

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 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. 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 2:05 p.m. Mayor White called the meeting to order and stated that Council Member Lawrence would begin presentations. Council Members Johnson, Adams, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she spoke before on a project done in District A and again wanted to iterate what an exciting program it was and recognize the company as it was the kind of company they wanted in Houston; and invited Ms. Detra Jones to the podium. Council Member Lawrence stated that 24-Hour Fitness partnered with Kaboom, Kaboom had done parks in Houston and she let them know in District A it was heavily populated and needed a park and Kaboom with others donated and 145 employees of 24-Hour Fitness volunteered to build the park and 284 volunteers came from the community and a theater area was built and seating for soccer fields and play equipment and planters and all done in a matter of hours; and presented a Proclamation to Ms. Jones for their generosity and proclaimed today as "24-Hour Fitness Day" in Houston, Texas. Council Members Johnson, Holm, Rodriguez and Green absent.

Council Member Brown stated that today was a special honor to present a Proclamation to an outstanding young person and invited Miss Grace DeForde and her family to the podium. Council Member Brown stated that Miss DeForde was proclaimed Teen United Nation International Queen 2008; that she was a native Houstonian and Clear Brook High School Senior and was 2008 Teen United Nation International winner after competing with teens from other countries; and presented Miss DeForde with a Proclamation proclaiming today as "Grace DeForde Day" in Houston, Texas. Miss DeForde stated that her political background was interesting, to represent her city, state and world this was a big deal, and she wanted to major in Poly Science as her brother. Council Members Lawrence, Johnson, Holm, Rodriguez, Green and Jones absent.

Council Member Lovell stated that all were very proud of her and congratulated her and her parents. Council Members Lawrence, Johnson, Holm, Rodriguez, Green and Jones absent.

Mayor White stated that they began Council Meetings by recognizing so much they had in common; they just celebrated a private enterprise providing a service to the community; honored a young person; and they begin with prayer to remind all they were not the center of the universe and they were created in God's image; they said a pledge reminding all they were one nation with differences but who treated each other with civility and respect and he hoped it happened in public deliberations and speakers heard and Council's comments and nothing reminded them more than when they were able to celebrate the philanthropy, a gift of a charitable contribution benefiting all in the community; that there had been tens of millions donated to improve parks and libraries and today was another milestone and that was why they were recognizing the Tiffany Foundation and invited their representatives to the podium. Mayor White stated that The Tiffany and Company Foundation had given an extraordinary gift, many improvements had been made in the Hermann Park area, Zoo and surroundings and a \$1 million gift, the Tiffany Bridge, was being made available to the park and would be in the

Lake Plaza Area and this gift had been instrumental in the park's expansion plans; that he thanked the Tiffany Foundation and its representatives for such a great gift and commended and saluted them; and presented them a Proclamation proclaiming today as "Tiffany and Company Foundation Day" in Houston, Texas. The President of the Tiffany and Company Foundation stated that she could not begin to say what an honor it was to be present and celebrate the dedication of the Tiffany and Company Foundation Bridge at Hermann Park, however, those who should really be commended would be the members of the Hermann Park Conservancy for their vision and opportunity they brought to their foundation; that they were simply able to help with their vision and create the bridge for citizens of Houston; and she thanked them and Mayor White and presented him a commemorative gift for the City of Houston for their leadership. Council Members Johnson and Rodriguez absent.

Council Members expressed thanks and appreciation to the Tiffany and Company Foundation and the Hermann Park Conservancy for the Tiffany Bridge, another crown jewel in the City of Houston. Council Member Johnson absent.

At 2:26 p.m. Council Member Noriega led all in the pledge. Council Members Johnson, Holm, Brown and Jones absent.

At 2:27 p.m. the City Secretary called the roll.

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

Council Member Khan moved that the rules be suspended for the purpose of hearing Ms. Ruby Mosley, Ms. Ruby Bennett and Mr. James Smith after Mr. Kenneth Clebourn, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0138 ADOPTED.

Council Member Lawrence moved that the rules be suspended for the purpose of adding Ms. Debra Morris and Mr. Martin Rosenkrantz to the list of speakers, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0139 ADOPTED.

The City Secretary read the Rules of Council from Chapter 2 of the City of Houston Code of Ordinances which provided when speaking time was greater than 150 minutes each speaker's time would be one minute and question time for Council Members accumulatively would be limited to one minute for each speaker; and with 155 minutes being reserved those rules would apply; and Mayor White stated to Council Members that they and himself should respect those time limits agreed on in advance. Council Member Jones absent.

At 2:30 p.m. the City Secretary began calling the public speakers.

Pastor Robert Robertson, 6902 Shirley Mae Lane, Houston, Texas 77091 (713-504-2506) appeared and stated that he was pastor of Bethel Baptist Church which burned down in Fourth Ward and was present making an appeal; that it took years to get him to agree to the sale of the property and the goal was to make sure the Fourth Ward was preserved, it was the church pastored by Reverend Jack Yates and those ready to sell were trusting Council to do what they said; that slaves who settled in the Fourth Ward were very prominent people, doctors, lawyers, etc., and helped make this city what it was and their history needed to be preserved.

Council Member Jones stated that many at the Council Table were aware of what happened with Freedmens Town and did want to help persevere history and if their word was given she would keep it.

Council Member Lawrence stated that she had problems with this, the fire happened a couple of years ago and the Fire Department propped the walls as much as they could, but she had seen nothing in news papers as far as the community trying to raise money, in her area people were out collecting money for the park to happen and she wondered what sweat equity they put into this; and Pastor Robertson stated that they put \$180,000 in plans and \$150,000 into the church and restoration program then it went up in smoke and they were willing to work with Council at this time, but he could not make people do what they did not want to do. Council Member Noriega absent.

Council Member Rodriguez thanked Pastor Robertson for coming and stated that they worked on this issue since he was a staffer for Council Member Alvarado and with the density in the area and historic preservation and lack of green space this would help give children a safe place; and he supported more green and park space. Council Member Noriega absent.

Council Member Brown moved that the rules be suspended for the purpose of hearing Ms. Olivia Randle after Ms. Maggie Monroe, seconded by Council Member Khan. All voting aye. Nays none. Council Members Noriega and Jones absent. MOTION 2009-0140 ADOPTED.

Council Member Rodriguez moved that the rules be suspended for the purpose of hearing Dr. Laura Murillo after Mr. Richard Shaw, seconded by Council Member Khan. All voting aye. Nays none. Council Members Noriega and Jones absent. MOTION 2009-0141 ADOPTED.

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared and stated that he was present representing the Harris County AFL/CIO and Houston Gulf Coast Building and Construction Trades Council and speaking in favor of Agenda Item 21, an ordinance amending the current prevailing wage rates, it would bring the current rates up with U. S. Department wage rates and allow for automatic escalation of the wage rates as the U. S. Department of Labor adjusted the same rates over time and puts the city on the same playing field as Harris County, METRO, Hospital District and cities of Baytown and Pasadena; and urged its passage.

Council Member Rodriguez stated that he appreciated him and his members meeting with him and they had the Administration's support and it was important.

Dr. Laura Murillo, 1801 Main #1075, Houston, Texas 77002 (713-644-7070) appeared and stated that she was president and CEO of the Hispanic Chamber of Commerce, the largest Hispanic Chamber of Commerce in the State of Texas and representing over 3,000 members with two-thirds being small business owners; that today she was present asking Council to give careful thought to the current Affirmative Action and Compliance Program they had, it was imperative for members to have opportunities and this program had afforded opportunity; and urged the city continue and maintain the program. Council Member Jones absent.

Ms. Connie Sisco, 2929 Buffalo Speedway, Houston, Texas 77025 (713-569-4324) appeared and stated that like the majority of Houston residents she was opposed to public law 500-05 making Houston a sanctuary city; that the law should have been revoked years ago and many criminals would not have stayed and lives would have been saved; that it was estimated the cost to taxpayers was between \$300,000 and \$600,000 for one capital murder trial for an illegal alien and the insanity must stop. Council Member Brown absent.

Ms. Jane Funkhouser, 10211 Cedar Creek, Houston, Texas 77042 (713-784-2467) appeared, presented information and stated that March 19, 2009, Attorney General Greg Abbott responded to a formal inquiry by the Honorable Frank Corte, Jr., regarding legality of local government policies which hindered enforcement of federal immigration laws and the response was summarized that the Texas Legislature was not prohibited from adopting some form of

legislation designed to compel local governments to comply with any duties they may have under federal immigration laws and the decision by the Attorney General validated the idea of a sanctuary city don't ask policies and she had distributed his full opinion. Council Member Brown absent.

Council Member Lovell stated that this was an important discussion they would be having, but as they did have the discussion she wanted it based on facts and they had never been nor ever voted to be a sanctuary city; and upon questions, Mayor White stated that was correct. Council Member Brown absent.

Upon questions by Council Member Rodriguez, Ms. Funkhouser stated that she had seen no signs stating Houston was a sanctuary city, but believed there was such a policy. Council Member Brown absent.

Mr. Gordon Quan, 5177 Richmond Avenue, Houston, Texas 77056 (713-625-9222) appeared and stated that he was an immigration lawyer and was present to address the sanctuary city issue, there was no federal definition of what a sanctuary city was per se, the Office of Inspector General in 2007 did a study as to what would constitute a sanctuary city and there were two elements, a policy in place that would not allow local law enforcement to work with the federal immigration authorities on undocumented people or without a mechanism in place that would allow such reporting to take place; that 500-05 had been repealed and superseded by 500-08 passed in 2006 by Mayor White and it explicitly required fair treatment of all persons arrested and if a person had no identification and was a question of immigration they would be treated ...; and his time expired. Council Member Brown absent.

Upon questions by Council Member Khan, Mr. Quan stated that he looked at the opinion from the Attorney General and the Quorum Report issued a retraction when they said they thought Houston was a sanctuary city and said it did not meet the definition of sanctuary city under the Attorney General's opinion.

Mayor White stated that Mr. Quan referred to the orders which superseded General Order 500-08 and Council Member Lawrence told him even if they put supersede all prior conflicting orders and had a special statement in plain language of departmental policy they would absolutely be free to vote and engage in raids against gangs, narcotic activities and allow ICE in jails and check citizenship status of those arrested, but she was right it should have probably been torn out of the book and superseded as opposed to just amended.

Ms. Maggie Monroe, 5755 Belmark, Houston, Texas 77033 (713-738-7501) had reserved time to speak but was not present when her name was called.

Ms. Olivia Randle, 6023 Beldart, Houston, Texas 7033 (713-733-2348) appeared and stated that she was president of Precinct 239 Neighborhood Civic Club and present as they had a beautiful park and walking trail and basketball pavilion and they needed parking lot lights; that it was very dark and too many hours were being lost without those lights; and urged the city's assistance. Council Members Khan and Noriega absent.

Council Member Brown, stated that this was a reasonable request and a good investment; and upon questions, Mayor White stated that two Council Members brought this to his attention in the CIP meetings and it would require a contract; that he would get cost estimates and they could proceed from there. Council Members Khan and Noriega absent.

Council Member Sullivan stated that he had been working on this and he communicated it to the Mayor who said it would be looked at as potentially a CIP project. Council Members Khan and Noriega absent.

Council Member Jones stated that it made no sense to fix the park and then have it so dark; and Ms. Randle stated that the CIP took a long time and she would like the stimulus money used. Council Members Khan, Holm and Noriega absent.

Mr. Abdul Khalfe, 1305 Upland, Houston, Texas 77043 (713-465-4256) appeared and stated that they at All Printing and Office Supply, Inc., were proud to be certified by the City of Houston Affirmative Action and Compliance Department and because of their support and guidance they were successful. Council Members Khan, Holm and Noriega absent.

Upon questions by Council Member Johnson, Mr. Khalfe stated that they wanted the city to keep Affirmative Action as it was, the department was needed for minority and women owned businesses; and Council Member Johnson stated that there was nothing on the Agenda to do away with that department at all. Council Members Khan, Holm, Noriega and Jones absent.

Ms. Debra Morris, who was previously added to the Speakers List, appeared and stated that she was president of the Women's Contractors Association and was present to remind Council why they had the Affirmative Action Program in place and that women should be included and it should be left as it was until a new disparity study was done and then all stake holders should be included for input. Council Members Khan and Holm absent.

Council Member Lawrence stated that she spoke with the Houston Contractors and they knew of no one questioned during a disparity study; and upon questions, Ms. Morris stated that they were not contacted; and Council Member Lawrence stated that she hoped as soon as they resolved the next week they would move forward with a new disparity study and be very inclusive. Council Members Khan and Holm absent.

Mr. Martin Rosenkrantz, who was previously added to the speakers list, appeared, presented information and stated that he was in the scrap metal recycling business with a five year contract with the City of Houston and there was no accountability on the city's part with scrap, the city was losing money; that he would give his time and effort and say a half million was on the table the city did not collect on a yearly basis. Council Members Khan and Holm absent.

Mayor White stated that he did have his resume and he would ask that he put what he thought the city should do in writing in order to save money; and Mr. Rosenkrantz stated it would not be to save money, the way their contract was set they put out 25 to 30 boxes from a company, they bid it every three years with a renewable two years and it was bid in December and what happened was all departments that wanted a box had one and they called and the box got picked up and a new one put out, but no one followed through, the contract said they were to get paid but the way scrap worked was they did not know what they sent and someone needed to run the department and he would be happy to talk to someone about it; and Mayor White stated that he thought they would take him up on the offer. Council Members Khan and Holm absent.

Mr. Jeff Cadieux, 6630 Calico Woods, Houston, Texas 77041 (713-269-9636) appeared and stated that he was regional manager for Aqua Service Corporation one of the nations largest minority owned staffing firms, they were a \$100 million corporation nationwide and did not participate directly with the City's Affirmative Action and Contract Compliance Program and yet he was present supporting it, they would not be here today if it were not for programs such as this one. Council Members Adams, Khan and Holm absent.

Mayor White stated that probably the most immediate issue in front of them was not whether to scrap the program, he thought getting good value for the dollar and having a diverse

group of contractors were the two pillars of this Administration's procurement policies, but to all who support the program there were challenges faced in conducting a program in a way which met the scrutiny by the federal courts. Council Members Adams, Khan and Holm absent.

Ms. Kellie Vasquez, 9911 Franklin, Houston, Texas 77070 (281-469-7070) appeared and stated that she was administrative vice president of Pools, Inc., and vice president and board member of the Women Contractors Association and she did not agree with the city's proposed settlement on the affirmative action case and believed the program itself did have various issues, such as her company was started in 1972 and they worked on all freeways and airports, etc., in Houston and were proud of it; that since 1992 they were 100% woman owned and certified through various agencies but not through the City of Houston as they were denied three times. Council Members Khan and Holm absent.

Upon questions by Council Member Jones, Ms. Vasquez stated that she would ask Council to make no changes to the program, it did need to be reevaluated but wanted no changes to the percentage levels until the new disparity program was done. Council Members Khan and Holm absent.

Upon questions by Council Member Green, Ms. Vasquez stated that they were turned down three times, but they wanted no changes to the percentage levels and today she was speaking on behalf of the WCA and Pools, Inc. and they did not support it as proposed. Council Members Khan and Holm absent.

Mayor White stated to Ms. Claudia Vasquez that when the issue of certification came up he would like information from Ms. Vasquez and the department on the grounds of which certification was denied, he heard this from time to time and some cases there were reasons; and upon questions, Ms. Vasquez stated that they were getting a new computer system and had two screens on her desk and was told only a secretary would have two screens; and Mayor White stated that sounded as if it needed review. Council Members Khan and Holm absent.

Applause! Council Members Khan and Holm absent.

Mayor White stated that they must enforce Council rules on a non discriminatory basis and asked the City Secretary to read the Council Rules; and the City Secretary read from Chapter 2 of the Code of Ordinances under the Rules of Council which provided that no person shall boo, clap or otherwise express approval or disapproval of actions being taken except for public recognition initiated by City Council; and Mayor White stated that the reason for the rules and why they must be enforced was not to inhibit public expression, but there may be cases where people may be abused and asked all to abide by the rules. Council Members Khan, Holm and Noriega absent.

Ms. Wanda Sisco Schultz, 3520 Bellaire, Houston, Texas 77025 (713-667-8270) appeared and stated that there had been three officers shot by illegal aliens under the sanctuary law and read titles from the Houston Chronicle articles about illegal alien crime in Houston. Council Members Sullivan, Khan, Holm and Noriega absent.

Council Member Jones stated that she was a lawyer also and had clients and they told them whether they were illegal or not and there was an indication in the prosecutors file whether they had notified ICE, but what happened was ICE did not come to get them and they needed to do a better job. Council Members Johnson, Sullivan, Khan, Holm and Noriega absent.

Mayor White stated that it was the policy of the City of Houston that people arrested should be arrested regardless of citizenship, if they were arrested they should serve their time

and sentence and if illegal felons should then be taken by ICE out of the country. Council Members Johnson, Sullivan, Khan, Holm and Noriega absent.

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

Ms. Deborah Elaine Atkins, P. O. Box 263252, Houston, Texas 77207 (832-292-5203) appeared and stated that she wanted to get a contract with the City of Houston to adopt blocks for money off of Glenn Drive and most were vacant lots. Council Members Johnson, Clutterbuck, Khan and Holm absent.

Mayor White thanked Ms. Atkins for coming and stated to Ms. Vasquez had she written the addresses mentioned; and Ms. Vasquez stated that she had the locations. Council Members Johnson, Clutterbuck, Khan and Holm absent.

Ms. Elsie Blunt, 5601 Wheatley, Houston, Texas 77091 (713-681-8853) appeared and stated that she was present regarding heavy trash; that after Ike they had not really had pickups and she was not treated right, they did not pick up her heavy trash and she had pictures and she wanted something done in Acres Homes. Council Members Clutterbuck, Khan and Holm absent.

Mayor White stated that for him to track this and see if someone dropped the ball and who was this reported to 311; and Ms. Blunt stated that she reported it and was told she had too much and the heavy trash was wood, etc., it was not brush; and Mayor White stated that it would be investigated. Council Members Clutterbuck, Khan and Holm 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, Clutterbuck, Khan and Holm absent.

Ms. Janet Thomas, 19335 Cypress Canyon, Katy, Texas 77449 (713-291-6408) appeared and stated that Mayor White said on numerous occasions that immigration and enforcement was the federal government's job and ICE did not patrol Houston streets Houston HPD did; that they may not meet the technical definition of sanctuary city but they most certainly were and the residents and illegal's knew it; that they had day labor sites around Houston and the Mayor knew the gangs were here, a person's race did not give them the right to break laws. Council Members Johnson, Clutterbuck, Khan, Holm and Lovell absent.

Ms. Alma Cooper, 5508 Hialeah Drive, Houston, Texas 77092 (713-686-4650) appeared and stated that she was present regarding HPD enforcing immigration laws; that officers had implemented race around the city, she had seen them pulling cars over which were driven by Hispanic only and if they were illegal they were referred to ICE officers who were there at the same corner. Council Members Johnson, Clutterbuck, Khan, Holm and Lovell absent.

Mayor White stated that if she would allow them to make copies of what she had they could review her entire statement. Council Members Johnson, Clutterbuck, Khan, Holm and Lovell absent.

Mr. Cesar Espinoza, 6601 Hillcroft #125, Houston, Texas 77081 (713-271-9703) appeared, presented information, invited all who came with him as a group to stand to be recognized and stated that Mayor White said all were created under God's image and should be treated fairly under the law, all laws, and they were against HPD acting as immigration officers because it would unhinge public safety, what affected one sector of population affected all and if

HPD was asking for documents many would not trust them and that led to people not coming forward as witnesses or victims and being preyed on by predators. Council Members Johnson, Clutterbuck, Khan, Holm and Lovell absent.

Council Member Rodriguez allowed Mr. Espinoza to complete his thoughts; and Mr. Espinoza stated that it was important to protect families and that two sectors of population not be created, one targeted and one not, it would further breakup families. Council Members Johnson, Clutterbuck, Khan, Holm and Lovell absent.

After more applause, Mayor White stated that he had done it before and respected rights of citizens to appear, but he had someone hauled off for violation of Council rules and not because he objected to the individual but because they had to be enforced equally and asked all to refrain from the displays. Council Members Johnson, Clutterbuck, Khan, Holm and Lovell absent.

Ms. Cecile Roeger, 6509-A Alveda Road, Houston, Texas 77021 (713-741-8369) appeared and stated that she was speaking today on behalf of the Dominican Sisters of Houston and would begin with a quote from Cardinal George of Chicago when addressing a need for immigration reform recently he said they could not strengthen families when people lived in fear from day to day and they could not strengthen communities here when people lived in fear day to day; that law enforcement officers should be looked upon as friends of the community and not persons to be feared, the city was not unsafe because of undocumented immigrants living among them, but that was not to say there were no criminals or crimes being committed; that police should be free to investigate and solve crimes and risk to communities could increase when others were afraid to report crimes or feared they themselves may be arrested or detained. Council Members Johnson, Khan and Holm absent.

Upon questions by Council Member Noriega, Ms. Roeger stated that she felt they should let the police department do their job in solving crime in Houston and until there was immigration reform which they knew was badly needed to let the federal government do investigating of the status of people in Houston. Council Members Johnson, Khan and Holm absent.

After more applause, Mayor White stated that he would ask those who had respect for the laws to do so. Council Members Johnson, Khan and Holm absent.

Ms. Joann McCracken, 908 Eleanor, Houston, Texas 77009 (713-691-5616) appeared and stated that she was a legal resident and taxpayer and voter in Houston; that in Mexico when she lived there she was allowed to move about freely with no fear, but after returning home she was intimidated by a group of what she assumed to be illegal immigrants at the intersection of 11th and Durham. Council Members Johnson, Khan and Holm absent.

Mayor White stated that she should give her statement to Ms. Vasquez since she was unable to finish. Council Members Johnson, Khan and Holm absent.

Deacon Sam Dunning, 2403 Holcombe, Houston, Texas 77021 (713-741-8731) had reserved time to speak but was not present when his name was called. Council Members Johnson, Khan and Holm absent.

Dr. David Smith, 623 Westwood Circle, LaMarque, Texas 77568 (832-692-2306) appeared and stated that he was present against any move to make new requirements for HPD officers to enforce federal immigration law; that all in the community grieved for families of fallen officers but they should not let emotions carry them away and they should concentrate on facts; and one study done by Dr. Walter Ewing and Dr. Rubin Rambuck from 2007 which was although the undocumented immigration population doubled between 1994 and 2005 the violent

crime rate in the country declined by about 34% and property crime fell by about 26%; that the crime was not just national but also border and port cities. Council Members Johnson, Khan and Holm absent.

Mayor White thanked Dr. Smith for coming and stated he thought the vast majority of citizens in the community wanted crime to go down and last year Houston had the lowest rate of crime of any year since he had been following it in 1990, and unfortunately there were many people of many backgrounds who did commit the crimes and the policy was to arrest them, try them, convict them and if not supposed to be in the country taken away, but they did not arrest someone when they had not violated crimes. Council Members Johnson, Khan, Holm and Noriega absent.

Mr. Francisco Valle, 4311 Roseland, Houston, Texas 77006 (832-455-4530) appeared and stated that he was present to remind the Mayor and Council of the moral obligation they had, others in their positions in other times took an indifference to suffering of people and created genocides, slavery and persecution of individuals, etc. Council Members Khan and Holm absent.

Mayor White stated that he could say he did deeply respect the leadership of the Houston Police Officers Union selected by members, he met with leadership and the president at least half a dozen times over the last six months and this particular issue was never brought up but he was open to suggestions by citizens on police policies and officers. Council Members Khan and Holm absent.

Mr. Juan Alvarez, 9902 Airline, Houston, Texas 77060 (832-282-6697) appeared and stated that he was with the Latin American Organization for Immigrant Rights and for many years he worked with fine Houston police officers to build a bridge between the Hispanic community and themselves; that they felt sad the officer was shot, but because one committed a crime it did not mean they were all bad and for many years Mayor White enjoyed work being done by Hispanics in Houston and now he believed because he was going for a higher position he was playing politics, but they were not bad people and were here to work hard, the immigration system was broken but the federal government needed to fix that problem and not the city. Mayor White, Council Members Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that she wanted to make it clear, this was an important issue and she did not believe one person at the Council Table was playing politics on the issue, it was difficult and would be talked about and worked through and no one at the table wanted to undo any relationships, but this subject came up from time to time and it was healthy to hear what citizens said though nothing would be solved here today. Mayor White, Council Members Lawrence, Khan, Holm, Adams and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Cristobal Hinojosa, 810 McDaniel, Houston, Texas 77022 (713-695-1408) appeared and stated that the implementation of two laws 287-g and the past law of 4437 were both a clear attempt against undocumented people and they were not paying taxes for the police department to harass the undocumented people; that in no part of the American Constitution did it distinguish undocumented people as criminals or as illegal but racist groups did. Mayor White, Council Members Lawrence, Khan, Holm, Adams and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Joyce Cauther, 15938 Fleetwood Oaks, Houston, Texas 77079 (281-385-9498) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Khan, Holm, Adams and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Linda McLean, P. O. Box 36198, Houston, Texas 77236 (832-641-0519) appeared, presented information and stated that she had a background in oil and gas accounts and worked for Tempie Services and was present to inform the city of unclaimed funds they had of \$89,000; that \$50,000 was for the City of Houston and \$27,000 for Harris County and \$11,000 for the Harris County Tax Assessor and all could be verified; that she had tried to speak to someone for almost a year now and this was not held by the Controller Office in Austin and that was why it was being held so long. Mayor White, Council Members Lawrence, Khan, Holm and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Sandra Massie-Hines, 10010 Cullen, Houston, Texas 77051 (832-537-8477) appeared, presented letters to the Mayor and Council Members and stated that she had served others while looking for a place to live for almost five months and was in need but not without hope, it was after Ike, but today she was present to say thank you for them helping her and allowing her to put her foot on something belonging to her and thanked all who helped for their assistance. Mayor White, Council Members Lawrence, Khan, Holm and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that all were happy things had gone well for her and thanked her for coming to thank them. Mayor White, Council Members Lawrence, Khan, Holm and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Shirley Morris, 14941 Ella, Houston, Texas 77014 (281-875-3347) appeared and stated that she was present to ask for help for her house she lost in Tropical Storm Allison 8 years ago, since then she had a heart attack and stroke and became disabled; that she met Mayor White when he was being elected and he promised help with her house but 8 years had gone by and she was proud for the help given people after Katrina, but she lived in an apartment and her rent was almost the whole disability check and was asking for Council's assistance. Mayor White, Council Members Lawrence, Khan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that Ms. Marnine Thomas was present and could speak with her at this time. Mayor White, Council Members Lawrence, Khan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that she just had a discussion with Housing today and they had not received the homeless stimulus funding as yet and were trying to figure out what to do with it in homeless prevention, but it did not go toward mortgages, it would be given through organizations and Ms. Thomas could share that information with her. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Brian Van Tubergen, 2914 Leek, Houston, Texas 77004 (713-207-8588) appeared and stated that he was president of the Leland Park Civic Club and their residents were seniors and single family homes, multi family units, low income rentals and vacant lots and they had a continuing problem of heavy trash accumulating throughout the month, when the pickup was monthly it was bearable but now that it was every other month the amount of trash was creating an unhealthy and unsightly environment for residents and he believed the heavy trash was due to illegal dumping and frequent overturn of rental units; and today was asking their neighborhood be placed on a pilot program allowing monthly pickup of trash and increased signage of illegal dumping. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Noriega stated that she was familiar with the dumping in the area and there may be several things that could be done; that this was Council Member Rodriguez's district and he would want to be involved, but in his absence she would ask that he speak with Ms. Vasquez and her staff person and they would see what could be done on getting something going; and Mr. Van Tubergen stated that the house he was building was in Council Member Adams's district. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that Ms. Williams with Solid Waste Management was present and wanted to get addresses from him. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Robert Price, 1585 W. Sam Houston Parkway North, Houston, Texas 77043 (832-721-0797) appeared and stated that he was present as a business owner in Houston concerned about the city's lack of enforcement, not of immigration law, but of state law and city ordinances passed by this Council; specifically many businesses in Houston were overrun each morning with undocumented workers, an example was Home Depot at Bellaire and Beltway 8 was invaded with 250 to 300 people and HPD gave no support and they hired off duty to help keep parking lots clear and the store estimated they lost 10% of its business because customers were afraid to drive in. Council Members Lawrence, Khan and Holm absent.

Mayor White stated that he heard him speak; and upon questions, Mr. Price stated that he had a business; and Mayor White stated that this was a serious issue and before he came to office prior Councils by almost unanimous votes in dealing with the issue tried to address this with a combination of enforcement and places, day labor sites where people would go, he understood the opposition to some for the sites although the purpose was not correctly categorized, but trespassing should not be tolerated and he thanked him for bringing the issue today to their attention. Council Members Lawrence, Khan, Holm and Green absent.

Mr. Curtis Collier, 7803 Oak Castle, Spring, Texas 77389 (281-787-4637) appeared and stated that he was president of the U. S. Border Watch and represented more than 300 Houstonians who could not be present; that less than 2 years ago he was at Council and he understood the situation of the city not being able to deport people and he was asking for the Mayor's support in helping them to put policies in place, to put pressure on the State Legislature to pass laws with mandatory sentencing against people who were in the country illegally and committed crimes, if someone committed a felony they should have additional years placed on their sentence. Council Members Lawrence, Khan, Holm and Green absent.

Ms. Louise Whiteford, 2431 Nantucket Drive, Houston, Texas 77057 (713-706-3546) appeared, presented information and stated that she was president of Texans for Immigration Reform, Inc., and they pride themselves on having great speakers; that today she was inviting the Mayor and Council to come hear Mr. Steven C. McCraw, director of the Governor's Office of Homeland Security; that a great speaker was Mr. Rusty Fleming who was concerned after finding so many 11 and 12 year olds addicted to crystal myth so through one of his heroin addicts he went into a drug cartel in Mexico for 2-1/2 years and made a documentary "Drug Wars" and it had been shown in the state capital; that she had a shorter version coming and would love to show it to Council Members. Council Members Khan, Holm and Green absent.

Council Member Lawrence thanked Ms. Whiteford for coming and being an advocate and tireless worker on many things; that they had much discussion on 500-5 and she would like her to read General Order 500-8 and the HPD Circular dated 10/11/06; that they had not done a great job of explaining the city immigration policy. Council Members Lawrence, Khan, Holm and Green absent.

Mayor White stated that those were being brought to her right now and there was no question there was lack of data base and they could go back in history where people left custody of county and state jails that should have been taken away after serving their sentences; and upon questions, Ms. Whiteford stated that Mr. McCraw would be appearing Saturday, April 4th; and Mayor White stated that he found him to be a very conscientious servant and had conversations with him last week and they were reviewing procedures at the city's request so the state could pull and cancel driver's licenses of individuals who were in a category called deportable felons. Council Members Khan, Holm and Green absent.

Ms. Betty Lawson, 1148 Dorothy, Houston, Texas 77008 (713-249-3141) appeared and stated that she was present to voice frustration with a situation in her Heights neighborhood; that there were from 20 to 60 men loitering all day at a strip center two blocks from her home, the block between North Durham and North Shepherd on West 11th and they frightened her and trashed the neighborhood in general; that the police store front said they were told to leave them alone; and one morning she saw a man bathing in her backyard. Council Members Khan, Holm and Green absent.

Mayor White stated that Ms. Lawson could leave a copy of her statement with Ms. Vasquez. Council Members Khan, Holm and Green absent.

Ms. Rhonda Davis, 6619 Aldine Bender #252, Houston, Texas 77032 (832-892-0429) had reserved time to speak but was not present when her name was called. Council Members Khan, Holm and Green absent.

Mrs. Ollie Garry, 7915 Rand, Houston, Texas 77028 (713-674-0941) appeared and stated that she wanted to know how big forklift companies could move next door to her and keep her up all night long with the noise and smell; that she tried to get help at 311, Neighborhood Protection turned against her and now she had to find a place to put her grandchildren's toys because the shed she had been using was now not acceptable because she complained against a supervisor who turned a deaf ear and eye to what was going on under her nose. Council Members Lawrence, Khan, Holm and Green absent.

Council Member Johnson stated that unfortunately in the City of Houston there was no zoning and if they bought the land they could open the business; that she talked with his office; and upon questions, Mrs. Garry stated that she had a small shed to keep flower pots and toys in it and during Ike it messed up the roof, the shed was not big enough to live in and she received a ticket for it and it was in retaliation because she was told to quit calling Neighborhood Protection, but she was going to call; that she did not bring the ticket but she had the information from the ticket; and Council Member Johnson stated that he would check into it. Council Members Lawrence, Adams, Khan, Holm and Green absent.

Upon questions by Council Member Jones, Ms. Garry stated that the lady who was ugly to her was Gloria Gallegos. Council Members Lawrence, Adams, Khan, Holm and Green absent.

Mr. Richard Garry, 7915 Rand, Houston, Texas 77028 (713-674-0941) appeared and stated that he understood a company could open but they were in violation because an environmental investigator caught them painting with no paint license and the company down the street from them were using a bogus address and they were both given tickets, Environmental Protection caught them at night painting forklifts and shut them down and Ms. Gallego's supervisor also used derogatory language to them and spread rumors about him; that he had information from the ticket; and Council Member Johnson stated that they would make a copy from his information and hand it back. Council Members Lawrence, Khan, Holm and Green absent.

Ms. Jeanette Larose, 7030 Bretshire, Houston, Texas 77016 (832-584-8053) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Khan, Holm and Green absent.

Mr. Claude Brown, 3018 Hohl, Houston, Texas 77093 (832-885-9182) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Khan, Holm and Green absent.

Mr. Manish Patel, 8016 Livingston, Houston, Texas 77051 (832-423-7504) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Khan, Holm and Green absent.

Ms. Nannette Dulcie, 6311 Beverly Hill #62, Houston, Texas 77057 (832-239-5459) appeared and stated that she was present today as she had an accident in September, she fell in a hole walking across the street on Hillcroft and Page Wood Lane, it was covered by grass; that she found out later it was a sewer drain and reported her claim and as of yesterday she was told it was a fire hydrant hole not properly covered, it cost her \$300.00 and three trips to Ben Taub and she was asking the City of Houston to amend the law protecting HMO and corporate interest groups from getting reimbursed on medical. Council Members Khan, Holm and Green absent.

Council Member Clutterbuck stated that she was sorry Ms. Dulcie had to come to Council to ask for this and she knew she spoke with Ms. Nobles in her office; that perhaps she could meet with the Legal Department for explanation and thought her suggestion of changing the law may need to happen at state law; and Ms. Dulcie stated that there were other holes in the area uncovered; and Council Member Clutterbuck stated those should be covered and they would pass the information to the Fire Department; and Ms. Dulcie stated that Legal said they would settle on her injury of \$400.00 for medical, but she wanted the city to amend the law for others. Council Members Khan, Holm and Green absent.

Mayor White stated that he was reading of the settlement offer and thanked Ms. Dulcie for bringing the matter of public policy to their attention. Council Members Khan, Holm, Rodriguez and Green absent.

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 Khan, Holm, Rodriguez and Green absent.

Ms. Monique Clinton, 6725 Roanoke, Houston, Texas 77028 (281-902-9769) had reserved time to speak but was not present when her name was called. Council Members Khan, Holm, Rodriguez and Green absent.

Mr. Henry Guillory, P. O. Box 330013, Houston, Texas 77233 (713-669-0157) had reserved time to speak but was not present when his name was called. Council Members Khan, Holm, Rodriguez and Green absent.

Mr. Robert Schaffer, 4555 Dunnam Road, Porter, Texas 77365 (281-358-3840) appeared and stated that he was a resident between Kingwood and Porter and Council Member Sullivan was his representative and today he was present to condemn baseball parks entering their neighborhood; that four parks were currently in development and they were four feet from their bedroom windows; that about 250 homes were opposing the ball parks and they were trying to find ordinances to help them. Council Members Johnson, Khan, Holm, Rodriguez and Green absent.

Upon questions by Mayor White, Mr. Schaffer stated that they were on Dunnam Road in a community developed in the 1910s and they were annexed by the city in the 1950s, they had no sewer or water and the ball parks were coming in and developing acres and the wildlife had no where to go, they bordered on the river and all the park drainage was flowing down on their property. Council Members Johnson, Adams, Khan, Holm, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Schaffer displayed a picture and stated that they placed four feet of dirt and a barrier wall to hold the dirt up and some houses such as the one in the picture had their home just four feet from that barrier, from the park, and there was no where for water to drain except on them. Council Members Johnson, Adams, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Sharon Haynie, 4630 Dunnam Road, Porter, Texas 77365 (281-360-4512) appeared and stated that she was present on the same issue as Mr. Schaffer; that their street was very nice and wooded and now all the trees were gone and wildlife scattered and congestion was terrible and not acceptable; that they lived in the woods and wanted to stay in the woods; and they had more pictures and instead of being flooded by the river they were being flooded in by the baseball fields. Council Members Johnson, Khan, Holm, Rodriguez, Noriega and Green absent.

Mr. Ernesto Reza, 12907 Chandles Way Drive, Houston, Texas 77041 (713-849-8591) appeared and stated that he was president and managing director of a consulting group, a professional services firm, and he wanted to thank the City of Houston, Affirmative Action and the Contract Compliance Team for their help and support with his firm and other WMBEs and his request was that they continue to support them. Council Members Johnson, Khan, Holm, Rodriguez, Noriega and Green absent.

Mr. C. C. Lee, 6213 Skyline Drive, Houston, Texas 77057 (832-724-7556) appeared and stated that he was president of Stow International Architects and a board member of the Houston Minority Business Council and wanted to support Houston's MWBE Program, it was very important for the diversified community and without them he would not be in business; and the city should enhance the program. Council Members Johnson, Khan, Holm, Rodriguez, Noriega and Green absent.

Mr. Leroy Johnson, 4331 Town Plaza Drive #F1, Houston, Texas 77045 (832-731-7270) appeared and stated that he was present to thank the city for the Affirmative Action Program, he had benefited from it and now had two businesses; and he would like the program to continue. Council Members Lawrence, Johnson, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Upon questions by Mayor White, Mr. Johnson stated that he had a delivery service and janitorial supply business. Council Members Lawrence, Johnson, Khan, Holm, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she supported the Affirmative Action Contract Compliance Department, but thought it needed work to do what it was intended and also believed the disparity study done was flawed and was glad a new one was scheduled; that they had been challenged on three grounds the ordinance did not comply with federal government requirements and the compromise ordinance was to keep people included. Council Members Lawrence, Johnson, Khan, Holm, Lovell and Green absent.

Ms. Sonia Clayton, 110 Cypress Station #123, Houston, Texas 77090 (713-560-5356) appeared and stated that she was present representing the minority business enterprises of

Houston; that she came to the U. S. 25 years ago and could speak no English and now she was president and CEO of Virtual Intelligence Providers, a multi million dollar operation serving any Houston organizations in the oil and gas company as well as corporations across the world and she was expressing thanks to the City of Houston for opportunities they provided them; that she was extremely thankful to the office of Ms. Velma Laws and Mr. Robert Gallegos as they spoke with her and showed her the way and she was asking the city to stay in the business of minority business enterprise. Council Members Lawrence, Johnson, Khan, Holm, Green and Jones absent.

Mr. Marvin Holmes, 3211 Mclhenny, Houston, Texas 77004 (832-438-2620) appeared and stated that he had two issues that needed to be addressed, one was he had a problem with his landlord and he contacted Neighborhood Protection and they sent someone out but nothing was done and he wanted to know what to do and second, he received a ticket yesterday for jaywalking and he was not, he felt he was targeted as others were jaywalking and he was the one receiving the ticket. Council Members Lawrence, Johnson, Khan, Holm, Green and Jones absent.

Council Member Rodriguez stated that on Mr. Holmes first issue they did report it to Neighborhood Protection in October and November and an investigator from Neighborhood Protection went out and the house was found with no hot water and exposed wires and they were assured by the department the owner of record would be located but he had not received any follow-ups since that time; and Mr. Holmes stated that the owners name was Ms. Ann Hoang. Council Members Lawrence, Johnson, Khan, Holm, Green and Jones absent.

Mr. J. W. Massah, P. O. Box 742713, Houston, Texas 77274 (713-545-4777) appeared and stated that he was president of the Taxicab Drivers Association and was present as the economy was not good all were working hard to keep people from being unemployed and keep those with jobs in their job and Chapter 46-20 of the Code was why he was present, he was asking on behalf of drivers and himself to have enforcement of that chapter suspended, many drivers were suffering and to remove the car off the line would be bad at this time, if he did not hear from them today he would be unemployed as well. Council Members Lawrence, Johnson, Khan, Holm, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Massah stated that he wanted the provision in Chapter 46-20 suspended, it was age of vehicles, there was no money right now to buy cars and if their car was removed they would be finished; and Mayor White stated that having a level playing field for vehicle replacement for all drivers, this was not to argue the point, but if someone said my vehicle reached the limit of age then he would point out that vehicles at some point would need to be replaced and there needed to be a level playing field between vehicle owners; that he was disappointed they had not seen further price reduction by auto makers in the city's own fleet. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that these were difficult economic times and a good point was made here; that if drivers had the option to have a vehicle inspection with specific criteria which would extend the life of the vehicle, because a six year old vehicle poorly maintained could be worse than an eight year old vehicle well maintained and he would like a refinement; and Mayor White stated that they would consider this, one thing was the amount of travel declined because of the recession, but they needed a standard objectively and fairly enforced; that the Small Business Development Fund and another organization had micro lending programs available to small business owners and one example could be vehicle purchases and Mr. Celli would know the name of the other, but he could not suspend rules from the Council Table. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Gene Wu, 8926 Hazen, Houston, Texas 77036 (512-689-8618) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Ronald Banks, 7107 Peerless, Houston, Texas 77021 (713-823-2681) appeared and stated that he wanted to come to thank the Mayor and Council with problems he had when doing business with the City of Houston and the hurricane debris; that he brought many problems to them and they were all solved. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated they were happy to hear all worked out well for him and any time he had problems he should come to see them. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Charles Cupp, 1237 Althea Drive, Houston, Texas 77018 appeared, presented information and stated that he was present to get what was called the police policy regarding the location inquiry documents, it cost 10¢ a page and it was the address the police car went to; that he was told murder investigations never removed the documents, his son was murdered and this was important for lawsuits. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that he was wanting a copy of police policy; and Mr. Cupp stated that it was a policy concerning location inquiries, the police went to someone's house and it was documented; and Vice Mayor Pro Tem Lovell stated that Lieutenant Gallier was present and could speak with him; and Mr. Cupp stated that he already spoke with him and was told there was no policy so apparently there was no policy and he wanted the written policy; and Vice Mayor Pro Tem Lovell stated if there was no policy she did not see how they could give him a written copy, but he should speak again to Lieutenant Gallier. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Theodore Johnson, 4010 Dabney, Houston, Texas 77026 (713-670-0470) appeared and stated that he was present to ask about his van; that he gave the city time to see what they could do about it, but he wanted them to know it was stolen by the law and they were doing nothing and he was going to go in a different direction and start a community support system and explain why police were stealing their stuff. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Noriega and Green 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, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present to say there was a need in the community, a 17 year old was killed on the weekend on Gulfbank and Veterans Memorial and that was where the land was for the YMCA and they needed it, kids would be safe there. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she appreciated her faithfulness in coming each week to tell Council she wanted her YMCA and hoped she would get it, but she was not sure they could get it for her, but did wish her the best. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 4:38 p.m. City Council recessed until 9:00 a.m., Wednesday, March 25, 2009. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, March 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 8:27 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:33 a.m. Mayor White called the meeting to order and stated that the first topic was a public hearing. Council Members Johnson, Adams and Brown absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** relative to third amendment to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Five (Memorial Heights Zone) **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and DISTRICT H** – was called. Council Members Johnson, Adams and Brown absent.

The City Secretary stated that Mr. Ralph DeLeon, Finance Department, would make remarks concerning the hearing. Council Members Johnson, Adams and Brown absent.

Mr. DeLeon stated that on March 10, 2009 the Board of Directors of the Memorial Heights TIRZ approved amendments to the TIRZ Project and Financing Plan and forwarded them to the City for consideration, that the public hearing was a statutorily required part of the City's review process, that each Council office had been given a copy of the proposed third amended plan for the TIRZ and an official City statement had been distributed to each of them; that the administration requested that the City Council approve a planned amendment for the zone to increase the project plan expenditures by \$17.6 million, including \$6.6 million for affordable housing, that as explained in the body of the proposed amendments, and as explicitly shown in Exhibit 1, both the proposed amendments were to provide for a series of projects involving public infrastructure and pedestrian amenities, that in closing City staff had worked with the Memorial Heights Redevelopment Authority on the proposed third amended plan and would at a later Council meeting bring forth a recommendation for City Council to approve the plan

amendments. Council Members Adams and Noriega absent.

The City Secretary stated that no one had reserved time to appear at the public hearing. Council Members Adams and Noriega absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Sullivan. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2009-0142 ADOPTED.

MAYOR'S REPORT

Council Member Jones moved to suspend the rules to consider Item Numbers 36, 36a and 61 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2009-0143 ADOPTED.

Council Member Sullivan moved to suspend the rules to consider Item No. 34 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2009-0144 ADOPTED.

36. ORDINANCE approving and authorizing second amendment to Urban Redevelopment Interlocal Agreement among the City of Houston, other taxing units, and **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY** 1) to extend the term of the agreement until March 12, 2014, and 2) to clarify certain provisions of the agreement regarding properties to be affected – was presented. Council Member Adams absent.

Council Member Jones stated that this item came through the Housing Committee and they had presently, the Land Assemblage Redevelopment Authority Board, got affordable housing and land bank it and put affordable housing on for various reasons, one to help get them back on the tax rolls, two to help create safer neighborhoods and the way they were able to do that was with other taxing jurisdictions like HISD and the County and in order for them to keep the program going, because it had been successful, they were amending the interlocal agreement to allow them to continue to do it because it had been a good program and had put some dilapidated areas back on the tax rolls and created good neighborhoods, that it came out of the committee unanimously. Council Member Adams absent.

Mayor White stated that periodically they met every two weeks and Council Members were welcome, that they all benefitted from people owning houses in neighborhoods that had been blighted so that they could reduce it's crime and increased the taxpaying properties that were put back on the tax rolls, that it was not about just one neighborhood, that he would encourage people if they were interested in the program to attend the biweekly meetings just to observe what went on, that second, he thought that it was very important that in these economic times where they did have the availability and capacity to stimulate home building, take people from apartments to home ownership, they had home fairs and the like organized by builders where 80% of the people would have monthly payments less than their rent, however he was continually faced with issues concerning streamlining the process, that there was an appointed board, fine citizens, that they were not paid for this service, but they might need to have another committee as a whole because of what people expressed about trying to get more builders involved in the program and were discouraged by the various hoops and whistles, that he was just saying that because it was a fact that people had to go through, that the City of Houston was providing virtually all of the funding for this program, that they did get a few of the people on the board so they needed to figure out a way to streamline the program, that they would not resolve it right now, but he was just highlighting that to them, that they had lots that were out there, they had purchasers and home builders and they needed to make it less bureaucratic. Council Member Adams absent.

After further discussion by Council Members Jones and Brown, a vote was called on Item No. 36. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0224 ADOPTED.

36a. ORDINANCE approving and authorizing first amendment to Ancillary Land Exchange Agreement between the City of Houston and **HOUSTON INDEPENDENT SCHOOL DISTRICT** ("HISD") to increase the credit amount to HISD for each Houston Hope I property to be acquired by the Land Assemblage Redevelopment Authority ("LARA") – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-0225 ADOPTED.

61. ORDINANCE amending Ordinance No. 2007-1193, as amended by Ordinance No. 2008-661, and appropriating \$2,026,000.00 out of the TIRZ Affordable Housing Fund 2409 to continue implementation of the City's Workforce Housing Downpayment Assistance Program – **(This was Item 14 on Agenda of March 11, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. ORDINANCE 2009-0226 ADOPTED.

34. ORDINANCE approving and authorizing contract between the City and **YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON** for Elderly Services provided through the Harris County Area Agency on Aging; providing a maximum contract amount - \$1,765,686.04 - Grant Fund – was presented, and tagged by Council Member Sullivan.

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

CONSENT AGENDA NUMBERS 2 through 57

MISCELLANEOUS - NUMBERS 2 through 5

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BUILDING AND STANDARDS COMMISSION**:

Panel 1:

- Position A1 - **MR. DONALD G. SELF**, reappointment, for a term to expire 12/31/2010
Position A1a - **MR. CHARLES ALEXANDER DAVIDSON**, appointment, for a term to expire 12/31/2010
Position A2 - **MR. WARD W. ARENDT**, reappointment, for a term to expire 2/31/2011
Position A3 - **MS. RITA A. FARIAS**, appointment, for a term to expire 12/31/2010
Position A3a - **MR. PETE EICHENLAUB**, appointment, for a term to expire 12/31/2010
Position A4 - **MS. MARY L. RAMOS**, reappointment, for a term to expire 12/31/2011
Position A4a - **MR. SANJAY RAMABHADRAN**, appointment, for a term to expire 12/31/2011
Position A5 - **MR. KEITH L. JORDAN**, reappointment, for a term to expire 12/31/2010

Panel 2:

- Position B1 - **MR. JACKSON CHANG**, reappointment, for a term to expire 12/31/2010
Position B2 - **MS. JENIFER RENÉ POOL**, reappointment, for a term to expire 2/31/2011
Position B2a - **MR. THOMAS E. BRENTS**, appointment, for a term to expire 12/31/2011
Position B3 - **MR. LARRY E. LEE**, reappointment, for a term to expire 12/31/2010
Position B3a - **MR. MARK ALAN PARTHIE**, reappointment, for a term to expire 12/31/2010
Position B4 - **MR. SHAHEM BARAZI**, reappointment, for a term to expire 12/31/2011
Position B4a - **MR. DOUGLAS E. HAMMEL**, appointment, for a term to expire 12/31/2011
Position B5 - **MR. WATTS T. MCKEE, JR.**, reappointment, for a term to expire 12/31/2010
Position B6 - **MS. DEBRA BALTHAZAR**, reappointment, for a term to expire 12/31/2011

Panel 3:

- Position C1 - **MS. EILEEN SUBINSKY**, reappointment, for a term to expire 12/31/2010
- Position C1a - **MS. JENNY CEBALLOS**, appointment, for a term to expire 12/31/2010
- Position C2 - **MR. MARKT O. MOLER**, reappointment, for a term to expire 12/31/2011
- Position C3 - **MR. ALPHONSO DELANEY**, reappointment, for a term to expire 12/31/2010
- Position C4 - **MR. MICHAEL E. CRAMER**, reappointment, for a term to expire 12/31/2011
- Position C5 - **MS. VIRGINIA L. DUKE**, reappointment, for a term to expire 12/31/2010
- Position C6 - **MR. ARMANDO S. CHIU**, reappointment, for a term to expire 12/31/2011

Panel 4:

- Position D1 - **MR. TALMADGE SHARP, SR.**, reappointment, for a term to expire 12/31/2010
- Position D2 - **MR. JAMES C. MYERS**, reappointment, for a term to expire 12/31/2011
- Position D2a - **MS. CARLA FAIR-WRIGHT**, appointment, for a term to expire 12/31/2011
- Position D3a - **MS. TANUSHREE HIREMATH**, appointment, for a term to expire 12/31/2010
- Position D4 - **MR. VICTOR L. CARDENAS, JR.**, reappointment, for a term to expire 12/31/2011
- Position D4a - **MR. JOE H. MORENO**, appointment, for a term to expire 12/31/2011
- Position D5 - **MR. MOISES MONTEZ**, reappointment, for a term to expire 12/31/2010
- Position D6 - **MR. TURNER WRIGHT**, appointment, for a term to expire 12/31/2011

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0145 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment of the following as Full-Time Municipal Court Judges for two year terms:

**JOHN SAUNDERS CHASE, JR.
BARBARA E. HARTLE
MARGARET MUNOZ-HARKINS**

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0146 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following as Part-Time Municipal Court Judges for two year terms:

ALICE J. O'NEILL	GERARDO S. MONTALVO
TOLA ORESUSI	ANDREW S. MORRISON
ARTHUR M. LINCOLN	ANDRES PEREIRA
KATHRYN DIAZ GARCIA	NJERI MATHIS RUTLEDGE
CHERYL ALSANDOR	DENNIS M. SLATE
SIDNEY J. BRAQUET	KIM R. TRUJILLO
THERESA W. CHANG	JOE VILLARREAL
KIMBERLY MAURA GAMBLE	MIHOA VO
TRACIE J. JACKSON	

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0147 ADOPTED.

5. RECOMMENDATION from Director Administration and Regulatory Affairs for adoption of Alcohol- Free School Zones for all public schools within the Aldine Independent School District **DISTRICTS A - LAWRENCE and B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0148 ADOPTED.

Mayor White and Members of Council congratulated all of the appointed and reappointed Municipal Court Judges and Members of the Building and Standards Commission and thanked them for their service to the City of Houston.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 18

12. **ICX TACTICAL PLATFORMS** for Trailer-Mounted Surveillance Tower from the General Services Administration Schedule 84 Contract through the Cooperative Purchasing Program for the Houston Airport System - \$81,502.94 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0149 ADOPTED.
13. **E-ONE, INC** for Purchase of Fire Engine Cab for Fire Department - \$111,925.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0150 ADOPTED.
15. ORDINANCE appropriating \$111,843.00 out of Parks Consolidated Construction Fund for Purchase and Installation of Playground Equipment, Swings, Picnic Tables, Grill, and Picnic Shelter for Highland Park - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2009-0227 ADOPTED.
- 15a. **PLAYPOWER LT FARMINGTON, INC** for Purchase and Installation of Playground Equipment, Grill, and Walk for Highland Park through the Texas Local Government Purchasing Cooperative for Parks & Recreation Department - \$79,087.00 - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0151 ADOPTED.
17. **GLOBE ELECTRIC SUPPLY CO., INC** for Batteries, Gel Cell for Department of Public Works & Engineering - \$606,546.85 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0152 ADOPTED.
18. **NORTEX MODULAR SPACE** for Modular Office Building from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$120,880.58 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0153 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 21 through 57

22. ORDINANCE consenting to the addition of 1.005 acres of land to **CHIMNEY HILL MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2009-0228 ADOPTED.
23. ORDINANCE consenting to the addition of 8.3416 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2009-0229 ADOPTED.
24. ORDINANCE consenting to the addition of 6.13 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2009-0230 ADOPTED.

25. ORDINANCE establishing the north and south sides of the 1700 block of Banks Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. ORDINANCE 2009-0231 ADOPTED.
26. ORDINANCE establishing the south side of the 4400 block of Blossom Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H** - was presented. All voting aye. Nays none. ORDINANCE 2009-0232 ADOPTED.
27. ORDINANCE establishing the south side of the 4400 block of Blossom Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H** - was presented. All voting aye. Nays none. ORDINANCE 2009-0233 ADOPTED.
28. ORDINANCE establishing the north and south sides of the 600 block of Woodland Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H** - was presented. All voting aye. Nays none. ORDINANCE 2009-0234 ADOPTED.
29. ORDINANCE enlarging the boundaries of Reinvestment Zone Number Five, City of Houston, Texas, (Memorial-Heights Zone) - **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and DISTRICT H** - was presented. All voting aye. Nays none. ORDINANCE 2009-0235 ADOPTED.
31. ORDINANCE approving and authorizing an application to the Office of the Governor, Criminal Justice Division, for assistance under the Juvenile Accountability Block Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor or his designee to act as the City's representative in the application process, with the authority to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. ORDINANCE 2009-0236 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City of Houston and **BRENTWOOD COMMUNITY FOUNDATION** providing up to \$940,692.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds, which amount includes a limitation on additional funding in the amount of \$470,346.00, for the operation of a community residence, administration of a short-term rent, mortgage and utility assistance program, and the provision of supportive services **DISTRICT D - ADAMS** - had been pulled from the Agenda by the Administration, and was not considered.
33. ORDINANCE approving and authorizing various contracts for Elderly Services provided through the Harris County Area Agency on Aging between the City and (1) **ASIAN AMERICAN FAMILY COUNSELING CENTER**, (2) **FAITH PRESBYTERIAN CHURCH OF BAYTOWN, TEXAS**, (3) **CHINESE COMMUNITY CENTER, INC** and (4) **THE SHELTERING ARMS, HOUSTON, TEXAS**; providing maximum contract amounts - \$3,007,356.53 - Grant Fund - had been pulled from the Agenda by the Administration, and was not considered.
37. Omitted
38. ORDINANCE 1) appropriating \$500,000.00 out of TIRZ Affordable Housing Fund (Fund 2409); 2) appropriating \$1,200,000.00 out of TIRZ Uptown Series 2002B Fund (Fund 2410); 3) appropriating \$535,000.00 out of TIRZ Uptown Series 2004 Fund

(Fund 2417); and 4) approving and authorizing a fifth amendment to Land Assembly Grant Agreement between the City of Houston and **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY (“LARA”)** to provide funds for certain approved costs - had been pulled from the Agenda by the Administration, and was not considered.

44. ORDINANCE appropriating \$85,000.00 out of Street & Bridge Consolidated Construction Fund, \$300,000.00 out of Fire Consolidated Construction Fund, \$500,000.00 out of Parks Consolidated Construction Fund, \$100,000.00 out of Solid Waste Consolidated Construction Fund, \$325,000.00 out of Police Consolidated Construction Fund, \$425,000.00 out of Public Library Consolidated Construction Fund, \$300,000.00 out of Public Health Consolidated Construction Fund, and \$450,000.00 out of General Improvement Consolidated Construction Fund for Project Management Costs - had been pulled from the Agenda by the Administration, and was not considered.
45. ORDINANCE appropriating \$3,246,000.00 out of Parks Consolidated Construction Fund as an additional appropriation to Construction Management-At-Risk Contract (approved by Ordinance No. 2008-102) between the City of Houston and **GILBANE BUILDING COMPANY** for Renovation to Parks & Recreation Department Campus and Park; providing funding for engineering and testing services, Civic Art Program, and contingencies related to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2009-0237 ADOPTED.
49. ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Rehabilitation or Replacement of Market Street Bridge Eastbound at Hunting Bayou - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. ORDINANCE 2009-0238 ADOPTED.
50. ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Rehabilitation or Replacement of Market Street Bridge Westbound at Hunting Bayou - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. ORDINANCE 2009-0239 ADOPTED.
51. ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Rehabilitation or Replacement of Patterson Road Bridge at Langham Creek - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. ORDINANCE 2009-0240 ADOPTED.
52. ORDINANCE appropriating \$953,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **FREESE AND NICHOLS, INC** for Multiple Satellite Wastewater Treatment Plants Improvements - **DISTRICTS B - JOHNSON; D - ADAMS and I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2009-0241 ADOPTED.
53. ORDINANCE appropriating \$673,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for Engineering Services associated with the Rehabilitation of Water Storage Tanks at various locations; providing funding for contingencies relating to construction of facilities financed

by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2009-0242 ADOPTED.

54. ORDINANCE appropriating \$750,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for Engineering Services associated with the Design of new Water Lines in Unserved Minnetex Area; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. ORDINANCE 2009-0243 ADOPTED.
55. ORDINANCE appropriating \$1,626,600.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Noble-South Area; 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 Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2009-0244 ADOPTED.
56. ORDINANCE appropriating \$1,586,270.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Colonial Gardens Area; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H** - was presented. All voting aye. Nays none. ORDINANCE 2009-0245 ADOPTED.
57. ORDINANCE No. 2009-179, passed second reading March 11, 2009
ORDINANCE granting to **K & S CONSTRUCTION SERVICES, 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 - **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. ORDINANCE 2009-0179 ADOPTED THIRD AND FINAL READING IN FULL.

Council Member Clutterbuck moved to suspend the rules to consider Item No. 14 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0154 ADOPTED.

14. **CRYSTAL COMMUNICATIONS, LTD.** for WiFi, WiMAX Networking Equipment and Installation Services from the General Services Administration Schedule 70 and the Texas Department of Information Resources Contracts for the Houston Public Library - \$3,000,000.00 - Digital Houston Special Revenue Fund - was presented, moved by Council Member Khan, seconded by Council Member Green.

Council Member Johnson stated that this was part of the settlement with EarthLink when they were supposed to be bringing in Wi-Fi services to the City of Houston and with Mayor White's foresight they put a clause in that if they did not do what they were supposed to that

they would receive a settlement of \$5 million, that the whole idea was to create Wi-Fi high spots all across the City of Houston so that they may be able to bridge a digital divide and create digital inclusion, that they had on this particular item no less than four committee meetings as they had discussed how to do the implementation and create more opportunities for neighborhoods to be a part of the Wi-Fi program, that he wanted to commend Ms. Nicole Robinson, who had done one heck of a job and Mr. Roosevelt Weeks, Houston Public Library, who had done a great job of keeping them in the loop, that at the committee meeting they discussed in detail about the process, how many people and the resources that were made available to insure they were making the best possible decisions, that when he looked at the Wi-Fi and the opportunities he saw it was a great opportunity for the City to come in balance, that when they look at Wi-Fi and being able to create Wi-Fi in many of their social agencies, as well as their public venues, he thought it was very important that they began to do that, that he used to run a youth center in the Fifth Ward Community and at one point he could not get internet service because they did not offer it in that particular community at that time so there fore he had to buy a T line and it ended up costing \$600 per month as opposed to simply getting road runner that was going to cost \$39 per month for a business, so essentially this balanced the City out, that as they talked about LARA and creating better opportunities for development, when people were looking into neighborhoods they wanted to look at what resources were made available to them, what opportunities were there for him to be able to build their home and bring their families into these communities so they could enjoy the fruit of what they had just purchased, that he thought it was a great opportunity for them to do the balancing act in their City, provide opportunities for communities that were not being given the opportunities by the market, so those communities were left kind of dangling on their own trying to find ways to simply get internet service, so this was a great program for the City and neighborhoods who had been historically overlooked by the major corporations that decided they did not want to be in these neighborhoods because they did not think the market was right or they were not going to make any money, that it was a great opportunity to provide as many services as they possibly could. Council Member Adams absent.

Council Member Clutterbuck stated that she thought it was brilliant for the Mayor having a clause in the contract and suggested it for future contracts as well, that she wanted to thank Council Member Johnson for his leadership and chairmanship of the committee that oversaw this, that she wanted to tag Item No. 14 for future discussion in the next week or so, not so much about the usefulness, because she did not question the purpose or intent of it, but the stimulus package that President Obama had promoted included some broadband grant programs and she wondered if perhaps they could look at those as well and evaluate whether or not the \$5 million, and she knew the item was up to \$3 million, but if perhaps in these tough economic times it might be best to reserve the proceeds from this contract if they were able to get grant dollars for this and qualify for them through the Economic Stimulus Plan, as well as just an opportunity for the next week for her to get up to speed on it since she was not on Council Member Johnson's committee. Council Member Adams absent.

Council Member Holm stated that she to wanted to commend everybody's work on this as they moved into serving and being able to have the capacity to serve all citizens throughout the City, that her questions also related to how they were using the money and she wanted to tag the item and wanted to know when they set the money up in the special fund what were the limitations placed on that fund and what binds that money to that particular usage. Council Member Adams absent.

Council Member Khan stated that he wanted to thank Mayor White for having the clause in the EarthLink contract that they have \$5 million, that he appreciated Council Member Johnson's leadership of having a thorough discussion in the committee, that he wanted to share with his colleagues that when it was launched as a pilot program at the Gulfton area Southwest Multi Service Center it had been a huge success, there were so many people who had benefited from

the program, that they had seen more people coming in because of having the internet and Wi-Fi access there, that he wanted to thank the Houston Public Library, that Ms. Nicole Robinson had done a wonderful job and hoped that the pilot program became a model for the rest of the City to include access for those people who may not have access to the internet super highway on their own, so he really applauded that; that he had a couple of questions on this, that of the \$5 million from EathLink did they have plans as to where the rest of the \$2 million would be used, that he thought that Wi-Fi access would be the hallmark for all of that, that part of it was for equipment, what was their plan for future maintenance and upkeep for the equipment, that right now for the equipment they were only going to purchase for about \$1.2 million, but once they exhausted all the funds was the General Fund going to be responsible for upkeep and maintenance or were there other plans to fund some funding source for up keep and maintenance for the future, and the \$2 million which was left over where did the administration plan to use those funds.

Mayor White stated that they had sort of a multi year budget for these funds, there were some reserves for the various things that in government they do, that they wanted to see what worked and what did not work, that sometimes they started something and learned along the way, that certainly the experience at Gulfton had taught them a lot and it had been very valuable, that he believed that there were amounts that had been reserved for covering operating costs for quite some period of time, say five or six years over the course of the program, that would also include the ability to do work with some community grants, that was at least the intention, that there were some issues that as they were discussing around the Council table, and as they were taking into account what Council Member Clutterbuck stated, that the first 10 or so sites would be something on the capital expenditures, an installation of some \$1.2 million or \$1.3 million, so he did have a little flag about whether or not they needed to obligate \$3 million at the first, that he did want to make sure that they deployed these systems and frankly he was not real clear about why it had taken them this long to go past Gulfton but they did know about City procurement processes, that it would be the intention for them not to spend it all in one fell swoop so they would have an enduring program, that those were some of the answers, but they would get more detailed answers to these questions in the next week.

Council Member Jones stated that believed in these tough economic times when they had a Wi-Fi program that did not go as it was supposed to and Mayor White in his intuitiveness in predicting what could happen put a clause in where they could find another way where they could provide access to historically disadvantaged areas, which was basically what it was, that she thought in these tough economic times it was more rather than less important to make sure that they provided access to people, with people not being able to get jobs, that now people were submitting resumes over the internet, that among other things kids were doing their homework over the internet and not having access was more difficult, that in this age they really needed to find ways to get people access to use what people were using to make things more efficient and not holding back because the economy was not what it should be, that she would respectfully submit that they should try to figure out other ways to help people, that she thought it was the right move to make and hopefully next week this would move forward because there was definitely a need out there for people to have access to the latest technology.

Mayor White stated that as they went to school on the deployment done in the City, that was the headquarters of Google where Google paid for it, what they noticed was, and he was not plugging the product but just as an observation, that with the introduction of the iPhone and the fact that it was WiMax and Wi-Fi compatible that all of a sudden of the use of the umbrella and a suburban community in California exploded when that occurred just because of the use of the mobile computing and the relative accessibility and this was why it was so important that they move on these things to bridge the digital divide and make sure there was money from the federal government they had taken full advantage to scale up what they were doing as quickly as they could, that on going paperless, out of respect for the Chronicle reporter, he would not

elaborate on his next point, but people were getting all sorts of information over the web right now and it was an important point of keeping the community together; that to Council Member Holm he wanted to give an official answer but they did sort of set aside this amount in a special fund, there was a fund balance in the fund and any reallocation of the fund would have to be done by this body, that he would not say there was no circumstance, that he thought that Council Member Clutterbuck raised an important point and that had occurred to him as well, but this was segregated in the special account that they had set up and was subject to further Council action if they decided to take money out of a fund that they set up they could do that but it would not be done administratively.

Council Member Holm asked that at this point that fund was designated for specific use towards the expansion of Wi-Fi programs, and Mayor White stated that he knew it was a special account and wanted to give her a legal answer to that, but he knew that when they had looked at closing out some of these special funds where there may be higher priorities or where they were spending in order to make sure they had all of their high priority budget items, this was one of the special funds that they looked at, so he knew the special fund existed, and Council Member Holm stated that she had some concerns that they put things in special funds that maybe ought to be prioritized in a bigger picture and that was what she wanted to know if this money could be reprioritized or was it committed to this one program, and Mayor White stated that it could be prioritized through action of this body.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

6. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for HPL Express Frank - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0155 ADOPTED.

ACCEPT WORK

7. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$674,738.96 and acceptance of work on contract with **MILLIS DEVELOPMENT AND CONSTRUCTION, INC** for Burnett Bayland Garden Villas Park Improvements - 4.96% over the original contract amount - **DISTRICTS F - KHAN and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0156 ADOPTED.
8. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$215,025.00 and acceptance of work on contract with **MILLIS DEVELOPMENT AND CONSTRUCTION, INC** for Walter Rasmus Park - 4.99% over the original contract amount **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0157 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,687,409.45 and acceptance of work on contract with **CONRAD CONSTRUCTION, INC** for Kirkwyn/ Sagemont Drainage Improvements - 4.04% under the original contract amount - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0158 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,372,889.63 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Crane/Englewood Storm Sewer Improvements - 10.32% over the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0159 ADOPTED.

PROPERTY

11. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel CY6-010, located at the southeast corner of the dead-end of Gellhorn Street, owned by Santos Monroy and Nicolas Fuentes, for the **EAST TEN PARK LIFT STATION REPLACEMENT PROJECT** - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0160 ADOPTED.

PURCHASING AND TABULATION OF BIDS

16. **GENERAL TRUCK BODY MFG. COMPANY** for Vehicle Conversion Services from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - \$149,925.00 - DARLEP and Asset Forfeiture State Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0161 ADOPTED.

RESOLUTIONS AND ORDINANCES

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

William A. Wilson House 205 Bayland Avenue **DISTRICT H**

Matthews-Johnson House 1835 Cortlandt Street **DISTRICT H**

Clarence O. Lamberth-

James S. Abercrombie House 2221 River Oaks Boulevard **DISTRICT G – HOLM**

~~R. B. Everett Building 3118 Harrisburg Boulevard **DISTRICT I – RODRIGUEZ**~~

(Note: R. B. Everett Building had been pulled from the Agenda by the Administration, and was not considered.)

- was presented.

After discussion by Council Member Brown, Mayor White stated that he thought it was important to know that if something qualified as historic structures they were both big and small and were in different parts of the City.

Council Member Khan asked if somebody could brief him as to what was the scope of ad valorem taxes which would be part of what had happened so far and if somebody had plans as to how big of a program it would be in terms of effecting the ad valorem taxes from these properties, and Mayor White stated that he was making a note to get a report back from Ms. Mitchell about that to Council Member Khan.

A vote was called on Item No. 19. All voting aye. Nays none. RESOLUTION 2009-0007 ADOPTED.

Council Member Holm moved to suspend the rules for the purpose of reconsidering Item

No. 14 which was tagged this date and the matter be brought back to Council for consideration, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0162 ADOPTED.

14. **CRYSTAL COMMUNICATIONS, LTD.** for WiFi, WiMAX Networking Equipment and Installation Services from the General Services Administration Schedule 70 and the Texas Department of Information Resources Contracts for the Houston Public Library - \$3,000,000.00 - Digital Houston Special Revenue Fund - was again before the City Council.

Mayor White stated that he would share some information with them, that it was a special fund, that it was segregated, it was like a tag, that there was Council discussion at the time concerning use and purposes of that fund, but there was no restriction that would prevent Council from authorizing the use of those funds for similar purposes, that to honor the spirit in which special funds were restricted they would go through those funds and explain to Council Members, that he did anticipate that under Council Member Clutterbuck's leadership and with the F&A staff, and he personally was going through lots of accounts that Council Member Holm had the foresight to identify that they ought to look at the various special funds, that a lot of scrutiny had been given those funds, that it did not encumber the full balance of that \$5 million.

Council Members Holm and Clutterbuck stated that they would release their tags on Item No. 14, and a vote was called on Item No. 14, previously moved by Council Member Khan, seconded by Council Member Green. Council Member Clutterbuck voting no, balance voting aye. MOTION 2009-0163 ADOPTED.

20. ORDINANCE authorizing the issuance of City of Houston, Texas General Obligation Notes, Series E-1, in an aggregate principal amount not to exceed \$50,000,000 for the purpose of providing money for certain authorized purposes; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of one or more Notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the Notes, including the approval of a Note Purchase Agreement and an Issuing and Paying Agent Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-0246 ADOPTED.
21. ORDINANCE amending Ordinance No. 2006-91, as amended by Ordinance No. 2006-168, to establish and adopt certain defined current minimum prevailing wage rates; allowing for the automatic adoption of minimum prevailing wage rates annually and as needed based on U. S. Department of Labor Wage Rates; providing that these rates shall apply to certain City contracts on or after the effective date; providing a repealing clause – was presented.

After discussion by Council Members Rodriguez and Jones, a vote was called on Item No. 21. All voting aye. Nays none. ORDINANCE 2009-0247 ADOPTED.

30. ORDINANCE relating to the Fiscal Affairs of the Southwest Houston Redevelopment Authority on behalf of Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone); approving the Fiscal Year 2009 Operating Budget for the Authority and the Fiscal Years 2009-2013 Capital Improvements Budget - **DISTRICTS F - KHAN and G – HOLM** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-0248 ADOPTED.

- 30a. ORDINANCE approving the issuance of Bonds and Notes by the Southwest Houston Redevelopment Authority - **DISTRICTS F - KHAN and G - HOLM** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-0249 ADOPTED.
35. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOUSTON AREA COMMUNITY SERVICES, INC** to add \$37,194.61 to contract to cover funding for a Tenant-Based Rental Assistance Program, along with supportive services, under the Housing Opportunities For Person With AIDS ("HOPWA") Program - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. ORDINANCE 2009-0250 ADOPTED.
39. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **SPECTRA ENERGY SERVICES, LLC**, for certain premises at William P. Hobby Airport Revenue - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2009-0251 ADOPTED.
40. ORDINANCE amending Ordinance No. 2006-1235 (passed on December 13, 2006) to increase the maximum contract amount for contract between the City of Houston and **PRIME TREE & LANDSCAPING SERVICES, INC** for Tree Removal Services for Parks & Recreation Department \$370,194.00 - General Fund - was presented. All voting aye. Nays none. ORDINANCE 2009-0252 ADOPTED.
41. ORDINANCE awarding contract to **CLEANSERVE, INC** for Sewer Stoppage Services for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$9,313,130.00 - Enterprise Fund - was presented. All voting aye. Nays none. ORDINANCE 2009-0253 ADOPTED.
42. ORDINANCE appropriating \$61,000.00 from Fire Consolidated Construction Fund (4500); approving the Purchase and Sale Agreement between Longinos DeLeon, Seller, and the City of Houston, Buyer, for the purchase of approximately 2,750 square feet of land (Parcel No. HY9-001) located at 6918 Navigation, for the Fire Department for the expansion of Fire Station No. 20, WBS C-000089-0005-2; and approving and authorizing payment for the land acquisition costs and all closing costs associated with this transaction - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2009-0254 ADOPTED.
43. ORDINANCE appropriating \$357,895.00 from the Reimbursement of Equipment/Projects Fund (1850) and approving and authorizing Purchase and Sale Agreement between the Historical Bethel Missionary Baptist Church, Seller, and the City of Houston, Texas, Purchaser, for the purchase of 17,000 square feet of land, more or less, located at 801 Andrews Street and 804 Ruthven Street, Houston, Texas, for a purchase price of \$350,000.00 with additional expenses, for the Parks & Recreation Department - **DISTRICT I - RODRIGUEZ** - was presented.

Council Member Lawrence stated that she asked for quit a bit of information and appreciated the Pastor who came down and spoke on Bethel Missionary Baptist Church and his effort for making the historical preservation come forward, that Bob Christy did a great job as far as getting the price, which was very reasonable, and she could certainly appreciate all the work he had done and work that a lot of people had done, that some of the questions of her concern were the TIRZ board and it's makeup, that she thought they needed to look at that and thought there was still one vacant place, that the knowledge she received there were only two people who lived in that area on this board, that was not representing that area, what did those people really want, that yes there were some business owners on that board but she had a problem,

and again, they had talked about the Historical Preservation Ordinance a couple of weeks ago, that she wanted more people to actually live in that area to make those decisions of what was their community, that yes, businesses were important, retired business owners were important, but also the makeup, as far as ethnicity of that board, that she thought they needed to look at that area and really see if that was what that area wanted, that if they took a nine or twelve block area around the Bethel Missionary Baptist Church she thought it was a changing area, as most of them knew, that yes historical preservation was important, but was that community really stepping forward, was that TIRZ board really putting forward what that area needed and wanted, that the representation that she saw on that board right now was not capable of saying what that area really wanted, that she had not seen anybody coming up, she had been contacted by somebody who lived in that area that was very concerned as far as this decision, that yes the TIRZ would come forward with the money, that yes by tagging it may delay the contract and it may have to be re-written, but she thought boards were very important and the Mayor's administration had made every effort to be sure that boards were fair and this was one board that she did not think they had done that on, so she would like to look at that board a little bit more, hear from the community a little bit more that lived there and find out what they really wanted, not just the number of people who were going along, not just the number of people who were doing something that may be politically correct, that she would like to tag Item No. 43 for those reasons. Council Member Johnson absent.

Mayor White stated that he knew that members of his staff were monitoring to identify if there was a board vacancy, that he knew there were two excellent candidates among new residents and they only had one board position open but two outstanding candidates; that the second thing was that he wanted to tell the Council Member that there had been a lot of consensus building that was taken within that community and as a result of that he would highlight the following; that the TIRZ contributed a substantial amount, that it did not before the administration, to public safety which new and old residents were in favor of, that he could not say it was unanimous, at one community meeting a resident did ask him why they were harassing people for selling drugs, that was a perspective he supposed but he told her they were going to do more of that; that second, if they looked at the overall budget approved by the TIRZ it included substantial improvement along Gillette Street, street lighting and the build out of a park over on west Webster, which he thought met the needs of the new residents and the park that was adjacent to the federal reserve, another facility that would be available to all of the residents in the region, so if they looked at the actual dollars expended historical preservation was an original purpose of the TIRZ, but it by no means was the bulk of the funds, however it was the rationale for that TIRZ, that was how it came into being, that he did not think they needed to view the projects in competition, that was how they talked to both new residents and old residents within the community. Council Members Johnson and Clutterbuck absent.

Council Member Lovell stated that when Bethel burned and they tired very hard to preserve it, they kept the walls, the truth was that the most complaints they got in her office was the fact that the neighbors did not like having the structure, they thought it was unsafe, and they asked to give them a moment to figure out what they could do with this piece of history, that it was a wonderful price for a piece of property in a neighborhood that had very limited greenspace, not park space, that this would be a place where people could go and sit and reflect upon the history of the neighborhood and at the same time they could preserve some of those walls to where it was safe, use some of those bricks that came down to make pathways, but use everything on that site and keep it on that site, that it would be a wonderful greenspace where they could just come and sit and have the most incredible view of downtown on one side and look back at the history of Houston, that it could be a spot where they could see the future and look at the past and she thought it was an important thing for the City and it was important for the neighborhood. Council Members Clutterbuck and Sullivan absent.

Mayor White stated that as he was looking at the TIRZ board in addition to the three residents in the area he knew for a fact that two of the people worked there and their office was within the TIRZ, that three of them worked there and there could be more where their offices were within the TIRZ zone. Council Members Clutterbuck and Sullivan absent.

Council Member Lawrence stated that the first stuff she got showed a vacancy and that was filled, that she thought Garnett Coleman made an appointment to that board, that there was a lot of confusion, that she had a diagram that they got of the property and how it was going to be used, that it was a rendering and then come to find out one fourth of it was not going to be part of the park, so that would change, that it was not going to be near the space that everybody thought it was going to be, that there were some things that they had done and she did not like to spend taxpayers dollars and those were business taxpayer dollars, that she thought there needed to be consideration for their not spending and saying what they thought should be there but what did they think should be there and that was the only thing she was trying to do, that they should not feel so powerful as City Council Members that they were going to say they thought it should be there, no, what did they think and not put pressure on that board and be sure they were really representing the area, that she got a lot of information five minutes before she walked in to Council and did not have enough time to digest it, so that was all she was doing, that by no means was she saying to kill it and not do it and take everything off of the land and build condominiums, but she just wanted to look at it and there had been some things that went out that had been changed and things that went out that were not actually factual, so that was what she was just trying to get her hands around this next week, especially the land diagram that they received with one fourth of it really not there. Council Member Clutterbuck absent.

Council Member Brown stated that he thought somebody needed to say that this was a good example of how petty politics thwarted the restoration and modernization of a historic neighborhood, that there was great potential there but it became a political football, that since Mayor White had been Mayor there had been a commitment to "save the neighborhood" and especially since Council Member Rodriguez had been the district Councilman, that they had made some real progress and he thought those were models that they needed to follow. Council Members Clutterbuck and Lovell absent.

Council Member Jones stated that she believed that the Fourth Ward was an important part of the City and historical preservation was an important mission and should be an important mission of the City; that she thought this City would be where it needed to be when all cultures, all socio economic statues were respected equally, that yes they welcomed new people coming in and paying taxes, that she especially welcomed TIRZs because they helped the City provide services that they were not able to do without them, but just because new people were there they needed to make sure that the TIRZ boards represent all socio economic statuses, that Fourth Ward was absolutely historic and Bethel Church, being founded by Jack Yates was absolutely important and she thought it was the right thing to do. Council Members Clutterbuck and Lovell absent.

Council Member Rodriguez stated that he wanted to thank all of his colleagues for the support of the District Council Member and his district and what he felt was what his constituents wanted in their district, that he appreciated Council Member Lawrence's passion and inquiries, that they had several meetings in that part of town and two townhall meetings in Allen Parkway Village so there was dialog out in the community and there was a diverse group of folks, folks that lived in the villages, also folks that lived in the new townhomes and also people who were part of the development that was created in 2001, that a lot of those folks were people of modest means but also very active and engaged in this process and he wanted to commend the Mayor for having monthly meetings on the Fourth Ward and they talk about a whole host of projects, that he respected Council Member Lawrence's request for a week to

look at the information but would tell her there was a lot of information. Council Members Clutterbuck and Khan absent.

Mayor White stated that they had monthly meetings and had community meetings, that he just checked and every appointee of the City, constituting the majority of the board, either worked or lived in the district, that was not always the case, that if they wanted to talk about historical preservation and the concrete, which he had done at community meetings then it was not like an infinite number of opportunities that were left, not just for that neighborhood but for the whole community, that Bethel Church, the Jack Yates House and one or two houses owned by the Jack Yates Foundation, the brick streets and the Gregory School, that was it, that before the fire it was identified as such, that post fire they had a choice to make, it was either going to fall down and go to waste or they were going to preserve it as one of the most historic churches and landmarks of the City that had an impact on the evolution of the life of the community like the activity that went on and the leadership that got together within that particular building, that the reason they were discussing it at some length was in part because it was a prolonged negotiation on price and other things involving this and there were a couple of opportunities, that it was her right to tag it, but he would note that there was a Fourth Ward Project Plan that the Council would have to approve, there were budgets that they would annually have to approve and the transaction would not close for 90 days, so those were all things they might take into account because of the length of time that it took, that they were trying to do what they perceived that people wanted to be done in the larger community and within the district and the financial terms of it had to be negotiated fairly carefully and they would hate to lose that opportunity and had to lose this resource. Council Members Clutterbuck and Khan absent.

Council Member Green stated that when they look at the Fourth Ward and the progression of the Fourth Ward and if they ask just a certain amount of people if the big issue was what should be there he thought it brought them to the question, when many of them went out to the Fourth Ward and met with the people in the Fourth Ward, that the underlying issue, and he hoped that was not it, was not that who should be there, not what should be there, because that was the underlying issue in the Fourth Ward, it was the old versus the new, the Freedman's Town versus the townhouses, it was all of that and there were some undertones there that they had to be very cognizant of, so that if they got one group of people certainly they were going to tell them that Bethel should be torn down and put up four new townhouses, if they got some people in a room they were going to tell them to tear town all the townhouses and put up all the shotgun houses back up, so as they look at it from a holistic point of view they had to look at what was good for the City and having places of interest all over the City was good to make it a world class City. Council Member Clutterbuck absent.

Mayor White stated that he personally had met with a number of the new residents on a number of times and most of what they see in the amended TIRZ plans, they did have a problem with the infrastructure, the water pressure, was safety, that he thought they would spend over the last two years more money on public safety in the area than the acquisition of the church, so he did not want to phrase it in a way where he created divide for which they had been able to build a consensus but if they looked at the amounts they would be investing in public safety, infrastructure and parks that were available to people who lived there and compare it to the opportunities they had for historical preservation, which were limited, this tended to reflect a consensus, and there may be some who say they had not taken into account the views of the new residents and if they say that he was not sure they knew what all had been done in that connection, and they could see it in the crime rate and the shear amount that was going to be spent on the sewage project within the district. Council Member Clutterbuck absent.

Council Member Lawrence stated that she wanted to remind her colleagues that when they tag something it did not mean necessarily they were against something, that was a "no" vote, that her question that she would first like to get answered was were they going to lose,

was there going to be another charge if they extended this for a week so she could find out some questions, that she thought it was important because she thought there was consensus around the table for it to happen and she was told that it was going to cost them money, that she was not necessarily against it and realized how important it was, she was just trying to find out some information, that their backup was not complete and if the earnest money contract expires then she needed to know that, that if it was something that they had to renegotiate then certainly she would release her tag. Council Members Clutterbuck and Lovell absent.

Council Member Holm stated that her colleague was asking questions because once again what they had was one paragraph and a map and if all of them were expected to make reasonable votes and be accountable for their votes she thought if they could have more backup, more information and have a complete understanding of the request that came before them it could one, save some time at the table, and two help them understand and be able to cast that vote appropriately. Council Members Clutterbuck and Lovell absent.

Council Member Noriega asked if they could leave the tag and come back to it if they got the information resolved, and Mayor White stated that they would not believe how much time, passion and dedication Jenny Bailey and others had put into the particular matter, that there was no intention not to answer questions by Council Members but on this real estate transaction there was some time sensitivity and he was trying to find out what it was, that they were not trying to influence a decision they were just trying to get the facts, and Council Member Noriega asked what was at stake, and Mayor White asked Ms. Bailey what were the consequences of not passing this on the closing date and their ability to retain the contract that had been said, and Ms. Bailey stated that the contract said in the event that the agreement was not fully executed by the purchaser within 30 days after it was executed by the seller the agreement would be void, that the church executed it on March 1, 2009, so the 30 days would expire before the next Council meeting, that they hoped to get it on the agenda earlier, there was some confusion with the break week and it may very well be that the church would be willing to resign the documents but she did not know that for sure, that it had taken a very long time to build trust with the pastor and congregation, that if there was a tag it did not mean that the deal was dead but it said clearly that it should be void, that it would require a lot of additional work, and Mayor White stated that there was a balance of interest when they were doing these things, they had a community interest and the preservation of this property, and Council Member Noriega stated that under the circumstances it was always important to address Council questions and asked if they had the ability to set it aside and continue the meeting and try to solve it. Council Member Clutterbuck absent.

Council Member Lawrence stated that she would release her tag on what Ms. Bailey stated and wanted to thank her, that she had provided her with a tremendous amount of information and again what they were saying was that they needed to get a little bit more information and get it so that things were not time sensitive. Council Member Clutterbuck absent.

A vote was called on Item No. 43. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-0255 ADOPTED.

46. ORDINANCE appropriating \$116,664.75 out of Solid Waste Consolidated Construction Fund for Paving Repair and Improvements to the Northeast and Southeast Service Centers for the Solid Waste Management Department under an existing Citywide Contract (approved by Ordinance No. 2007-1052) with **SPRING EQUIPMENT COMPANY, INC - DISTRICTS H and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Members Clutterbuck, Sullivan and Noriega absent. ORDINANCE 2009-0256 ADOPTED.

47. ORDINANCE appropriating \$239,000.00 out of Fire Consolidated Construction Fund for Construction Services for Various Houston Fire Department Facilities under an existing Citywide Contract (approved by Ordinance No. 2007-1052) with **SPRING EQUIPMENT COMPANY, INC** **DISTRICTS B - JOHNSON; D - ADAMS and I – RODRIGUEZ** – was presented, and tagged by Council Member Johnson. Council Members Clutterbuck, Sullivan and Noriega absent.
48. ORDINANCE appropriating \$806,725.00 out of Limited Use Roadway & Mobility Capital Fund; approving and authorizing Interlocal Agreement between the City of Houston and **THE HOUSTON PARKS BOARD, LGC** for Professional Design Phase Services for Phase One of the Houston Amateur Sports Parks - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Members Clutterbuck, Sullivan and Noriega absent. ORDINANCE 2009-0257 ADOPTED.

NON CONSENT AGENDA - NUMBERS 58 through 60

MISCELLANEOUS

58. RECEIVE nominations for appointment to Position 4 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for term to expire December 31, 2010 – was presented. Council Members Clutterbuck, Sullivan and Noriega absent.

Council Member Holm moved to postpone Item No. 58 for one week, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck, Sullivan and Noriega absent. MOTION 2009-0164 ADOPTED.

- 58a. MOTION to suspend the rules to confirm the appointment of an individual to Position 4 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for term to expire December 31, 2010 - was presented. Council Members Clutterbuck and Noriega absent.

Council Member Holm moved to postpone Item No. 58a, 58b and 59 for one week, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck and Sullivan absent. MOTION 2009-0165 ADOPTED.

- 58b. APPOINTMENT of an individual to Position 4 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for term to expire December 31, 2010 – was presented, and postponed by MOTION 2009-0165.

59. REQUEST from Mayor for confirmation of the reappointment of **MS. VICTORIA A. ROCKWELL**, to Position Four of the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS** for a term to expire December 31, 2010 – was presented, and postponed by MOTION 2009-0165.

60. REVIEW on the record and make determination relative to the appeal from the decision of the Electrical Board, filed by Scott A. Lisman on behalf of **VALCO INSTRUMENTS COMPANY, L.P.** regarding modification of the City of Houston Electrical Code as it pertains to Project No. 07065538 – was presented, tagged by Council Members Lawrence and Khan. Council Members Clutterbuck and Sullivan absent.

Council Member Khan asked if someone could provide him a briefing as to what were the consequences of Council's decision one way or the other, and did it create a precedence on the

Electrical Board decisions, and Mayor White stated that they would get him that information. Council Members Clutterbuck, Sullivan and Jones absent.

Council Member Lawrence stated that there were some problems and she truly supported Valco on the situation, that as the code reads if they had a company in an old building that wanted to expand and hire more people and they moved it was going to cost them over \$500,000 to take that same equipment and move it to another building and that was what was happening here and was why the protest from Valco, that there were a number of businesses who did not want to move because of all the expense that they went through. Council Members Clutterbuck, Sullivan, Rodriguez, Lovell and Jones absent.

Mayor White stated that the item had been tagged. Council Members Clutterbuck, Sullivan, Rodriguez, Lovell and Jones absent.

MATTERS HELD - NUMBERS 62 and 63

62. ORDINANCE amending Ordinance No. 2000-1147 passed on December 20, 2000 to increase the maximum contract amount for Contract between the City of Houston and **UNISYS CORPORATION** for Computer, Hardware, Software Licenses, Mainframe and Professional Services for Various Departments - \$2,321,973.00 - General Fund – (**This was Item 24 on Agenda of March 11, 2009, TAGGED BY COUNCIL MEMBERS JOHNSON and NORIEGA**) - was presented. All voting aye. Nays none. Council Members Clutterbuck, Sullivan, Rodriguez and Jones absent. ORDINANCE 2009-0258 ADOPTED.
63. ORDINANCE awarding contract to **ANGELINA FUELS, LLC** for Wood Waste Removal Services for the Solid Waste Management Department; providing a maximum contract amount - 3 Years with two one-year options - \$770,000.00 - General Fund – (**This was Item 25 on Agenda of March 11, 2009, TAGGED BY COUNCIL MEMBER GREEN**) - was presented. All voting aye. Nays none. Council Members Clutterbuck, Sullivan, Rodriguez and Jones absent. ORDINANCE 2009-0259 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Lawrence first

Council Member Lawrence stated that she thought pay and play was going to be coming up on the agenda shortly, that she had a very good conversation with some people yesterday, mainly with people from the union talking about it and they agreed, that they did not have to have more expenses with the program, it was a great idea and one thing they came up with if the person, just like many of the employees around the City, people paid half of their insurance and the City paid part or half of their insurance, they would use that for a number, so if they went out and hired somebody, so they would not say sign this agreement or they were not going to hire them, in other words the agreement was saying they did not want insurance, so to prevent that from happening just make it mandatory, half and half, and by doing that all the insurance company had to do then was send the controller a piece of paper, an email, saying that person was under insurance or covered for the time of that job and then their check could be released, that it would not cost them anything else and yet the whole purpose of that was to get people insured, that no one ever thought it was going to happen to them but if they went to the emergency room they would see a tremendous amount of young people, contracting people that have had a piece of equipment fall on them or something like that, so she thought the idea of pay and play was excellent and sharing the cost could be taken out, there were ways of doing it and she hoped the City would look at it and make it mandatory; that the Rodeo was a great event and she thought it had been emphasized, that there were over 21,000 volunteers, that if they were upset they should ask questions, that she thought some of the people who were upset with the Rodeo had not asked the right questions and she found it very hypocritical that

the very people that criticized the Rodeo were showing up at the Rodeo and going to the director's floor and eating free food regularly, that if they wanted to know things the information was out there, the programs, every day what they did with kids, that the was the purpose of the Rodeo, to get people educated about livestock and how to take care of them, what was going on, that they had people from over 40 countries show up and get information and the products that were out there so the Rodeo was great for the economy, that she wanted to applaud all of the people who set up the Rodeo and all of the people who came, that it was a huge celebration for Houston; that she got an email from John Murray, a firefighter for 13 years, always A plus and he had agreed to the things that Mayor White had asked so she hoped they could move forward on that, so if Mayor White or the Legal Department could give Mr. Murray or the union instructions of how he could go ahead and proceed now that he had agreed to the three things that Mayor White asked him, as of yesterday when he called her office, that she did not have a chance to talk with him but he emphatically said in an email that he would like to move forward with this and would do anything the Mayor would like for him to do to try to get his job back; that the MWBE agreement would be coming up next week and she would urge her colleagues to really look at that and what it was going to benefit the City and every small business and each entity of the MWBE Program and how could they really be inclusive for everybody on that as a lot of people were losing jobs now. Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Holm stated that she wanted to congratulate Captain Karen Dupont of the Fire Department and Senior Captain Kevin Alexander of the Fire Department, that both were elevated to Assistant Chief on March 21, 2009, that Chief Dupont had been the liaison to Council offices, as well as other things, that Chief Dupont would be the first female to be elevated to Chief in the Fire Department, that she would congratulate her on her good work and commend her, that Captain Dupont was in training for the Marathon Oil Stair Climb on May 16, 2009 at 8:00 a.m. to benefit the American Lung Association and was training to climb 39 flights of stairs; that she wanted to congratulate Sylvia Casares, the owner of Sylvia's Enchilada House, a great restaurant currently located at Kirkwood and Westheimer, that she was opening today a new facility on Woodway, just east of Voss; that she wanted to comment on the dedication of the Tiffany Bridge at Hermann Park yesterday, it was so wonderful and as that park evolved into it's plan it was a great place for all the City of Houston and it's citizens to look at, that she thought the Little Big's Restaurant would be opening soon, the train station dedication was coming up for the Kinder Station, as well as some other improvements to their entrances and the Japanese Gardens and the Garden Center, so please appreciate it and visit it often. Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that last Saturday they had a wonderful opening ceremony for Hackberry Park in Alief, that it was a part that the City acquired last year, that he wanted to thank Joe Turner and all his staff, the Mayor's leadership and commitment to increase park space and the Parks Board, that everybody enjoyed the opening of that park; that last week of March was the "National Cover the Uninsured Week", that there was a partnership between Children's Defense Fund of Texas, the Houston Independent School District, Memorial Hermann Health Care System, Saint Lukes Episcopal Health Charities and Texas Children's Hospital, Texas Children's Health Plan, Texas Children's Pediatric Association to enroll every HISD child in health coverage, that there would be a health fair in the Sharpstown area on Sunday, that they could apply for CHIP, Children's Health Insurance or Children's Medicaid at the health fair on March 29, 2009 from 1:00 p.m. to 4:00 p.m. at the Southwest Freeway and Bellaire, that it was an opportunity to register and insure their children; that he wanted to give his gratitude to former Council Member Ada Edwards, that the program, "Pathway to Trust", which was a cooperation between the Institute for Sustainable Peace and Texans Together, that they were working with the City of Houston Health and Human Service Department and Deputy Chief of Staff for Neighborhoods to develop a successful community building project in

the troubled neighborhood of Alief, that their goal was to bring the community together and help them address the serious social issues in their neighborhoods, that the pilot project addressed both the immediate needs for health care and human services among the apartment population and the long term need to develop a strong sense of community in one of the most diverse area in Houston and empower residents to address pressing problems of violence and high dropout rates and lack of after school programs, that they were doing a fair at Mint Apartments, 6700 South Dairy Ashford on Saturday, March 28, 2009 from 11:00 a.m. to 3:00 p.m., that he would urge everybody to come and join them; that the Houston International Dance Coalition was bringing the Dance Festival from April 9 through 11, 2009 at the Wortham Center, that they could visit www.dancesalad.org to get more information, that this was a festival where dance groups from all over the world were coming to Houston to perform. Council Members Clutterbuck, Sullivan, Rodriguez, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to recognize Urban Harvest, which had a gala two weeks ago, that he was amazed to hear that Urban Harvest was involved in 126 urban gardens in the City of Houston, that the gala honored Windy Wallace Kelsey and the Kelsey Family, that he thought there was a very strong will in the City of Houston to increase their Urban Gardens Program; that on Saturday at 8:30 p.m. it was Earth Hour and there were 2,400 cities around the world that were going to turn their lights out for one hour, that he would and all the Council Members and knew that Mayor and Andrea White would be turning their lights out, that they needed to participate and reduce their carbon footprint; that he thought the City needed to take a look at a rather controversial issue of the expansion of the Grand Parkway through the Katy Prairie, that there were a lot of issues but thought consideration could be given to a different alignment, that the alignment they had through the Katy Prairie, for which apparently there was stimulus money going to be used, he would say was 25 years old and they had a different approach now to how they encouraged sprawl in environmentally sensitive areas and he thought it would be important for the City to weigh in on that; that he participated in the Tour of Houston and they had a great time in celebrating their great City, that in the process of getting to the finish line, he encountered a fire plug in the middle of a sidewalk, and he displayed a picture of the fire plug in the middle of a sidewalk at Discovery Green, that it was a good example of the kind of thing that happened a lot in Houston, unplanned, jumble of utilities that blighted the urban landscape, that they needed some standards in the Public Works Design Manual which tells them how all the various pieces of the urban infrastructure go together in a more harmonious way; that they had some good recognition last month in Governing Magazine, the editor, Allen Aronholt, made a comment about where they sit right now, their 1940 Art Deco City Hall, that it was built with stimulus funds from the Great Depression, as were a lot of outstanding public buildings and Aronholt said that he wondered whether some of the stimulus money might be set aside for public buildings that were as good as the Houston City Hall. Mayor White and Council Members Clutterbuck, Sullivan, Rodriguez, Lovell, Noriega, Green and Jones absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to thank the Autumn Glen Community, they had a townhall meeting this past week, that Autumn sat at the tip end of District D at Beltway and Cullen and was a community who felt there was a neglect in City services and where they found where the loophole was that they were a new community and were not added to the plat plan as quick as they thought, that she wanted to thank the Planning Department, the Houston Emergency Center and everybody coming together and making sure that the streets in Autumn Glen got into the GIS System and making sure they got adequate services out there, that she wanted to thank everyone for last night; that there was a ribbon cutting for the new Bessie Swindle Community Center at Cloverland Park, that it was an event who turned out so many people; that they were happy to welcome the Houston Parks Sports Park that would be built in District D near the Willie Lee Gay Hall, that today they passed the initial stage of design with the Dynamos for the soccer field; that she wanted to congratulate Yates for winning the AAAA State

Championship, that she wanted to give kudos to Jones, who made it but lost to Yates; that she wanted to thank Janice Landry, Houston Police Department, that they had been going out to stores and making sure that a lot of movies were moved out, that several were in the Montrose, Cullen, Sunnyside, Fort Bend areas as well as the Hiram Clarke areas, that she wanted to thank them for their continued efforts for what they were doing, that they were doing stings in those stores; that in their confirmation of Municipal Court Judges there were three people who were in the District D Community, Andres Pereira, Kimberley Gamble and Cheryl Alsandor. Council Members Clutterbuck, Sullivan, Rodriguez, Noriega, Green and Jones absent.

Council Member Lovell stated that she wanted to thank Council Member Lawrence for today, first for releasing her tag and letting them move forward, and also, she always made them work hard and look through issues and look at it in every different way and make sure it was the right thing to do for the taxpayers, that it was a good discussion around the table about historic preservation; that they wanted to congratulate Captain Dupont on her promotion and doing the stair challenge; that the awards kept coming for the Houston Parks and Recreation Department, that they were recently recognized by the Houston Galveston Area Council Natural Resources Advisory Committee, which promoted the expansion and enhancement of the regions parks and natural areas and the winning projects were the Treatment Wetlands at Mason Park, Braes Bayou Wetland Partnership, which included the City of Houston, that winner of projects of half a million or more category were the Keith Weiss Park, City of Houston and the Harris County Flood Control District Partnership, that winner in the Policy Tools Category, Accreditation and Park Set Aside Program and the winner in the Planning Process category was Houston Wilderness Park Master Plan, that she wanted to congratulate Director Turner and his wonderful staff; that this week they opened up the paper and saw a wonderful picture of Katherine Cabanas, the head of Crime Stoppers, that she was being honored by FBI Director, Robert Muller, on Friday for the efforts made by Crime Stoppers Organization to make Houston a safer City, that through Crime Stoppers more than \$7 million had been paid out to anonymous tipsters whose information had led to arrest and conviction of criminals, that she wanted to congratulate her and everybody on the board and all the staff; that the Bayou City Art Festival would start on Saturday, March 28, 2009 and end on Sunday, March 29, 2009, that it would be open from 10:00 a.m. to 6:00 p.m. at Memorial Park; that Wrestlemania was coming to Houston on Saturday, March 28, 2009, that when they came to a City they put on a good event, but they also participated in the community and were very community minded, that while they were here they were going to have a reading challenge championship recognizing youngsters from the fifth grade to the twelfth grade, Wrestlemania Rocks the Block Street Party, they were going to do a Hall of Fame induction ceremony at the Toyota Center and they also did work around graffiti, that some of their wrestlers were artists, that they were going to talk to young people and they listen to the wrestlers and telling them that art was good but committing a crime was not and when they did graffiti on somebody else's property was not a good thing, that she wanted to thank them for their participation in their City and their interest on the issue of graffiti, that she wanted to say that during spring break they could go around the City and see that graffiti was down. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:30 a.m. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Brown, Noriega, Green and Jones absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary