

City Council Chamber, City Hall, Tuesday, March 31, 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 2:08 p.m. Vice Mayor Pro Tem Lovell called the meeting to order and stated that Council Member Noriega would begin presentations. Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Noriega stated that she was honored today to introduce two members of the Mayor's Youth Council who were present to present awards to the Cougar Band and Rice University Black Students Association and invited Elena Fielder and Jacquelyn Barns to the podium. Miss Fielder stated that this year the Mayor's Youth Council was invited to lead the 15th annual MLK Parade and it was their honor; and on behalf of the Martin Luther King Foundation presented a trophy for First Place in the College and University Category to the University of Houston Cougar Marching Band; and Miss Barns stated that on behalf of the Martin Luther King Foundation she would like to present the trophy for New Comer of the Year in the College and University Category and presented it to the Rice University Black Students Association. Mayor White, Council Members Sullivan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding.

Council Members congratulated all on a job well done. Mayor White, Council Members Sullivan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Green stated today was festive as many great institutions were represented, but many were still ravaged by Ike and money was still being raised and invited those present with the Small Independent Motel Association to the podium. Council Member Green stated that they gathered its members to make a presentation to the City of Houston; and because of their active involvement and generosity presented them a Proclamation proclaiming today as "Small Independent Motel Association Day" in the City of Houston; and Mr. Patel stated that today they were presenting a \$10,000 check for the Hurricane Relief Fund. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Lovell absent.

Mayor White stated that he would never forget the night were they were at the Hong Kong Mall together with many from the community and their organization said they would make available 4,000 rooms until they could get a federal government program up and running and it was a real lifeboat for many and it would not be forgotten. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Lovell absent.

Council Members thanked the Small Independent Motel Association for all they did for the City of Houston and generosity displayed. Council Members Johnson, Sullivan, Holm, Rodriguez, Noriega and Green absent.

Council Member Khan invited those present for his presentation to the podium and stated that summer was approaching and many would be using water recreation and it was very important to reduce risks associated with water leisure; and presented a Proclamation to Fire

Chief Trevino proclaiming April as "April Pools Month" in Houston, Texas. Council Members Sullivan, Holm, Rodriguez and Noriega absent.

A Spokesperson stated that she was a parent advocate for the Safe Kids Greater Houston Water Safety Coalition because she lost her daughter in 2005 to a drowning and she wanted to express the importance of water safety, a few hours of training a day was worth saving a life. Council Members Sullivan, Holm and Rodriguez absent.

Council Member Jones stated that it was very important to raise awareness that drownings were preventable; her sister was a part of this group and they reviewed all children's deaths to see if they could be prevented and there was an upcoming Infant Mortality Summit at Texas Southern University coming and a Stroller A Thon in September for Infant Mortality Month; and no one should have to lose a child to something which was preventable. Council Members Sullivan, Holm and Rodriguez absent.

Council Member Jones stated that today they were celebrating the Yates Boys Basketball Team, they won the State Championship and invited the team to the podium. Council Member Jones stated that they were being honored for their history making win and presented them a Proclamation saluting the team and proclaimed today as "Jack Yates Senior High Boys Basketball Team Day" in Houston, Texas; and Council Member Adams presented the team a Certificate of Congressional Recognition from Congresswoman Sheila Jackson Lee congratulating the team, alumni and parents. Council Members Sullivan, Holm and Rodriguez absent.

Council Members congratulated the Coach, Principal and Team on the tremendous job of winning the State Basketball Championship and making all of Houston proud. Council Members Sullivan, Holm and Rodriguez absent.

At 2:45 p.m. Council Member Adams led all in the prayer and pledge. Council Members Sullivan, Holm and Rodriguez absent.

At 2:46 p.m. the City Secretary called the roll. Council Members Sullivan and Holm absent.

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

Council Member Green moved that the rules be suspended for the purpose of moving Mr. Jorge Sera to the list of speakers on Agenda Items, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck, Sullivan, Holm and Jones absent. MOTION 2009-0166 ADOPTED.

Council Member Brown moved that the rules be suspended for the purpose of hearing from Mr. Otis Jordan at the top of the Non Agenda Speakers List, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck, Sullivan, Holm and Jones absent. MOTION 2009-0167 ADOPTED.

Council Member Johnson moved that the rules be suspended for the purpose of substituting Mr. George Thomas in place of Mr. Larry Johnson and that he be heard at the top of the list for a presentation, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck, Sullivan, Holm and Jones absent. MOTION 2009-0168 ADOPTED.

Council Member Adams moved that the rules be suspended for the purpose of hearing Ms. Bessie Swindle after Mr. Hank Rush, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck, Sullivan, Holm and Jones absent. MOTION 2009-0169 ADOPTED.

At 2:49 p.m. the City Secretary began calling the public speakers. Council Members Clutterbuck, Sullivan, Holm, Brown and Jones absent.

Ms. Connie Barnaba, 410 Pierce #226, Houston, Texas 77002 appeared and stated that she was a small business owner certified by the Houston Minority Business Council, etc., and now had an application for certification with the City of Houston as a small disadvantaged business and was present addressing the proposed settlement on the Kossman case and speak on behalf of the minority women business plan and wanted to encourage Council to do what they could to be fair and hopeful if the settlement was adopted they would include a deadline for the disparity study. Council Members Clutterbuck, Adams, Sullivan, Holm, Brown and Jones absent.

Council Member Lawrence thanked Ms. Barnaba for her comments; and upon questions, Ms. Barnaba stated that her application was pending but she needed to turn in one more thing, it was not complete. Council Members Sullivan, Holm, Brown and Jones absent.

Upon questions by Council Member Green, Mr. Barnaba stated that she had other certifications, but the City of Houston was last as they were the most challenging, they required more than the federal government. Council Members Sullivan, Holm, Brown and Jones absent.

Mr. Jerald Johnson, 7322 SW Freeway #805, Houston, Texas 77074 (713-988-0554) appeared and stated that he was owner of Johnson Network Associates, an information technology solution firm, and present to speak on behalf of the Minority Women and Business Enterprise Program; that he heard there was much scrutiny behind the MWBE certification process and with his recent experience he had tremendous help from the staff and in about 30 days they were certified; that without the program he would not have been able to meet face to face with a decision maker so quickly and he hoped the program would continue. Council Members Sullivan, Holm and Brown absent.

Mayor White stated that they were working to have a careful balance between improving the program and customer, preserving the program and doing so in light of legal challenges and court decisions. Council Members Sullivan, Holm and Brown absent.

Upon questions by Council Member Green, Mr. Johnson stated that he sat on the Minority Advisory Council with the Houston Minority Business Council and they were informed of the settlement and that the program maybe being in jeopardy. Council Members Sullivan, Holm and Brown absent.

Mr. Richard Hubner, & Riverway, Houston, Texas 77056 (713-271-7805) appeared and stated that he was president for the past 24 years to the Houston Minority Business Council and present to encourage Council's efforts in the resolution of the Kossman lawsuit and to strengthen the City of Houston's MWBE Program; that it was a fair settlement based on the disparity study conducted at the direction of Judge Hughes and if Council did not decide the matter it was likely Judge Hughes would and a vote against the settlement would be considered a vote against the program; that there were valid concerns, but the law did not allow at this time for a woman contractor goal to be set and as the disparity study was being completed performance and other issues should also be addressed and resolved and a strong program was in the best interest of all Houstonians. Council Members Sullivan, Khan, Holm and Brown absent.

Council Member Lovell stated that she would vote tomorrow to make the settlement and she believed they put together a winning formula on many difficult issues, they would bring a broad section of stakeholders together and she believed they should do it this time and do the disparity study and she would like Mr. Hubner to be a part of it; and Mayor White stated that batons would be passed and he would like more streamline certification procedures and they had to be resolved with a balance and he liked Council Member Lovell's suggestion and legal presence should also be present. Council Members Sullivan and Holm absent.

Council Member Green stated all of council could separate the issues and the Kossman settlement was separate; and upon questions, Mr. Hubner stated that in all practicality if they voted against the settlement then Judge Hughes may jeopardize their opportunity to address and resolve the issues of the MWBE Program. Council Members Sullivan, Holm and Lovell absent.

Council Member Jones stated that she believed he gave an accurate assessment, but this lawsuit did not go to the entire MWBE Program it was in the construction area and courts could only hear what was brought before them in the lawsuit; and when the diversity study was done it should be accurate. Council Members Sullivan, Holm and Lovell absent.

Upon questions by Council Member Rodriguez, Mayor White stated that this was an important issue and if they did not have the program as it related to federal stimulus funds and the City of Houston using the funds he wanted to answer precisely and though they were looking at details of that, it would require thorough consideration of rules and regulations of the OMB and virtually every federal department; that when congress decided to expand programs through existing mechanisms and then say they want the money spent fast they were contradictions in terms because of the number of requirements imposed by various federal governments and agencies and executive orders and the OMB; that each grant had guidelines that for competitive grant processes scored positively when someone did have an MWBE Program and the absence of the program would result in a lower score for you and the overwhelmingly likelihood in one or more of the areas where you would see grants may be impediment to not have the program. Council Members Sullivan, Holm and Lovell absent.

Mr. Ed Ryland, 6161 Savoy #338, Houston, Texas 77036 (832-689-0617) appeared and stated that he wanted to address the MWBE Program from the impact it had on communities and the value it brought; that many communities represented the highest unemployment rates and as a direct result afforded through the MWBE Program they were able to provide jobs to the communities and would urge that while the program was not perfect it not be terminated as it would be a step backwards. Council Members Sullivan, Holm and Lovell absent.

After a lengthily discussion upon questions by Council Member Johnson, Mr. Ryland stated that yesterday a number of them talked about the challenges and were working on strategies and solutions to address the lack of diversity in commercial real estate across the board; and Council Member Johnson stated that he would like to see the suggestions; Mayor White stated that for proponents of the program he would mention two separate issues to improve on, first was how to have real stakeholder dialogue and do things to reach out and not just respond and discriminate widely rules and rational and secondly, was issues on substantive rules, the program needed to withstand public scrutiny by those looking for flaws; upon questions by Council Member Green, Mr. Ryland stated that someone should make sure they were a member of the Houston Minority Business Council to be sure they got the attention they needed, he not only got certified with the council but with the State of Texas; and Council Member Green stated that maybe they should certify them, take it away from the city; Mayor White stated that the goal would be the more they could make it so someone would not have to submit the same thing twice and it be reviewed twice the better off all would be and then were

there substantive differences in the qualification and if so what did they think about it and the goal would be uniform process and user friendly; and Council Member Noriega stated that the program needed to be given attention and his points were well taken, but the Kossman case did need to be settled and it was wrong to shove everything into a sack that said Kossman and they needed to move expeditiously; and Council Member Jones stated that she did not want stimulus dollars lost or any group discriminated against and her fear was if the judge had to rule the only people to be left standing on what the law required would be Black folk and anyone not Black would be discriminated against and a good diversity study was needed; and upon questions by Council Member Khan, Mr. Ryland stated when someone was certified through their program they were also certified with the state; that METRO and Port Authority and City of Houston were separate certifications; and the city could count on them to help improve the program if it was needed. Council Members Clutterbuck, Holm, Brown and Lovell absent.

Mr. Jorge Sera, 1507 Pannehill, Houston, Texas 77008 (713-862-1360) appeared and stated that he was not a direct beneficiary of the program being discussed but he did benefit in that the program required insurance and that was what he did and he had received some business from city minority contractors; that insurance had to be paid up front and he understood they had a hard time getting paid some times so that did need to be addressed; and he wanted Council to know other businesses received business by the minority contractors receiving business. Council Members Holm, Brown and Lovell absent.

Mr. Otis Jordan, 7663 S. Glen Willow, Missouri City, Texas 77489 (281-723-3700) appeared, presented information and stated that he wanted to thank the Mayor for what he did in promotions within the Fire Department, but today was present with discrimination and racism again; that firefighters needed to change departmental culture which discouraged against speaking out against acts or speech motivated by prejudice; that a fireman or civilian employee who failed to act in presence of racism or other discriminatory behavior became a solid accomplice by omission; that a noose was found in a captain's locker and it was not handled properly; that an assistant chief was informed a couple of days after it happened, but the young man who found it was scared to come forward though he was not scared to run into a burning building, but he was scared to come forward because of peer pressure, demotion, blackballed, etc., the firefighter who took the matter to the assistant chief was written up for breaking the chain of command; that the Mayor had a policy on racism and the Fire Chief had to be a leader and set an example, if you count coincidences it was coming out of the command staff and it let you know people were not qualified for those positions, they were just picking friends, etc. Council Member Brown absent.

After a very lengthily discussion Council Member Jones stated to Mayor White if a noose was found in a locker she wanted to know what happened, what punishment, who did it, etc.; Council Member Adams stated that she would like to know if the captains saw and witnessed the picture and went into the locker and saw the noose what was the city policy for that; and Mayor White stated that he did not know facts and in an earlier conversation asked Chief Flannigan to get the facts to him; that he understood results of the investigation were reprimand and something that concerned him was there were certain types of complaints where there should be an ability to file a complaint without going through a chain of command and if someone was disciplined for going outside the chain of command he did not understand that and would look into it and he did not want racism in the city workforce; and Council Member Brown stated he had been a part of such discussions in the past in HPD and supported zero tolerance on racism, sexism, innuendos, etc., for all departments; and upon questions, Mr. Johnson stated that HFD was not colorblind, there was still a good old boy system and it started at the local union and no one should be able to do something and then say it was a joke no matter where it was or who did it, it should be taken care of; Council Member Johnson stated it was a travesty such should happen and a travesty of justice to do nothing; and upon questions, Mr. Johnson stated that they had OIG and EEOC, but there was no third party; and Council

Member Jones stated that they needed a civilian review board with teeth and she commended Pat Lykos for what she did so anyone in the future knew if you struck people from a jury just because of their race you would be demoted or fired and if Mr. Johnson's allegations were sustained she wanted to know what was being done. Council Members Holm, Rodriguez and Green absent.

Mr. George Thomas, who was previously added to the speakers list, appeared, presented Jazz caps and posters to all at the Council Table and stated that he was the general manager of KTSH 94.9 FM; that they were celebrating Jazz Appreciation Month, a national holiday by the national museum, Smithsonian in Washington, D. C., and they were encouraging all Houstonians and Texans to celebrate Jazz; that they were commemorating past Jazz musicians like Mr. Arnett Cobb, Mr. Conrad Johnson, Mr. Calvin Owens, etc., and present Jazz musicians and had programs going on all over Houston; that at Texas Southern University this Saturday they had a High School Jazz Festival going on; and encouraged the Mayor and Council to encourage all to celebrate. Council Members Holm, Rodriguez and Green absent.

Mayor White thanked Mr. Thomas for all they did to promote jazz in Houston. Council Members Holm, Rodriguez and Green absent.

Council Member Johnson thanked Mr. Thomas for coming and for all his work at KTSU; that KTSU was a station which did fabulous work and many great artists went on to do many great things; and his Father, Mr. Larry Johnson, standing with him back in the day was called the "Voice" and he could proudly say it was his father and he did a great job at Texas Southern and presented Mr. Thomas and KTSU a Proclamation for Jazz being the original art form that affirmed noble aspirations of our national character, etc., and produced leading creative artists as one of the greatest exports to the world; and proclaimed April as "Jazz Appreciation Month" and Friday at 11:30 a.m. on the steps at Texas University, Hanna Hall there would be a press conference and they hoped to have one of the largest assemblies of great artists in the nation for one fabulous picture. Council Members Holm, Rodriguez and Green absent.

Council Member Lovell stated that Mr. Thomas was her Chief of Staff, William Paul Thomas, Uncle. Council Members Holm, Rodriguez and Green absent.

Mr. Mady Kao, 3777 South Gessner, Houston, Texas 77063 (713-828-3683) appeared and stated that she had a real estate management and development company and present to show support for a new Asian Assistant Police Chief; that many were present today as it was an important issue; that 6% to 7% of Houstonians were Asians and that should be reflected in executive levels at HPD, there were 12 to 13 assistant chiefs and they only wanted one to understand their needs and culture. Council Members Johnson, Holm, Rodriguez, Noriega and Green absent.

After a lengthily discussion, Mayor White stated that this was another heroine from the days of Katrina who made a tremendous financial sacrifice providing shelter for others; Council Member Khan thanked Ms. Kao for all she did on a daily basis and sated this issue was a big concern with the Asian community, no Asian in the command staff at HPD and he strongly believed you did not have to be Asian to understand and protect but it was important the department reflect the community and he discussed it with the Chief; and Council Member Jones stated that she agreed with all Council Member Khan said and if an Asian resigned or retired she would like to know there was a mechanism to place another qualified Asian in the position; Council Member Lawrence stated that she hoped Ms. Kao would encourage other Asians to join the force, it was a call she did not see from their community; Mayor White stated that the chief did hear the communities concerns and there were two strong reasons to affirmatively move to make sure they had diversity in senior ranks of every department, one was importance to communicate with victims of crime effectively and secondly was to have good role

models in higher ranks, but other issues in personnel was to respect a system which was devised by contract and statute over time for the process by which people became leaders in an organization; that Herald Hurtt did not skip rank, it caused a tremendous backlash when someone was pushed in front of a line others had stood. Council Members Johnson, Holm and Brown absent.

Ms. Loretta Kiser-Jasper, 13007 Wilde Glen Lane, Houston, Texas 77072 (832-889-7702) had reserved time to speak but was not present when her name was called. Council Members Johnson, Holm and Brown absent.

Mr. Charles Smoot, 7710 Cherry Park, Houston, Texas 77095 (832-721-0961) had reserved time to speak but was not present when his name was called. Council Members Johnson, Holm and Brown absent.

Mr. Hank Rush, 6897 Ardmore, Houston, Texas 77054 (713-382-0484) appeared and stated that he served as president and CEO of the Star of Hope Mission in Houston and he wanted to thank Council Member Adams for coming out and working with them; that many experienced homelessness each year and the Star of Hope operated three major facilities in Houston and served 1,000 men, women and children daily with a great deal of help from volunteers and under the Mayor's leadership helping the homeless had become a major focal point and better solutions were developing and presented the Mayor with a unique picture commissioned by a photographer in Houston, it was a seascape of downtown Houston and on the faces of the buildings he imposed faces of actual homeless people who benefited from the Council's work. Council Members Johnson, Holm and Brown absent.

Mayor White thanked Mr. Rush and stated that it would be hung in the appropriate public building. Council Members Lawrence, Johnson, Holm and Brown absent.

Council Member Adams stated that the skyline actually reflected the youth in the Star of Hope and it was beautiful and it was an honor to help them last week. Council Members Lawrence, Johnson, Holm and Brown absent.

Council Member Jones thanked Mr. Rush for all he did and stated that her grandmother used to help at the Soup Kitchen and though she does not remember a lot now she still talks about them. Council Members Lawrence, Johnson, Holm and Brown absent.

Ms. Bessie Swindle, 4103 Madden Lane, Houston, Texas 77047 (713-738-7902) appeared and stated that she was present on behalf of the community; that on March 21st they were privileged to have their old community building renamed in her name and today she was present thanking the Mayor and Council as she felt very honored. Council Members Johnson, and Holm absent.

The Mayor and Council Member thanked Ms. Swindle for all her works and congratulated her on the community building being named in her honor. Council Members Johnson, and Holm absent.

Mr. Gene Wu, 8926 Hazen, Houston, Texas 77036 (512-689-8618) appeared and stated that he was a member of the Asian community and involved in many Asian organizations in Houston including being on the board of OCA Greater Houston and the 80/20 PAC, but today was speaking for himself; that he was an attorney and community volunteer and today he was not asking for a single position but for the city to take a more in-depth look into hiring Asian Americans who were intelligent, educated and dedicated; that Mayor White was right in saying someone was needed at the top to inspire. Council Member Holm absent.

Mayor White stated that he respected what he said and their views were powerful and taken into account, but he would say to community leaders that he understood about role models, leaders, etc., but also hoped they were in a position as expressed by Council Member Khan that elected officials and police chiefs tried to represent all; that Council Member Quan had high election margins because he tried to represent everyone and it was the same with Council Member Khan and others. Council Members Johnson, Adams, Sullivan and Holm absent.

Ms. Elsie Huang, 8580 Woodway #1410, Houston, Texas 77063 (713-782-7222) appeared and stated that she was president of the Asian Chamber of Commerce and today representing Asians at large, a report came out which stated the Asian population grew by the largest percent and she wanted businesses and government reflective of that; that they were upset to hear Assistant Chief Wong's position may not be replaced, people looked up to him and he was invited to many events; and urged the Mayor and Council to promote an Asian to that position instead of dissolving it. Council Members Adams, Sullivan and Holm absent.

Council Member Jones stated that Houston was a diverse city and when trying to change statuesque to look like the population at large you always heard people were moving up over others, but they could not compete with people there a long time because they were not let in in the first place and if there was a qualified Asian she believed they should be moved up and she stood with them. Council Members Adams, Sullivan, Holm, Rodriguez and Green absent.

Ms. Martha Wong, 15 Greenway #16F, Houston, Texas 77046 (713-622-7888) appeared and stated that to share Asian culture they were taught from day one you do not do anything to cause another to lose face and she felt the non replacement of an assistant chief in the Asian community was a slap in their face; that they were as irate about this as the general public had been about bonuses to those at AIG; that they had never seen as many Asians as there were today at City Hall and asked they stand to be recognized; that this was very important to their community and it was important for Council to listen; that she was the first Asian American elected to Houston Council in 1993 and that was when the community started to learn the importance of having Asian American leadership and now three had been elected to the Houston Council; and if they wanted the city staff to reflect the community they expected them to hire an Asian American Police Chief. Council Members Adams, Sullivan, Holm, Rodriguez and Green absent.

Mr. Jackson Chang, 4041 Richmond Avenue, Houston, Texas 77027 (713-965-9060) appeared and stated that he was a member of the Asian Business Council and for the past years their organization worked with the Mayor's Office and HPD Chief on certain issues in the Southwest Asian area of town and they both helped but he would credit the fast response to the retired Assistant Chief Wong's Office in helping fight crime; that the Asian Assistant Chief position was very important to the community and to the Mayor's Administration; that Chief Hurtt had a meeting with the community and indicated crime was low in the Asian community and based his figures on the amount of crime reported, an Asian officer recognized that many do not file police reports; and encouraged the Mayor and Council to support the Asian community so Chief Hurtt could appoint another Asian Assistant Chief. Council Members Adams, Rodriguez, Noriega, Green and Jones absent.

Upon questions by Council Member Khan, Mr. Chang stated that many Asian officers would not speak in an open forum, but they could talk because they were Asian; and Council Member Khan stated that he went to many Asian American functions and meetings and saw officers present even when they were not a part of the area and he had seen certain ones all the time and they were there because in many ways they felt a part of the community and any officers could show up but they did not and he felt there was validity in the community's concerns. Council Members Adams, Rodriguez, Noriega, Green and Jones absent.

Mayor White stated that he reviewed some great input from citizen leaders and the convenient store taskforce and the convenient store crime was down by 20% and it was the taskforce working with HPD; that he thought of results as opposed to rhetoric and he was checking out information he got from the podium which was different from what he provided; and based on community input the Chief received the decision was being reconsidered in full; and when they had an Asian American Police chief it would likely be someone who came up through each rank so those below them would know they passed the same test they were passing and command respect on that basis, but they would take their comments into account. Council Members Adams, Rodriguez and Green absent.

Mr. Cecil Fong, 12054 Circle Drive East, Houston, Texas 77071 (713-230-4917) appeared and stated that he was president of the Houston 80/20 Asian American PAC and he was present on the Asian Assistant Chief; that they needed all inclusion and role models; that he worked for a major corporation and they promoted based on merits, however, they when considering senior positions they took diversity into consideration, it was not just a program with them it was a benefit to have a diverse team as they made better decisions because of their broader perspective. Council Members Adams, Rodriguez, Noriega and Green absent.

Council Member Noriega stated that as she looked at the speakers list it looked as if there was much diversity in the group, it was clear there were Chinese, Vietnamese, South Asians; and upon questions, Mr. Fong stated that there were also Korean, Filipino, Taiwanese Japanese, etc., and Council Member Noriega stated that it made a significant point that many were interested in this and felt it needed to be pointed out that it was an enormous wide effort here. Council Members Rodriguez and Green absent.

Council Member Brown thanked all for coming and representing their beliefs and he agreed with former Council Member Wong that the Asian community had attributed much and he was glad they came. Council Members Rodriguez and Green absent.

Mayor White stated that over the last five years he had attended these meetings longer than any elected officials and there were real veterans here who stuck with him and he wanted the communication in the community to be two way, that he had great confidence in the Asian community and its potential and achievement on the boards and commissions, that he appointed Asian American firms, that they were far disapporioned of the population and he was confident they would assume a larger role in Houston, but in addition as civic leaders they should be engaged and on issues such as the promotional systems which occurred in civil service and public safety they had been developed over the years and one reason for testing type regimes was to avoid discrimination and it was a fair statement that not in the Asian or Hispanic communities the senior ranks were not reflective of current composition of the community and they needed to be sure people were engaged and over time they wanted greater diversity in each of the ranks, but he wanted to avoid situations where people thought others were given an advantage of them in jumping over others. Council Members Sullivan, Rodriguez and Green absent.

Mr. Michael Nguyen, 11210 Bellaire, Texas 77072 (281-827-8019) appeared and stated that he was with a nonprofit organization who served over 15,000 people a year and they listen to them and knew what they wanted; that one program was doing income tax for low income and they had 100 volunteers to serve over 1,500 families and they brought thousands of dollars back into the system; that during Katrina their community did not ask the government for help because they mistrust government in their country and last week they were disappointed when Chief Hurtt said the position would be eliminated, they needed a voice at HPD. Mayor White, Council Members Sullivan, Khan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that this was not just relevant to the Asian community but to every community in Houston; that they had discussion of Hispanics being adequately represented and they wanted to make sure the complete count for the census was done accurately so they could represent people; and she supported them and they did need to be inclusive. Mayor White, Council Members Lawrence, Khan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Jan Kish, 13611 Hidden Dell Court, Houston, 77059 (281-280-8885) appeared and stated that she was president of Space City Professional Association in the Clear Lake NASA area and today was present to speak about the Asian Assistant Police Chief and was speaking of safety; that five older Asian ladies were followed from the Bellaire China Town area to Clear Lake, the robbers followed them into their garage at home and robbed them and the ladies did not know what to do, they did not speak English well and they were encouraged to go to the Police Department, but they were afraid; that her group held a meeting with the Assistant Police Chief and it brought people together and their concerns were shared and the community was educated, but they needed more police in Clear Lake because there was more crime. Mayor White, Council Members Lawrence, Sullivan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Zaf Tahir, 6161 Reims #1218, Houston, Texas 77036 (713-504-0156) appeared and stated that he was on the board of the Pakistan American Council of Texas and on the advisory board of the Asian Society and on the board of the Political Action Committee of the Pakistani Americans in the US and today he was present as a Houstonian and because he heard from different sources there was a position assigned as the Assistant Chief for Asian Americans and it was being eliminated; that the Mayor mentioned several times communication needed to be a two way street and maybe the message had not come across clearly what the position was and what was being done and when communication was not two way this was what happened; that when he served as chair of the Taskforce on Safety and Security for Retail Businesses he learned quickly Asian communities were small but they did own and operate a number of retail businesses which affected the safety of a much larger population and they were victims in a greater number of crime because they did own and operate businesses so safety was important and it was important they have role models and then there was the perception the position was being eliminated and that was what was causing the uproar and he urged all to clarify exactly what transpired and what the plan was going forward and what could be done to retain the position. Mayor White, Council Members Sullivan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan stated that all knew he had done a wonderful job, the ordinance did a wonderful job and he was a part of the solution; that this assistant chief position was not an Asian American Assistant Chief position, it would be disrespectful to Chief Wong to call it by such, Chief Wong was promoted to the position because he was the best qualified to be assistant chief and he was rewarded by it; that also the Mayor said clearly the community's voice would be given proper consideration and decisions would be made and he was sure Asians would very well qualify for different positions, but Council Members did not get involved in managing departments and Chief Hurtt would make decisions which in many ways would reflect the communities. Mayor White, Council Members Clutterbuck, Sullivan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that they were not abolishing a position, it was just not being filled at this point in time. Mayor White, Council Members Clutterbuck, Sullivan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Danny Nguyen, 9999 Bellaire Boulevard, Houston, Texas 77036 (713-270-5400) appeared and stated that he was currently serving as president of the Vietnamese American

Chamber of Commerce and like many Asian Americans he was present respectfully requesting the Mayor and Council to give them equal representation at management levels in HPD; that he listened to the Mayor and Council that you had to go through certain protocol, the structure, but there was a big segment of the population not being served and it should be looked at again, a plan implemented and feedback given. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Brown stated that he agreed a better job needed to be done in consulting the Vietnamese Chamber of Commerce and other organizations and apologized for what appeared to be an affront to their community. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Dan Nip, 11205 Bellaire Boulevard #B-33, Houston, Texas 77072 (281-568-8388) appeared and stated that he was president of the China Town Community Development Corporation and today had more than 30 senior citizens with him and asked they stand to be recognized; that today after 5:20 p.m. 90% were Asians here, many did not speak English and afraid to leave their housing project and did not trust police; that for Houston to be an international city they needed to reflect it in all departments, they needed fair representation. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that they did appreciate them all staying so late and the majority of Council Members had stayed also. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Dorothy Chow, 5343 Dumfries, Houston, Texas 77096 (713-784-1112) appeared and stated that she was a native Houstonian and president of the Chinese American Citizens Alliance, a national organization, that they were the first Asian Civil Rights Organization in the U. S. and she was authorized by the Alliance to speak and demand the Mayor to instruct Chief Hurtt to begin a search for an Asian American Assistant Chief to replace Norman Wong; that the only Asian in the command staff was retired and there were officers promoted from lieutenant rank and from the sergeants rank as was C. O. Brandford to Police Chief and there were three Asian lieutenants serving with degrees and one had more than 20 years experience and they were degreed; and urged they instruct Chief Hurtt to promote an Asian American to Assistant Chief. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Chow stated that the city had already set a standard for what they were asking to be done. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Kenneth Li, 6918 Corporate Drive #A5, Houston, Texas 77036 (713-826-3388) appeared and stated that he was chairman of the Asian American Business Council and some facts were communication was not good enough and they would urge the Mayor and Council to place an Asian to be in the Assistant Chief position and an Asian Taskforce was necessary to find why they were being victimized; that retail business was down and they needed HPD protection and safety brought back to Houston. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Adams, Mr. Li stated that the safety issue was not just the Asian community it was all in the southwest area and they had to hire extra constables so there were not enough HPD officers there or they would not need to hire them; and they did need more multi lingual officers and more cameras; and Council Member Adams stated that they would confer with the chair of Public Safety to see what the next step would be that they could take, they heard the diversity issue across the board in the African American and Hispanic communities; and she wondered how many officers were on the street and she would support whatever the chair recommended . Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Norma Benzon, 15330 East Hampton Circle, Houston, Texas 77071 (713-789-3322) appeared and stated that she was a Filipino and served on the executive board of the Chinese Community Center; that she wanted to thank Council Member Jones for mentioning the Bellrievie; that they embrace all races coming to congregate with them and encouraged the Asian community to join others; that she wanted to thank Council Member Brown as he came to many functions and almost always spoke of the beauty of Houston; that Mayor Lanier appointed an Asian Assistant Chief and that was their selling point to San Francisco, Los Angeles, etc., telling them to come to Houston as they were the number one diversified city and now instead of Council saying could they add another assistant chief they were taking the position; that the Asian community was soft but strong. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated to the Administration she would like the Vice Mayor Pro Tem to speak with the Mayor and something be given in writing to Council Members as to whether they were getting rid of the position and what the procedure was to get the next person. Mayor White, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James M. Birney, Sun Blossom Cottages, Houston, Texas 77042 (713-789-3322) appeared and stated that he and his wife owned and operated a series of real estate projects in Houston and his wife was Taiwanese; that the U. S. was originally a land of immigrants and that was what made it strong from the beginning and Houston had incredible diversity and involvement on the part of many groups; that he just calculated and since 2003 they paid about \$17 million in taxes of various sorts ranging from income tax, sales, etc., Mayor White, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Kristopher K. Ahn, 9930 Long Point Road, Houston, Texas 77055 (713-781-2322) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Terry Gee, 402 Piney Point, Houston, Texas 77074 (713-461-5821) appeared and stated that he was president of Chinese Seniors and had 2000 members in the Bellaire area; that safety was the most important thing and he volunteered with HPD a long time with Chief Nuchia, Chief Brown, Chief Bradford and now with Chief Hurt; that a woman worked at HPD for 32 years because she did not want Chinese youth to become a juvenile problem and she was the first Asian woman in HPD and first Asian woman detective; that she worked robbery and stolen cars and she was also the first Asian police woman in Texas, was she qualified, her name was Lilly Yu. Mayor White, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Ms. Shalonda E. Fisher, 6240 Antoine Drive #225, Houston, Texas 77091 (713-263-7898) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Carolyn Webster, 6823 Reed Road, Houston, Texas 77087 (713-644-9266) appeared and stated that she lived in Bayou Oaks in Southeast Houston and they had a problem; that the Mayor and Council Member Rodriguez said things would be better, but they were worse; that she was afraid to live in her house and no one called when she needed them; that they had a murder two weeks ago at the U-Totem Store; that they had garbage not picked up right and people brought garbage in from their jobs and left it and cars on the streets needed to be pulled away; and she did not want them putting heavy trash in front of her yard. Mayor White, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she would relay information to Council Member Rodriguez; and upon questions, Ms. Webster stated that her number one concern was crime and people in the community brought their heavy trash home and left it to be picked up and that was not fair to others; and Council Member Jones stated that someone was present from the Mayor's Office and would speak with her and then her and Council Member Rodriguez's office would work with her; and if she could get license plate numbers it would help. Mayor White, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she believed they had visited the site and someone would speak with her at this time on how they could monitor the neighborhood. Mayor White, Council Members Johnson, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Pastor David Udoh, 14144 Westheimer #110, Houston, Texas 77077 (832-338-0991) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Jeanette Hurston, 14619 Ella Boulevard #407, Houston, Texas 77014 (281-872-0773) appeared and stated that she was present to complain on police response time; that Thursday she called 911 as someone was at her door cursing and there were video cameras all in her house; that police took an hour and a half to come; that her lights were being cut off at night and she could not cut them on; and her refrigerator was changed; and continued expressing her personal opinions until her time expired. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Lieutenant Gallier was present with HPD and she could speak with him at this time. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Mr. Michael Kubosh, 1701 Lubbock, Houston, Texas 77007 (281-850-0172) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Rev. Quantez Warren, 10806 Whitehead, Houston, Texas 77088 (281-847-1197) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Joe Kanniff, 103 Parliament, Houston, Texas 77034 (713-944-6513) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Willie Baker, 6523 Vera Jean Drive, Houston, Texas 77088 (281-272-0995) appeared and stated that he wanted to congratulate Jack Yates Basketball Team for winning the state championship and thank Council Member Noriega for respecting him and honoring him on his birthday this month; and last but not least in the Acres Homes area they were concerned about a meeting being set up for them to receive a YMCA, for some reason the Mayor had not found a way to structure direct contact between the Y and their civic association; that Council Member Jones had been working with Ms. Taylor and today he was saying where there was a will there was a way. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones thanked Mr. Baker for all his work and stated that as she had told Ms. Taylor she contacted the YMCA and they had agreed to meet but she did not think it was who Ms. Taylor wanted to meet with and if the meeting did occur he was welcomed to attend. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present to say there was a problem, just as the Asians were saying there was discrimination, it had been too long they had their acreage and the \$1.6 million for the project of a park and nothing was moving and she saw a sign saying land for sale and hopefully the Mayor was not letting that happen. Mayor White, Council Members Lawrence,

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

Upon questions by Council Member Jones to the Administration, Ms. Stein stated the land in question was not being sold. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Deborah Elaine Atkins, P. O. Box 263252, Houston, Texas 77207 (832-292-5203) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Theodore Johnson, 4010 Dabney, Houston, Texas 77026 (713-670-0470) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated Tuesday, March 31, 2009, www.mayorgalvan.com; that he was candidate for Council District H and present supporting the pending application to repeal, resend Ordinance 2004-698 and demanded Mr. Michael Schafer in the Planning Department listen to the voice of the people and contact David and Sherry Parker. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 6:04 p.m. City Council recessed until 9:00 a.m., Wednesday, April 1, 2009. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, April 1, 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. 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 9:35 a.m. Mayor White called the meeting to order and stated that the first item was the report from the City Controller and Director of Finance. Council Members Adams, Holm and Jones absent.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds – was presented.

Ms. Annise Parker, City Controller and Ms. Michele Mitchell, Director, Finance Department, reviewed the Monthly Operations and Financial Report, a copy of which is on file in the City Secretary's Office for review. Council Members Adams and Jones absent.

Council Member Lawrence stated that as to the Rainy Day Fund, which was discussed a little bit yesterday in the Finance Report, did they see FEMA coming through with some money in the next couple of months, that she was very concerned about that fund, that she hated to be completely zero dollars in there and wished that they could start saying what ever they got from FEMA that they were going to start putting some money back into that fund, that was really concerned about that fund, not waiting until FEMA reimbursed them completely, that she did not know how that reimbursement came in as whether it was kind of a line item or a particular area and they could not do that, that she wondered what they could give her something positive more than 8 months.

Mayor White stated that he would give them a quick overview; first, the Rainy Day Fund was just a subset of generally what they called uncommitted cash reserves, in particular uncommitted cash reserves above the amount that would be necessary to maintain bond ratings, that to a large extent when they were talking about the dollars that were incurred in the public sector by them thank God they had a situation where the administration, with the strong support of the Council, was able to build cash balances, that he would remind Council Members that these cash balances were in part due to the fact that they had obligations such as increasing health benefits and firefighters contract that were in the out years and they were not going to run this government like they did in other levels like they did when they only looked a year ahead, so one of the issues that they had and that he was trying to sort through was how to give those who came after them in the next administration the flexibility to make choices about the budget priorities based on the facts that they existed right then at that time because one of the other disasters that they would have to plan for was if the global economy continued in the direction in which the Asian economy was down by 20% and that would have an effect on all of them, that they did not know the future, the extent to which they wanted to put it into a Rainy Day Fund versus uncommitted cash reserves, that if somebody at the Council table wanted to make a motion to sharply increase property taxes to accelerate the replenishment of that fund then they were free to make that but he thought that it was reasonable for them to try to do whatever they could to accelerate the rate of their insurance reimbursement so they could replenish that fund, that he was not taking a hard stand one way or another, he was just saying that these were hard choices that they all must weigh and there would be sort of an easy choice to make that sounded easy but then if somebody was faced with a fiscal emergency a year from now that was a real fiscal emergency, they dealt with the Lyondell situation for example, well suppose they had a rash of bankruptcies of this scale in the industrial districts he wanted to make sure that the next administration had some flexibility to deal with that; that he noticed when he got a note on the same topic from the City Controller that he probably not only needed to spend time on the phone but he had a special trip to Washington where he emphasized the need to accelerate, that because of that kind of action on his part they got some more FEMA people down here but he thought it was a point well taken that they as a community, and each member here to, in dealing with the Members of Congress he hoped that the Members of the Council, all of whom knew Members of Council from different parties and different parts of the City, emphasize the need to accelerate FEMA reimbursement for their community. Council Members Rodriguez, Lovell and Jones absent.

Council Member Khan stated that on the Hurricane Ike Aid and Recovery Fund yesterday they said that the City's cost would be about \$14 million which would not be reimbursed by FEMA, that it said that the total was \$125.4 million, that out of that \$87.47 was obligated to FEMA, that left about \$38 million and they said that \$14 million was cost to the City so was the \$24 million coming from the insurance reimbursement, how was the \$38 million accounted for, and Ms. Mitchell stated that the \$125 million was what they had submitted to FEMA, they had received \$87.7 million to date which had been obligated out of that \$125 million, that the breakdown on page 5 was showing them what the expenditures had been to date which would have been for debris contracts and for their budget as well as the other financial activity, that

just to be transparent that twenty came in from the Rainy Day and ten came in from the limited use road mobility and they had a piece in there that was contributions that had nothing to do with FEMA it was just to show them the extra funding, that the total cost to the City for the Hurricane Ike Aid and Recovery they believed was going to be \$254 million, that was what they believed the cost was going to be for the entire disaster, that after the reimbursements were made by insurance and FEMA, she was being conservative and said \$14 million to \$15 million and here they were showing \$12 million, that was based on what they knew today, and that was after they reimbursed the Rainy Day Fund and after they reimbursed \$5 million to the Limited Use and Road Mobility, that her saying 8 months she did not want to say they could do it in 3 or 4 months, that because of the Mayor reaching out to Washington and their consultants reaching out as well they were able to get additional FEMA help in which she believed would speed up the process of their funding being sent to them, they already had millions in the queue in Washington and as soon as they were approved they would go into Austin and they would get them, that through the Mayor the State had agreed to not withhold and give them 100% reimbursement as opposed to holding 25% back at the State so that was a huge help from the administration's side, but the additional funding that they would owe up and beyond was the 75/25 piece and the City would owe, they were saying at this junction \$12 million and thought they could be looking at possibly \$14 million or \$15 million, that the debt showed in page 5 and they certainly were not reducing any fund balance right now, they really did not have an idea of what that was going to be and when that was going to be it would come out of the General Fund balance, they would have to pay that cost, that they had recently reversed entries on the operating budget for the departments today for monies that had come in from FEMA to make the General Fund Operating Budget whole so that there were no expenses within the operating budget, that clearly more expenses come in everyday but those would be nominal to what the immediate thrust was of the disaster, so they would be able to go into 2010 with a clean operating budget with those numbers into the Ike Fund itself. Council Members Lovell and Jones absent.

Council Member Khan asked as to the Red Light Camera reimbursement from the State, that he understood there was a bill but they had not acted upon it and if they did not then for another year again they would have the funds sitting in the City and not going to trauma centers, were there any indications that they had that they were going to do it or anything the City could do to encourage them to make the proper allocation for those funds to the trauma centers, and Mayor White stated that he did not know what the current legislative status was but this was something that he, on more than one occasion, and Ms. Travis emphasized as being useful to the public in their area to have the allocation of those funds to trauma centers, as was discussed in the legislature, in their debate on the capture of these funds, and moreover they would urge, and it seemed fair, that they be allocated in areas based on the contribution of those residents to the funds, that certainly it would be a fair thing for the State to do, and Council Member Khan stated that there were two issues, one that they had to divert the funds, and secondly how much of that would come to our community, that so far they had given the State about \$2.86 million and Mayor White stated that he thought it was more than that when they looked at last fiscal year, and Ms. Mitchell stated that she would get that information for them, and Mayor White stated that the accumulated balance ought to be from the inception of the State's collection. Council Members Adams, Lovell and Jones absent.

Council Member Holm stated that there was one sentence in the Controller's report that she read as a little bit of a flag for them or something to note, that it said "please note that we project that the surplus amount available for appropriation would drop to around \$56 million by the end of Fiscal Year 2009", that as they looked at page 1 and the footnote there and as they looked at the bottom line for the fund year, the fund balance at the end of the year, in a really strong year, last year, they increased their fund balance by \$21,286,000 and now they were projecting a shortfall of \$71 million from that so it was very clear that it fell a lot faster than they accumulated and that the \$182 million, while it looked substantial now could quickly diminish

and she felt like it was a flag that they needed to note that it was an occurrence that they were walking the line pretty closely, and asked if she was correct, and Ms. Parker stated yes, that they had a sheet showing Council how they got the amount available for appropriation if they were interested in having it passed out but that \$182 million, when they took out the statutory reserve that they had that was how they got down to the \$56 million and she and Ms. Mitchell were just discussing in reference to Council Member Khan's question, if they were not made whole after Ike, whatever that loss was, also would come out of that bottom line, so that appropriations number was also subject to Ike, and Council Member Holm stated that additionally the projected \$71 million shortfall they still had four months left in this year, that so far in the last few months they had seen a \$5 million to \$10 million increase in that each month, were they projecting continued increase for the next four months, and Ms. Parker stated that they had already taken into account the Lyondale situation, they had been trying to be conservative but as they got closer to the end of the year it should smooth out a little bit, they did not expect to see many more jumps because frankly they had now received the Sales Tax from the holiday period and also were now receiving the numbers from the Appraisal District, that their money came in a big slug in January in general, that the numbers converged after they got those receipts in so it should not jump much, and Ms. Mitchell stated that she knew everyone kept saying a shortfall, this Council approved a drawdown of \$51 million, so the shortfall was not \$71 million, that she just wanted to clarify that, and Ms. Parker stated that they used non recurring funds to balance the budget of \$51 million, and Ms. Mitchell stated that they did draw down fund number one at the approval of Council, that the Controller showed \$19 million and she showed \$10 million, that she and the administration were working on, in conjunction with the Controller, the removal of the \$19 million and the \$10 million so that they really only had the \$51 million that the Council approved at the end of Fiscal Year 09, that they were working very diligently on that in certain ways of moving some funds in from other funds, etc., and things like this that she thought would certainly help the end balance at the end of the year, that they would be back where they were at the time they approved the budget. Council Members Johnson, Lovell and Jones absent.

Council Member Brown stated that he had three questions, that there was a second Congressional Disaster Assistance allocation and his question was how were they pursuing that and were any of those potential numbers included to or referred to in here, that the second was pretty much answered by that however there was a difference of \$11 million between the unreserved surplus by Ms. Mitchell and by the City Controller and perhaps they could explain that, and the third had to do with industrial property assessments, which he thought many of them knew were largely under assessed, particularly those associated with the ship channel, that he noticed that there was one where the assessment was increased, and asked if they had done an analysis of these industrial properties and where they might stand in order to work with the Harris County Appraisal District to increase their revenues based on more realistic assessments. Council Members Johnson, Lovell and Jones absent.

Mayor White stated that he would touch on the last one and the earlier ones they may be able to get some more details; that on the industrial assessments there was a tremendous amount of work spent by him and the prior Director of Finance and Administration, Judy Johnson, that Mr. Bettencourt was a constructive participant in these discussions, that they could not at all dictate what the Harris County Appraisal District assessed a particular property on but they wanted to both stand strong in the fact that they thought these should be fair and that people should not be adverse to litigation if they believed that the numbers that they were coming up with were fair assessments on industrial and he did convene meetings between some of the larger facilities, most of which were located outside of the city limits and not in industrial districts at all, which resulted in a substantial increase in the valuations by settlements with those companies, that he would say, just in observation, that it was probably not realistic to count on further increases in light of the fact that the refinery and petro chemical business had been sharply affected by the global economic down turn, that he would say to Ms. Mitchell,

should induce a further degree of conservatism in the amount by which, he would probably flat line it at best, on the industrial assessments. Council Members Johnson, Lovell and Jones absent.

Ms. Parker stated that as to Council Member Brown's second question, the difference in funds he had asked and the question had been answered on multiple occasions, they did independent analysis that was why they showed the two columns for the projections and it was strictly a mathematical process going down, that if they started with different revenue estimates they were going to end up with a different fund balance at the end, that she was not sure she knew of another way to explain that to him. Council Members Johnson, Rodriguez, Lovell and Jones absent.

Council Member Clutterbuck moved to accept the Monthly Operations and Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Rodriguez, Lovell and Jones absent. MOTION 2009-0170 ADOPTED.

MAYOR'S REPORT - Fiscal Year 2010 Budget Process

Mayor White stated that this administration got good feedback from each of the Council Members that he met with, with the Director of Finance and Administration, Ms. Stein and others, concerning budget priorities and concerns during fiscal year 2010, that this would be a good test of the teamwork that they had built around the Council table of how they could accomplish the goals of providing good services for the Nation's fourth largest city in times where they could face greater economic challenges, not just in FY2010 but at least FY2011, that for this reason he was just making an appeal to the people around the table that they needed their brainpower and engagement and honest and fair dialog within the budget process, that their citizens deserved no less, that he knew that this team was up to it and knew this was the time where he thought their citizens would appreciate responsible government rather than government by sound bite, that what that meant was, for example, that they would be budgeting for General Fund budgets and should try to anticipate General Fund budgets for the next couple of fiscal years where after debt service, and some other fixed obligations such as those pension obligations fixed by State law and contract where there were not increases in operating budgets within City departments, was just a matter of math if they had a budget with no increase and had some costs go up, health benefit costs would be an example, then that would mean that managers in the City were going to have to manage for some higher productivity to maintain the level of services provided, that it also brought up the fact that if something went up then something else went down, that it was a very basic concept and they were not going to be in business that other levels of government had used from time to time of borrowing money to pay for operating expenses, and try to make those things realistic when people make those suggestions; that another comment he would make was the active participation in this group and the department directors and people they had in intergovernmental relations to familiarize themselves with various sources of State and Federal grants, that if somebody around the table wanted to make it their cause in life, for example, to join them in fighting for more cops funding from the federal government for police then join the team because they could use the help because there were extraordinary federal aid that may be used to maintain continuity of services in local governments; that another point he would make, that from time to time he encouraged the people around the table to keep an active eye and he was and others would on the pace of insurance reimbursements, that he was personally familiar with the fact that when he came into the administration there were still substantial claims pending from Hurricane Allison and that was not going to be tolerable and would require constant vigilance even as some of the memories of Hurricane Ike recede, if bills were outstanding, if they still had insurance claims, then they did not get any better because of the passage of time if they were unreimbursed; that he would say if people wanted to help and if they wanted to have a periodic committee hearing on the state of insurance reimbursement and people had ideas and he had also supplied ways

to make sure that the underwriters understood the importance of this to the fourth largest city in America and the public knew by name the name of insurance companies that were slow on paying claims then he would ask for their advocacy to keep that in mind; that it meant that they needed to scrutinize, that Council Member Holm made an excellent suggestion that they were following up on of scrutinizing all fund balances for special funds for the reserve in funds for which there had been appropriations which could be closed out and moved into the General Fund budget, that type of action gave the Council and the City administration subsequent flexibility and latitude in making the decisions concerning priorities of the City; that the final point was that he would ask for people's help, that they did have a situation in which the proportion of City revenues being absorbed by tax increment reinvestment zones increases every year because those within those zones, the amount that they paid for essential public services, such as police and fire, which make up almost two thirds of the General Fund budget, was frozen at the time that the baseline was established in that TIRZ, that it was not anti TIRZ he just stated a fact, that this in turn put pressure on the General Fund budgets funded by places outside the zone, that he would encourage the participation in each, that there would always be choices made and he would need to enlist their help in those choices because there was a tendency for people to think that tax dollars were the property of people who were in all levels of government, that they were not the property of Bill White, Mike Sullivan, the TIRZ board member or anybody else, those tax dollars belonged to the public and ought to be allocated in accordance with the basic priorities of their community and they should seek to stretch those TIRZ tax dollars so that they would not have to tell their citizens or no subsequent administration would have to tell their citizens that they had to increase property tax rates to pay for essential public services. Council Member Jones absent.

Council Member Clutterbuck stated that she wanted to bring to their attention that she sent out a memo to the Mayor, they would begin their budget workshop hearings, which was their opportunity to ask the directors of all the departments about their specific budgets and those would begin on May 26, 2009 and she would urge them to think of their questions in advance and submit them in writing a few days before each of the workshops were scheduled so that the directors had an opportunity to respond in writing, that they would provide copies of that to all of their colleagues, that she thought collectively thinking as a body they could help each other understand the process better and understand the complexity of the situation they were dealing with, that it had been her experience that leadership and governance was easier when they had money in the coffers and when the economy was good, but this provided them with an opportunity and a challenge to bring their best leadership skills to the table and she would encourage her colleagues as they presented amendments, after those workshops, that if it involved a spending increase in a particular department that they come with a corresponding way to pay for that increase, that she looked forward to the workshops and they stood ready to assist and if they had any questions she knew the City Controller, as well as the Director of Finance and she stood ready to help explain the process and work through it together. Council Member Rodriguez absent.

After further discussion Council Member Holm stated that they usually received the budget around May 15 and could they anticipate that to be the case this year so they would have a week to review, and Mayor White stated that was the plan and knew that Ms. Mitchell had a timeline for the schedule. Council Members Lawrence, Rodriguez and Jones absent.

CONSENT AGENDA NUMBERS 1 through 38

MISCELLANEOUS - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment of the following to serve as Full-Time and Part-Time **ADJUDICATION HEARING OFFICERS** for Parking Citations and the Photographic Traffic Signal Enforcement Program, for two year terms:

SYLVIA G. CASTILLO - Full-Time
ANGELA L. DIXON - Part-Time
MARK GOLDBERG - Part-Time
JOHN MICHAEL LEIJA - Part-Time
MEGAN A. MCLELLAN - Part-Time

- was presented, moved by Council Member Khan, seconded by Council Member Green.
All voting aye. Nays none. Council Member Rodriguez absent. MOTION 2009-0171
ADOPTED.

Mayor White recognized the new judges and hearing officers that were present in the audience and asked that they stand and be recognized and stated that they appreciated their service.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 14

9. **SHI GOVERNMENT SOLUTIONS, INC** for Maintenance Agreement and License Renewal of NetIQ Software through the City's Master Agreement with the Texas Department of Information Resources for the Information Technology Department - \$173,412.93 - Central Service Revolving Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0172 ADOPTED.
10. **HIGHLANDS CONSULTING GROUP, LLC** for Consulting Services (Phase II) for the 700 MHz Trunked Radio Systems & Maintenance Organizational Study from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Information Technology Department - \$140,000.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0173 ADOPTED.
11. **PROGRESSIVE COMMERCIAL AQUATICS, INC** for Swimming Pool Grates for the Parks & Recreation Department - \$116,415.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0174 ADOPTED.
12. **AMEND MOTION #2008-288, 4/30/08, TO AUTHORIZE** Change Order to Purchase MetaMAP Systems for the MD500E 4-Passenger Helicopters, awarded to **MD HELICOPTER, INC** for Houston Police Department - \$130,911.00 - Police Special Services Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0175 ADOPTED.
13. **LAYNE-TEXAS** - \$140,600.00 and **BEVCO COMPANY** - \$66,875.00 for Clarifier Drive Assemblies for Department of Public Works & Engineering - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0176 ADOPTED.
14. **DAVIS CHEVROLET** for Automotive, GM Car and Truck OEM Replacement Parts and Repair Services for Various Departments - \$3,553,834.34 - General and Fleet Management Funds - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0177 ADOPTED.

ORDINANCES - NUMBERS 15 through 38

15. 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** - was presented. All voting aye. Nays none. MOTION 2009-0260 ADOPTED.

16. 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 - was presented. All voting aye. Nays none. MOTION 2009-0261 ADOPTED.
18. ORDINANCE amending City of Houston Ordinance No. 2008-385, passed on April 30, 2008 which approved and authorized the submission of the 2008 Consolidated Action Plan (“Plan”) and various Federal Grant Applications, by making two substantial amendments to the plan - was presented. All voting aye. Nays none. MOTION 2009-0262 ADOPTED.
- 18a. ORDINANCE approving and authorizing contract between the City of Houston, the **PASADENA INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$55,000.00 for the Development of Neighborhood Parks on Public School Grounds under the Spark Program CDBG Grant Funds **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. MOTION 2009-0263 ADOPTED.
- 18b. ORDINANCE approving and authorizing third amendment to contract between the City of Houston, the **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide an additional \$190,000.00 and continue the program for the Development of Neighborhood Parks on Public School Grounds under the Spark Program - CDBG Grant Funds - **DISTRICTS B - JOHNSON; E - SULLIVAN and DISTRICT H** - was presented. All voting aye. Nays none. MOTION 2009-0264 ADOPTED.
- 18c. ORDINANCE approving and authorizing eighth amendment to contract between the City of Houston, the **ALIEF INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$55,000.00 and continue the program for the Development of Neighborhood Parks on Public School Grounds under the Spark Program - CDBG Grant Funds - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. MOTION 2009-0265 ADOPTED.
24. ORDINANCE approving and authorizing amendment to an Enterprise License Agreement between the City of Houston and **ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC (ESRI)** extending the Enterprise License Agreement to include Houston Transtar (Approved by Ordinance No. 2008-0141); amending Ordinance No. 2008-0141 to increase the maximum contract amount for the aforementioned agreement - \$50,000.00 - Greater Houston TranStar and Emergency Center Fund - was presented. All voting aye. Nays none. MOTION 2009-0266 ADOPTED.
25. ORDINANCE appropriating \$3,500,000.00 out of Houston Airport System Consolidated 2001 NONAMT Construction Fund and approving and authorizing contract for Professional Engineering Services between the City of Houston and **KLOTZ ASSOCIATES, INC** for Rehabilitation of Taxiways “WA” and “WB” and Construction of a new West Complex Electrical Vault at George Bush Intercontinental Airport/Houston (Project No. 648) - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. MOTION 2009-0267 ADOPTED.

28. ORDINANCE de-appropriating \$238,000.00 approved by Ordinance 2008-0558, dated 6/18/08 for Construction of Fire Station No. 37; appropriating \$5,738,000.00 out of Fire Consolidated Construction Fund, approving and authorizing second amendment to Construction Management-At-Risk Contract (approved by Ordinance No. 2007-1323) between the City of Houston and **GILBANE BUILDING COMPANY** for Construction of Fire Station No. 90; WBS C-000065-0002-4; providing funding for Civic Art Program, engineering testing services, and contingencies related to construction of facilities financed by Fire Consolidated Construction Fund - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. MOTION 2009-0268 ADOPTED.
30. ORDINANCE appropriating \$2,000,000.00 out of General Improvement Consolidated Construction Fund, \$3,417,000.00 out of Police Consolidated Construction Fund, and \$1,237,000.00 out of Reimbursement of Equipment/Project Fund, approving and authorizing first amendment to Construction Management-At-Risk Contract (Approved by Ordinance No. 2008-0006) between the City of Houston and **SPAW GLASS CONSTRUCTION CORPORATION** for Midwest Police Station - District 18; providing funding for Civic Art Program, Security and Audio/Visual System, engineering testing services, and contingencies related to construction of facilities financed by the General Improvement Consolidated Construction Fund, the Police Consolidated Construction Fund, and the Reimbursement of Equipment/Project Fund **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. MOTION 2009-0269 ADOPTED.
32. ORDINANCE approving and authorizing (1) A Utility Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 415** and (2) A Water Supply Contract between the City of Houston and **THE COMMONS OF LAKE HOUSTON WATER SUPPLY, LTD.** to provide a temporary water supply for development within Harris County Municipal Utility District No. 415 - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. MOTION 2009-0270 ADOPTED.
34. ORDINANCE appropriating \$925,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **ENTECH CIVIL ENGINEERS, INC** for Neighborhood Street Reconstruction Project (NSR) 449 - **DISTRICTS A - LAWRENCE and B - JOHNSON** - was presented. All voting aye. Nays none. MOTION 2009-0271 ADOPTED.
35. ORDINANCE appropriating \$410,600.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **NEDU ENGINEERING SERVICES** for the Safe Sidewalk Program - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; F - KHAN and G - HOLM** - was presented. All voting aye. Nays none. MOTION 2009-0272 ADOPTED.
37. ORDINANCE approving and authorizing Professional Services Contract between the City and **POST, BUCKLEY, SCHUH & JERNIGAN, INC** for Biomonitoring Testing at various Wastewater Treatment Plants; providing a maximum contract amount - 3 Years with two one-year options \$2,200,000.00 - Enterprise Fund - was presented. All voting aye. Nays none. MOTION 2009-0273 ADOPTED.
38. ORDINANCE appropriating \$2,218,000.00 out of Water & Sewer System Consolidated Construction Fund awarding contract to **BLASTCO TEXAS INC** for Rehabilitation of Ground Storage Tank at Acres Homes and Replacement of Bolted Tank with Concrete Tank at Willowchase Pump Stations, 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 - **DISTRICTS A - LAWRENCE and B - JOHNSON** - was presented. All voting aye. Nays none. MOTION 2009-0274 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **JOINT CITY/COUNTY COMMISSION ON CHILDREN:**

- Position One - **MS. ANN P. KAUFMAN**, reappointment, and to serve as Chair, for a term to expire 12/31/2010
- Position Three - **DR. BOBBIE ALLEN HENDERSON**, reappointment, for a term to expire 12/31/2010
- Position Four - **MR. JIM S. ADLER**, appointment, for a term to expire 12/31/2009
- Position Six - **MS. JO ANN DELGADO**, reappointment, for a term to expire 12/31/2009
- Position Seven - **MR. J. VICTOR SAMUELS**, reappointment, for a term to expire 12/31/2010
- Position Eight - **COUNCIL MEMBER MELISSA NORIEGA**, appointment, for a term to expire 12/31/2009
- Position Nine - **MS. SHARON MICHAEL OWENS**, reappointment, for a term to expire 12/31/2010

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0178 ADOPTED.

ACCEPT WORK

3. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$65,586,887.03 and acceptance of work on contract with **CADDELL CONSTRUCTION COMPANY, INC** for Terminal A North Concourse at George Bush Intercontinental Airport/Houston (IAH) Project No. 530 - 1.80% 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 2009-0179 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,195,403.05 and acceptance of work on contract with **INDUSTRIAL TX. CORP.** for Jersey Village Pump Station Improvements - 8.64% under the original contract amount **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0180 ADOPTED.
5. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **HEYL CONSTRUCTION, LTD.** to settle a lawsuit; authorizing payment to **AACON, INC** as Disbursing Agent for the bankruptcy estate of Heyl Construction, Ltd. **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. ORDINANCE 2009-0275 ADOPTED.
- 5a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,933,787.37 and acceptance of work on contract with **HEYL CONSTRUCTION LTD.** for 54-inch Water Line along W. Tidwell Road from

Hollister Drive to Old Hempstead Highway - 1.23% over the original contract amount - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0181 ADOPTED.

6. ORDINANCE appropriating \$179,126.66 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Contract No. 51678 between the City of Houston and **BOYER, INC** approved by Ordinance No. 2000-0515 (passed by City Council on June 14, 2005); approving and authorizing the execution of a Compromise and Settlement Agreement between Boyer, Inc and the City of Houston in reference to Cause No. 2003-18626, Boyer, Inc. v. the City of Houston, in the 164th Judicial District Court of Harris County, Texas - was presented. All voting aye. Nays none. ORDINANCE 2009-0276 ADOPTED.
- 6a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,421,717.91 and acceptance of work on contract with **BOYER, INC** for Buffalo Bayou Siphon - 8.01% over the original contract amount - **DISTRICTS H - and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0182 ADOPTED.

PROPERTY

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mario Escobedo, for sale of ±6,420 square feet of excess, fee-owned Fulton Street right-of-way, within Lots 10 and 11, Block 99, located in the Irvington Addition, out of the John Austin Survey, A-1, Parcel SY9-042 **DISTRICT H** - was presented.

Council Member Noriega stated that she would ask that the item be tagged, that it was a District H transaction and was just asking for another week so they could make sure that all the neighbors knew about it and that she would tag Item No. 7.

Mayor White stated that Item No. 7 had been tagged by Council Member Noriega.

PURCHASING AND TABULATION OF BIDS

8. **PATTERSON DENTAL SUPPLY** for Dental Equipment and Supplies for the Houston Department of Health & Human Services - \$1,500,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green.

Council Member Lawrence stated that this was a great thing that had been going on at the City for over a year, that many times the very people who needed dental health were the low income, that they had various employees who came to work and needed a tooth pulled for six months and all of a sudden their jaw swells up and there was no place to go, that if they were sending 1,200 children through this a day that one chair could be used for that employee who was out on the job as far as a future program, therefore they would not miss half a day or the next day getting an appointment, that this would be a place that they could send their employees who had emergency situations, that it would certainly help their insurance, that she thought it was a good program and thought it could be expanded to even be better for their employees, and Mayor White stated that they would pursue that.

A vote was called on Item No. 8. All voting aye. Nays none. MOTION 2009-0183 ADOPTED.

ORDINANCES

17. 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 - \$3,909,505.36 - Grant Fund - was presented, and tagged by Council Member Green. (Note: Council Member Green released his tag later in the meeting.)
19. ORDINANCE appropriating \$14,552,875.00 out of Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone) Tax Increment Fund for payment to the **FOURTH WARD REDEVELOPMENT AUTHORITY** as provided herein - **DISTRICTS D - ADAMS and I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2009-0277 ADOPTED.
20. ORDINANCE approving the third amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Five, City of Houston, Texas (Memorial-Heights Zone); authorizing the City Secretary to distribute such plans; determining the portion of tax increment the City will pay from the area annexed into the Zone - **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and DISTRICT H** – was presented, and tagged by Council Members Jones and Clutterbuck.

After a lengthy discussion by Council Members, Mayor White stated that Item No. 20 had been tagged by Council Members Jones and Clutterbuck.

21. ORDINANCE making a general appropriation of certain revenues of the City in support of annual budgets for Fiscal Year 2009; authorizing transfers in support of the annual budgets of the City for Fiscal Year 2009; making additional appropriations; reclassifying the Fleet/Equipment Fund; creating the Historic Preservation Fund - was presented. All voting aye. Nays none. ORDINANCE 2009-0278 ADOPTED.
22. ORDINANCE approving and authorizing contract between the City of Houston and **PULITZER BOGARD & ASSOCIATES, L.L.C.** for Consulting Services; establishing a maximum contract amount - 3 Years with two one-year options - \$300,000.00 - General Fund - was presented. All voting aye. Nays none. ORDINANCE 2009-0279 ADOPTED.
23. ORDINANCE approving and authorizing Settlement Agreement between the City of Houston and **KOSSMAN CONTRACTING COMPANY, INC** (Civil Action No. H-96-3100); establishing annual goals for the Minority/Small Business Enterprise Program, including certain specific categories of construction contracts; **AMENDING CHAPTER 15, CODE OF ORDINANCES, HOUSTON, TEXAS**, to conform to the Settlement Agreement; containing a repealer - \$175,000.00 - Property and Casualty Fund – was presented.

After a lengthy discussion by the City Council a vote was called on Item No. 23. Council Members Lawrence, Holm and Clutterbuck voting no, balance voting aye. ORDINANCE 2009-0280 ADOPTED.

26. ORDINANCE approving and authorizing Purchase and Sale Agreement between Patsy Joan Creed, Lamesa Corporation and the estate of Leslie L. Appelt, Seller, and the City of Houston, Texas, Purchaser, for 2.4520 acres (106,809 square feet), more or less, of land located at 1002 Washington Avenue, Houston, Texas, for a purchase price of \$5,750,000.00 with additional expenses, for the Planning and Development Division of the Department of Public Works & Engineering - \$5,778,284.00 - Building Inspection Fund -

DISTRICT H - was presented. All voting aye. Nays none. Council Members Lawrence and Holm absent. ORDINANCE 2009-0281 ADOPTED.

27. ORDINANCE appropriating \$705,960.00 out of Public Library Consolidated Construction Fund as an additional appropriation for the African American Library at the Gregory School, WBS E-000144-0004-4, and approving and authorizing first amendment to construction contract between the City of Houston and **PRIME CONTRACTORS, INC**, (Approved by Ordinance No. 2008-0332); providing funding for architectural services under contract with Smith & Co. Architects (Outline Agreement No. 4600007469) and contingencies relating to construction of facilities financed by Public Library Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Members Lawrence and Holm absent. ORDINANCE 2009-0282 ADOPTED.
29. 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 - \$75,000.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Members Lawrence and Holm absent. ORDINANCE 2009-0283 ADOPTED.
31. ORDINANCE appropriating \$500,000.00 out of Julia Ideson Library Contributions Fund and \$6,000,000.00 out of Reimbursement of Equipment/Projects Fund as an additional appropriation to Construction Management-At-Risk Contract (Approved by Ordinance No. 2007-1471) between the City of Houston and **SPAWMAXWELL COMPANY, LLC f.k.a. SPAW MAXWELL COMPANY, L.P.** for Construction of the Julia Ideson Building Restoration and Addition; providing funding to furnish and install Data/Telecom Equipment, Security Equipment, Furniture Fixtures and Equipment, a Mobile High Density Storage System, Engineering/Material Testing Services and contingencies related to construction of facilities financed by the Julia Ideson Library Contributions and Reimbursement of Equipment/Projects Funds - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2009-0284 ADOPTED.
- 31a. **SOUTHWEST SOLUTIONS GROUP** for Mobile High-Density Shelving through the State of Texas Building and Procurement Commissioner's Contract (TXMAS) for Houston Public Library \$445,000.00
33. ORDINANCE deappropriating \$2,000,000.00 out of Street & Bridge Consolidated Construction Fund 4506; amending Ordinance No. 2005-371, which established the City's Utility Relocation Policy, to extend the term of the provisions requiring a utility relocation set-aside fund - was presented. All voting aye. Nays none. ORDINANCE 2009-0285 ADOPTED.
36. ORDINANCE appropriating \$324,687.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **BLACK & VEATCH** for Design of Almeda Sims Sludge Processing Facility Improvements (Approved by Ordinance No. 01-0458); 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 2009-0286 ADOPTED.

NON CONSENT AGENDA - NUMBER 39

MISCELLANEOUS

39. REVIEW on the record and make determination relative to the appeal from the decision of the Automotive Review Board, filed by Mr. Gregory Rincon on behalf of Richard and Patricia Gonzales for application for Automotive Storage Lot License #90619 for **STAN'S WRECKER SERVICE, INC**, 3551 Alameda Genoa – was presented, and tagged by Council Member Adams.

Council Member Adams stated that this business was located in the district and she would like more information from the Review Board on how many feet the residence needed to be by the business, and the other was, especially in these economic times, she needed the definition of “grandfathered”, was the business grandfathered or the owner when it came to removal of licenses, that she thought they needed to look at it and investigate it a little more, that she was tagging it to get the information from the Review Board, that she would hope that the administration would support for them not to remove the license of Stan’s Wrecker Service on Alameda Genoa.

Council Member Jones stated that something like this had come up, she believed, last week or week before and one of the questions she asked, after the agenda briefing, was what could they use since they were the appealing body and she was told that they were limited to only using the transcript of the appeal of the hearing and nothing more, so in other words, she could not go to the business, the hearing examiners or look at independent stuff that was not entered into the hearing, was that true or false, and Mr. Michel stated that he thought that was essentially correct, what they were limited to was the record, which could be the transcript and any exhibits and anything else entered in, that he took Council Member Adams request to be a search of the record because it may be there explicitly or they could infer what it was and then some of her other questions really were issues of law, which was of course was within the realm of the Council to ask for the ordinances, ask for past interpretations, things that a court would look as precedent under case law, and Council Member Jones asked when he said essentially correct what did that mean, and Mr. Michel stated that what he meant, when she said the word “transcript”, he wanted to substitute the word “record”, it was more complete because it could be beyond the transcript. Mayor White and Council Member Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams stated that she was voting against the particular item, not the appeal, that being in District D they wanted to make sure they got all the information necessary, that she understood what was going on with the law. Mayor White and Council Member Green absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that Item No. 39 had been tagged by Council Member Adams. Mayor White and Council Member Green absent. Vice Mayor Pro Tem Lovell presiding.

MATTERS HELD - NUMBERS 40 through 44

40. 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 – **(This was Item 34 on Agenda of March 25, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** - was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0287 ADOPTED.

41. 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 – (This was Item 47 on Agenda of March 25, 2009, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

After discussion, Council Member Johnson asked at what point do they say to their contractors and at what point do the departments say they had not met their goal therefore they were not going to extend their contract, that he had asked that question before and had not been able to get an answer, that it had been conveyed to him that they were going to meet their goal but he was always confused as to why they waited until the very end in order to get their contractors or before the contractors decided to meet their obligations to their contracts, and moved to postpone Item No. 41 for two weeks so they could come up with some answers and somebody could tell him what their plans were to move on the contract, seconded by Council Member Green. Council Member Khan absent.

After further discussion by Council Members, Mayor White stated that there was no reason why this contract had to be passed this week rather than two weeks and a vote was called on the motion to postpone Item No. 41. All voting aye. Nays none. Council Member Holm absent. MOTION 2009-0185 ADOPTED.

42. 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 – **(This was Item 58 on Agenda of March 25, 2009, POSTPONED BY MOTION #2009-164)** – was presented. Council Member Holm absent.

Council Member Clutterbuck nominated Ms. Victoria A. Rockwell for reappointment to Position 4 of the Board of Reinvestment Zone Number One (St. George Place), City of Houston. Council Member Holm absent.

Council Member Khan moved to close the nomination for Position 4 of the Board of Reinvestment Zone Number One (St. George Place), City of Houston, seconded by Council Member Jones. All voting aye. Nays none. Council Member Holm absent. MOTION 2009-0186 ADOPTED.

- 42a. 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 – **(This was Item 58A on Agenda of March 25, 2009, POSTPONED BY MOTION #2009-165)** – was moved by Council Member Clutterbuck, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent. MOTION 2009-0187 ADOPTED.

- 42b. 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 – **(This was Item 58B on Agenda of March 25, 2009, POSTPONED BY MOTION #2009-165)** – was presented. Council Member Holm absent.

Council Member Clutterbuck moved to confirm the reappointment of Victoria A. Rockwell for Position 4 of the Board of Reinvestment Zone Number One (St. George Place), City of Houston, seconded by Council Member Khan. All voting aye. Nays none. Council Member

Holm absent. MOTION 2009-0188 ADOPTED.

43. 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 – **(This was Item 59 on Agenda of March 25, 2009, POSTPONED BY MOTION #2009-165)** – was presented, and moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Holm absent. MOTION 2009-0189 ADOPTED.
44. 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 – **(This was Item 60 on Agenda of March 25, 2009, TAGGED BY COUNCIL MEMBERS LAWRENCE and KHAN)** – was presented. Council Member Holm absent.

After discussion Council Member Lawrence moved to grant the appeal. Council Member Holm absent.

After a lengthy discussion by Council Members, Council Member Lawrence stated that she would release her motion to grant the appeal, and Council Member Green moved to postpone Item No. 44 for two weeks, seconded by Council Member Khan. All voting aye. Nays none. Council Members Adams, Holm, Brown and Noriega absent. MOTION 2009-0190 ADOPTED.

Council Member Green stated that he would release his tag on Item No. 17. Council Members Adams, Holm, Brown and Noriega absent.

17. 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 - \$3,909,505.36 - Grant Fund – was again before the City Council. All voting aye. Nays none. Council Members Adams, Holm, Brown and Noriega absent. ORDINANCE 2009-0288 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Johnson stated that he wanted to congratulate the Pleasantville Community, that on Saturday they would have a neighbor to neighbor senior home cleanup project that was sponsored by Pleasantville Community, that it would be on Saturday, April 4, 2009 at 10:00 a.m.; that he wanted to congratulate the Yates Basketball Team, who did a great job, that for them to bring a State Championship to the City of Houston was certainly exciting; that on Friday at Texas Southern University they were in the mist of their Jazz Appreciation Month and would have a press conference, that they would probably bring some of the greatest Jazz artists in the Country to the City of Houston, in particular, Texas Southern University. Council Members Lawrence, Adams, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to wish one of his friends well, who was recuperating from surgery, Mr. Mahammed Zahir, and a speedy recovery, that he worked very hard and raised a lot of money for Hurricane Ike recovery; that the Alief Community Association along with Pie Spice Café were planning a book fair on April 18, 2009, 9:00 a.m. to 2:00 p.m.

and invited everyone to come; that he wanted to praise City Employee, Mr. Madoodle Hawk, Planning Department, was highlighted in the current issue of Extra Milers, that a constituent talked about how impressed she was with the professionalism of Mr. Madoodle Hawk and his commitment and care for doing not only his job but going beyond his call of duty, that he worked in the Planning Development and also played an instrumental role last time there was a census, that he was one of the census officers, that he wanted to congratulate him on his continued service to the citizens of Houston. Council Members Lawrence, Johnson, Adams, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to acknowledge the terrible accident that happened earlier in the week with the two fire trucks and send their words of support to the firefighters and their families that endured the accident, as well as to the citizens that were injured or had their vehicle damaged, that to the citizen who was still clinging to life and struggling with that they wanted to let her mother and friends know that she was in their prayers and that they hoped that she would come to a speedy recovery and a prosperous one. Council Members Lawrence, Johnson, Adams, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she wanted to talk about the Yates Basketball Team, that someone told her that someone was bothered that they brought Yates to the podium and that was why they were in session until 6:30 p.m., that she would respectfully disagree with that, that whenever they had an opportunity, especially in historically disadvantaged areas, to commend kids for productive work she would say they do it, that she wanted to thank Mayor White for doing the proclamation because it was the right thing to do, that she wanted to thank Susan Christian, Mayor's Office of Special Events, because they provided overall logistics, fanfare, confetti and canyons for the rally last Friday; that she wanted to recognize Ms. Meredith Baker, who worked in her office, that she was accepted yesterday to Harvard, Georgetown, University of Pennsylvania and Princeton, that she was a brilliant kid and obviously had great family support; that she wanted to celebrate the visions of Rose Outreach Ministries, that they honored some community leaders, that they gave Ms. Gabriel Gunner a scholarship and she matched the scholarship, that she wanted to commend Gabriel because she would be the first person from her family to graduate from college; that she went to a press conference about April Pools Day, that so many kids die of drowning and the majority of the deaths were in residential pools, not commercial, that most time the kids slip out while the parents were cooking or they lay them down for a nap, that it was a wonderful event and she wanted to thank the Fire Department, the City of Houston Health Department, the Y.M.C.A. and all of the groups that were out there, that the pool safety people, that Andy Teas was there because apartments had commercial pools, that they actually had pumps that were in the bottom that when a child fell in sucked kids down and they could not get back up, that these pumps would stop pumping and allow the child to flow back up, that there were nets they could put over their pools that would catch kids, that it was so strong that they actually showed a car that drove in and the car did not break the net, that there were all kinds of things that helped protect children, that it was important to put up fences around pools. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that the work that the recreation department did in giving people an outlet was critically important, that they saw evidence in high school sports, that they had leagues throughout the City that did important work everyday. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he wanted to congratulate Karen Dupont, who was in the audience, on her promotion to Assistant Chief; that they were opening a District D satellite office in Clear Lake, that it was not going to cost the taxpayers anything, they had found a landlord who was donating office space and they were going to take their City owned laptops

and cell phones and be down there to represent their community, that he had already asked Mr. Arturo Michel a legal opinion on that, and he still owed it to him, that he looked forward to getting an answer but meanwhile they were moving ahead, that on April 7, 2009 they were having a ribbon cutting ceremony at 17629 El Camino Real, Suite 410; that they all knew that drunk driving was against the law and dangerous, that he wanted to compliment the administration, HPD, for their efforts in their area, that they had a BAT Mobile, Blood Alcohol Testing Mobile, that he went out on Saturday night and spent several hours with them on the scene, that the neat thing about it was that they brought the suspect in, hold them in the vehicle, go around the side of the vehicle, process paperwork where a judge executes a search warrant, they then can go over and have a nurse take blood from the suspect and do all the paperwork right there, that it was really efficient and fast and caught them at the limit that they were still represented and not having to come all the way downtown, that an advantage to was that they were working suspects for other law enforcement agencies, that while they might ask why they were doing it for Texas Department of Public Safety, that vehicle may be headed to Houston and they wanted to make sure that all drunks were taken off of the road, that he wanted to compliment everyone involved; that he wanted to welcome back the astronauts, that they arrived Sunday at Ellington Field at 4:00 p.m., that there were great programs that they were conducting at the International Space Station and they left behind a module where they were doubling the capacity of the space station from three astronauts being able to live there to six astronauts; that he wanted to thank the City of Houston Drinking Water Operations Department for their work in conducting Trash Bash on Saturday in District E in Lake Houston, cleaning up trash and debris out of the lake and distributaries; that he wanted to congratulate a constituent in District E, Laura Fields, who this past Sunday received her Girl Scout Girl Award; that HPD Commercial Truck Enforcement Division was at Alameda Mall earlier in the week, that he stopped by and thanked the men and women for the work they were doing in keeping the road safe and taking dangerous commercial vehicles off of the road; that he wanted to thank two home owner associations for letting him speak to them, Bearbrach Trails Association Annual Meeting and Bay Oaks Community Association. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she to wanted to say to the people involved in the terrible accident on Monday that she had just come to the intersection about four or five minutes before, that she was at Southland Hardware and they heard it happen, the lights flickered and they went down there, that it was hard to take their eyes off of it because it was just such an incredible amount of destruction, that she wanted to send their prayers out to the fire fighters and especially to the two civilians who were involved, that Leigh Boone, who was riding her bike to work, that she worked at a shop in Montrose, that to the women who was in the car, Jotika Ramchandani, it was a miracle, when they saw the car, that she walked away, that she was also in their thoughts and prayers, that her neighbors made food, soup and cookies and took it to them because they knew they had injured firefighters, that it was an incredible sign of how the people in the neighborhood really felt for the firefighters, that to all of them thoughts and prayers; that yesterday they got to be at the Wrestlemania press conference and understood that today they were in the Pro Wrestler Insider which was on the internet, that there was a picture of them with the wrestlers, that she wanted to say thank you to WWE, that they come into a City and do incredible things, that tonight at Julia Ideson Library Building they were going to have Wrestlemania Art, they were doing literacy programs and many things in the City to contribute, that she wanted to thank them for what they had done; that this morning she was there to see Mayor White welcome some 7,000 librarians from Texas who were visiting the City, that she was able to go on stage with Dr. Lawson and accept on behalf of the Public Library System the Wayne Williams Library Project of the Year Award, that their library system won for essential childcare services for City of Houston employees in the wake of Hurricane Ike, that she wanted to congratulate Dr. Lawson and everybody at the Houston Library System for their good work. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that they had some discussion concerning journalism and in a democracy they only functioned well if people knew what they were doing, that there was news going on and would recommend Council Member Jones and various people around City Council, that he was going to try to be there for the closing arguments for the historic trial that was occurring in their civil courts featuring one of the hourly motels, in the middle of a neighborhood that was undergoing revitalization, that many of them had visited the Sunnyside Neighborhood and at places where there were weeded lots and crack houses there were now many new houses being built and the neighborhood was coming together, that they were taking action and were in the third day of the trial that was going on, that he commended the City Legal Department, HPD Vice Squad and FAST team and the different law firms that helped them on these actions so that they could present their case well, that he would ask the City Attorney to let Council Members know when the closing arguments were so that they could be present if they chose to show solidarity with the citizens of that neighborhood, and Mr. Michel stated that he would do that. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to thank Mayor White for participating in trying to get the convention here for the Rotary, that she had worked with the Houston Rotary Clubs for over a year and the Convention Center had been excellent in really touting Houston and it was a great chance to get another huge convention and they all hoped that would happen. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that Council Member Noriega represented Council Member Lovell well at the Heritage Society Volunteer Appreciation, that she wanted to say congratulations to Mr. William J. Hill, they honored and dedicated 1823, the old house, in his name; that she wanted to thank the Mayor and the Legal Department because she heard of the El Redondo and she wanted to thank Pastor Nash and HPD and the vice officers for what they had done, that the area fell within the Houston Hope neighborhood; that today they passed an ordinance to continue to award Brentwood Church with their HOPWA Funds for HIV/AIDS residence, that she wanted to thank them for their continued effort and dedication for not giving up on that community and make sure they had affordable and fair housing in their community; that last night she went to the Qatar Airlines event, that she wanted to thank them for coming to Houston; that she wanted to thank her staff for everything they did to make sure the district stayed alive and vibrant, that when they received complaints in their office they tried to come up with solutions to help solve those issues, that lately within the last several months District D had been flagged by graffiti and gang tagging, that she had charged her staff to identify those areas in District D so that they could go out and abate, that on Saturday they came together with the Townwood Community, the Cambridge Village Community, the South Post Oak Community on Lotus Street and several other communities and they were meeting at Cambridge Village Park at 7:00 a.m. to tackle graffiti, that she wanted to thank Neighborhood Protection for making sure that they got the necessary paperwork in order to go into these properties; that Saturday was Keep Houston Beautiful Day; that she would continue to thank Captain Landry with the Houston Police Department, that several times she would go into store to make sure they were moving the pornographic racks and she wanted to thank her for not giving up and continue to press forward with the issues; that the Lancaster Place, the Mandell and Wilshire Village Communities met with their office this week about the Wilshire Development and her understanding was that the Wilshire Village would be torn down, that she wanted to thank them for taking charge about unsightly developments in their community; that she wanted to congratulate the Chasewood Community, that they were in Fort Bend and charged their residents to do six hours of community service by beautification and commended their community leaders of giving over six hours of community dedication. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:59 p.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

/S/Anna Russell

Anna Russell, City Secretary