, that they were able to talk to Art Kidder at Public Works and Engineering Department and they got a truck out there so that it would drain and saved these folks house, that they also identified some concerns that they were going to be able to do something about, that Idlewood, she thought was very appreciative, she was able to connect with them on a Saturday but wanted to particularly thank Public Works and Engineering Department because it was an urgent situation and they responded and stepped up, that she wanted to thank all the folks that came from Public Works and Engineering Department. Council Members Sullivan, Khan, Rodriguez, Lovell, Green and Jones absent.

Council Member Adams stated that she wanted to give her condolences to the Quentin Mease Family. Council Members Sullivan, Khan, Rodriguez, Lovell, Green and Jones absent.

Council Member Adams stated that she wanted to thank Mayor White for their budget meeting last night and wanted to inform the community of Montrose Commons about one of the projects they talked about last night, NSR 467, that some of the streets that were allocated for repair and to let the community know that they were going to continue looking at their policy and procedures about communication to communities about when projects were being set back, pushed back a year; that as Black History Month came to a close she wanted to acknowledge an event on Saturday at the Fiesta Food Mart, 9420 Cullen Boulevard, from 12:00 p.m. to 5:00 p.m. in the parking lot, that there were many gospel artists and schools performing that day; that on Saturday her staff would be assisting the McGregor Civic Club at their Community Clean Up, they would be having an Alley Cleanup at 2:00 p.m. at 3232 Parkwood at Bowling Green; that in regards to the MLK Car Wash demolition she wanted to thank Mayor White, the Building Commission, Arua Fayette, Mary Roberts and Pastor Allen, Miracle Land Church, and thank them for coming forward about the demolition of the MLK Car Wash; that she wanted to remind the community that they were continuing to conduct their forums, Examining Public Safety and Preventative Measures to Reduce Crime, that the second forum would be held on Thursday at the Fort Bend Boys and Girls Club, February 26, 2009 at 5525 Hobby Road, from 6:00 p.m. to 8:00 p.m., that Chief Hurtt would be there along with the Houston Police Department in partnership with Constable Ruben Davis in Precinct 2; that she wanted to thank HPD, that last week they had citizens call them about the porn movies in some of their convenience stores, that she did some site visits and it was accurate, that she wanted to thank the police officers for taking the initiative and taking the list of the top six in District D and did do site visits; that she wanted to thank the Legal Department for meeting with the Southern Village about CES and going over the settlement agreement, that she wanted to thank Mr. Arturo Michel for doing that; that she wanted to thank the ladies of Delta Sigma Theta and the men of Kappa Alpha Psi for going into the community and doing a health fair this past weekend, that they had many City departments participate; that she looked forward to seeing the Delta's this weekend at the Delta Days at the Nation's Capital. Council Members Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent.

There being no further business before Council, the City Council adjourned at 10:53 a.m. Council Members Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary