

City Council Chamber, City Hall, Tuesday, April 21, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 21, 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 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. Council Member Ronald C. Green absent on personal business.

Note: Council Member, District H Position, vacant.

At 2:07 p.m. Vice Mayor Pro Tem Lovell called the meeting to order and stated that Council Member Sullivan would begin presentations. Mayor White, Council Members Lawrence, Johnson, Adams, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Sullivan invited Pastor Steve Riggle to the podium and stated that he was being recognized for the outstanding and extraordinary work he did for the community through Grace Community Church, some during preparation for Hurricane Ike and for having POD sites at the church with hot meals, etc., and this was while his own church was damaged and without power and presented Pastor Riggle a Proclamation proclaiming today as "Pastor Steve Riggle Day" in Houston, Texas. Pastor Riggle stated that he felt funny accepting this as he represented many people and churches who did the same and then they were victims and it was victims helping victims and that was all over Houston and he accepted this on behalf of everyone. Mayor White, Council Members Lawrence, Adams, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding.

Council Members thanked Pastor Riggle for all of his and the church's services for the community and for providing recent memorial services for firefighters. Mayor White and Council Member Lawrence absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Johnson stated Martin Luther King said the ultimate measure of a man and in this case a woman was not measured where he or she stood in the moment of comfort and convenience but where they stood at a time of challenge and controversy and invited Ms. Regina Kelly and Mr. Tim Disney to the podium. Council Member Johnson stated that a movie was now out called the American Violet and Ms. Kelly inspired the movie and he hoped she inspired a nation to stand up for what was right and fight against injustice; that she was falsely accused of a crime and while the opportunity was there for a plea-bargain she said no, because she did not do it; that the fact of the matter was 95% of individuals in this country were convicted without a trial by their peers and it was a travesty; that Mr. Disney was director of the movie and they had a premier last night and it was powerful, she knew she was going to be arrested and was not going down without a fight; and presented Mr. Disney a Proclamation proclaiming today as "American Violet Day" in Houston, Texas. Mr. Disney thanked all for the recognition and stated that it was a great privilege to tell Ms. Kelly's story; and Ms. Kelly stated that she thanked all, she was truly blessed to be here and that a major production company wanted to take her story and get the message out as such issues went on in everyone's community, it was not just her story, it was so many people's story and she hoped all would go out and support it and get some inspiration from it. Mayor White, Council Members Lawrence and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Council Members discussed what was really important was bringing to light very important issues, her story was an inspiration and hopefully change would come to the judicial system and

to the disease of addiction. Mayor White and Council Member Holm absent. Vice Mayor Pro Tem Lovell presiding.

At 2:29 p.m. Council Member Sullivan introduced Pastor Steve Riggles with Grace Community Church who led all in the prayer and Council Member Sullivan led all in the pledge. Mayor White and Council Member Holm absent. Vice Mayor Pro Tem Lovell presiding.

At 2:30 p.m. the City Secretary called the roll. Council Member Green absent on personal business. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

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

At 2:31 p.m. the City Secretary began calling the public speakers. Mayor White, Council Members Johnson, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. John Templeton, 2332 Albans, Houston, Texas 77005 (713-529-8277) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Don Smith, 2306 Albans, Houston, Texas 77005 (713-755-6912) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. D. L. Green, 3106 Brackenridge, Houston, Texas 77026 (713-227-3006) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Edward Chiplin, 14518 Lourdes, Houston, Texas 77049 (832-896-3938) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Raymond Brooks, 5430 Crane, Houston, Texas 77026 (713-674-3961) appeared and stated that he was a local inventor and he had designed a system called the Kid Alert, he was always solving problems and today was present because the Mobile Response Team was great for the City of Houston; that he tried helping the police and fire departments, but he saw the Council and Assistant chief arguing on the news over it, but it was needed; that they gave aid for units to respond and he was given an award for saving a life, but he was not skilled and their program was needed; and urged keeping the mobile response team. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Jones absent.

Council Member Lawrence stated that she appreciated his help as a citizen and that was the kind of people they wanted in the program; and she hoped he would consider applying for the job. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Jones absent.

Mr. Charles Lewis, P. O. Box 4221, Houston, Texas 77210 (713-987-4873) appeared and stated that as their Prince he was obligated to inform them of a couple of issues coming to his attention; that the local area networks and wide area networks and libraries, etc., had public computers vulnerable to hacker intrusions; and wanted to commend them on law enforcement on the beat. Council Members Johnson, Sullivan, Lovell and Jones absent.

Ms. Shawna Evans, 9826 Balsam Lane, Houston, Texas 77078 (713-635-3696) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Lovell and Jones absent.

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

Ms. Adela Parlette, 1924 W. Clay, Houston, Texas 77019 (281-935-4141) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Lovell and Jones absent.

Mr. John Boynton, 943 Reseda, Houston, Texas 77062 (281-488-0292) appeared, presented information and stated that he was present on three issues, he was given a parking ticket almost 15 months ago and because the signage was vague and conflicting he went to fight it, the Administrative Judge said he broke the law and he would have to find him liable, but don't park there again; that the diagonal lines on the street were red and at night there was no contrast and he parked where he thought it legal so his problem was it did not seem the Administrative Judge cared; second was he decided to appeal and felt the procedure was handled incorrectly, he was told he had to pay an appeal fee which he did and he would be contacted when the appeal was heard, but he was never contacted and when he called was told the defendant was not allowed to attend the appeal and if that was the case he would not have even filed it; third was a lady in the Administrative Office of the Municipal Courts Administration, Ms. Bonita Tolbert, tried to dismiss him each time he walked in, saying they did everything properly and she did not know why he was there; that there was no appeal as he thought and he wanted a copy of the statute so she gave him one and then he found he had been overcharged as it should have been \$15.00, but she kept saying she did nothing wrong and it was already adjudicated by Judge Casanova so he got to her court and first she kicked him out because he would not speak to her bailiff; then he finally got to speak to her and she said she did not remember the evidence he was showing and he said he mailed it in so she then remembered a drawer where she put stuff and pulled it out and unopened the envelope so there was never any hearing on his appeal; and she said he was still wrong and she would deny the appeal. Council Member Johnson absent.

Council Member Khan stated to Mayor White that Mr. Boynton brought up an important point as to how the signage should be done and traffic engineers needed to look at it and make sure people did not get confused; secondly most city employees were very courteous and customer friendly but if anyone was not there was no place for it and he would request someone looking at that. Council Members Johnson and Sullivan absent.

Council Member Jones stated to Mayor White that in addition to whether rules of parking were ambiguous and conflicting or not she would like to know that, but also what rules were for an appeal and she would like to see a copy; and Mayor White stated that he had rules for appeals and Ms. Stein would get a copy to her and also some procedural facts. Council Members Johnson, Sullivan and Khan absent.

Council Member Holm stated that it was regretful the only option Mr. Boynton thought he had was to come to Council and she appreciated the Mayor sending Council Members official information, but Mr. Boynton had certain complaints and if the perception of employees were rude it needed to be addressed and more importantly right now he came and spent his time and she would like to know what the proper action was for him to take; and Mayor White stated that there was process for appeal from the rulings and it included certain notices given to the citizen, and notices of appeal given by the citizen; that Council Member Jones now has his copy of the appellant rules, but citizens did have the right to appeal and there was a formality associated

with a number of the processes, formality of timetables and rules were intended to treat all citizens equally from the standpoint they had so much time for an appeal date and on the issue of the signage and markings Council Member Khan's comment to the Department of Public Works was important and there were many times when they thought they could improve signage and on the issue of the constitutionality of rights under civil violations he would not start pulling from his vague memory what the law was other than there was a distinction between civil and criminal and there also was a right to be heard at administrative hearings and the appeals from the hearing must be based on the evidence presented in the original record and finally on the issue courtesy it was absolutely right, but he would say as an editorial comment something he learned, and it may not be applicable to him and his dealings with the Municipal Court System or the Administrative Judges or Council Offices, but he generally found public servants would say they should not treat citizens the way they treated them, but he had found generally citizens who treated public employees with respect and respect for procedures were treated respectfully and unfortunately from time to time there were humans, including himself, who could respond in-kind at times. Council Members Johnson, Adams, Sullivan and Rodriguez absent.

Council Member Jones thanked Mayor White for providing her with the appeal information; and upon questions, Mr. Boynton stated that he paid \$10.00 for each appeal and the statute said \$5.00 for second citation; and Council Member Jones stated that it did not appear the Administrative Judge could see any information except what was in the record of the hearing so it did not appear constituents had opportunity to bring anything else; and her question to the Administration was what was the process for the original adjudication hearing, did the constituent get to go and take evidence so she would like that information; and Mr. Boynton stated that the Administrative Judge did not copy the information he presented so he sent the information to the Judge but she did not open it; and Council Member Jones stated that she would also like copies of what was presented in the original hearing. Mayor White, Council Members Johnson, Sullivan, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Madine Lewis, 807 Park Trail Vista, Houston, Texas 77019 (832-665-8894) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Sullivan, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Hannelte Lee, 17815 Kings Park Lane #470, Houston, Texas 77058 (832-258-3134) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Sullivan, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Robert C. Tucker, 5146 Cortelyou Lane, Houston, Texas 77021 (832-374-7113) appeared and stated that he was an entertainer and was the son of a Tony Award winner and was a two time Emmy Award winner and one time Grammy Award nominee, but today he was present as there was a cancer in Palm Center, he was not allowed to utilize the Houston Public Library or the U. S. Post Office at Palm Center because of an individual who decided he could not go there any more; that on April 15th at 6:00 p.m. when the library was closing he left the library and encountered a security officer working for Texas One Security; that he directed his attention to inquiring about his relationship with one of the merchants who had a business in Palm Center and at each inquiry he directed the individual by saying they could not talk about that and on the third time of questioning he reached into a personal bag and pulled out a 45 automatic pistol and put it to his head and said he would blow his head off, after the security guard backed away he (himself) called 911 to come and when the officers arrived they disregarded him and did the "good old buddy system" with the guard and gave him an incident number, but no one would search for a weapon and they directed him to leave before they

would give him a ticket for trespassing; that he came back the next day and the security guard said he did not care about the job and he better not see him back or he would blow his head off and someone heard but would not tell the officer; that his name was Mark Landry but he was not commissioned officer and he just wanted to use the library and post office without his life being threatened. Council Members Johnson, Sullivan and Brown absent.

Council Member Adams stated that they had talked and she would like to see what they could do with Palm Center and the law enforcement agency who patrolled the area, to get the other side and maybe bring parties together. Council Members Johnson, Clutterbuck, Sullivan, Brown and Lovell absent.

Upon questions by Mayor White, Mr. Tucker stated that the company was Texas One Security and he spoke to the individual's supervisor, Ed, and after speaking to him and the property management company, Corbin Halley, they never talked to him only to officers and told him to leave the property and not come back or be arrested for trespassing; and Mayor White stated Council Member Adams could reflect and give him some thoughts, it was a management company hired by tenants, they did not work for the city, but the city did have the ground lease, but he did not know exactly what to do in this circumstance; that if he would give information to Ms. Vasquez he would like a report through Citizens Assistance and HPD from the property management company as to the investigation of whether there was a weapon pulled; and he would probably copy the information to the Constables Office near there. Council Members Johnson, Sullivan, Brown and Lovell absent.

Rev. Diane McGehee, 1250 Woodbranch Parkway Drive, Houston, Texas 77079 (713-504-3068) appeared and stated that she was a pastor and attorney and present with great respect for Mayor White, but asking him to withdraw the letter asking for 287(g) contract; that she believed the way the immigrant population was treated in the country would define the way they were and the future for all children; that as a Christian they were told by Christ to love all equally and she was concerned about 287(g); that a distinction was made between jail enforcement and field enforcement and in practicality under a Class C Misdemeanor, someone being stopped for a taillight out, etc. and if they had no proper ID they would probably go to jail and so even though Class C Misdemeanors were not punishable by jail under law they would go to jail and then could be evaluated under immigration status and it would cause racial profiling, even though it was not intended and the targeted purpose of 287(g) was to prevent violent crime and no one wanted that, but statistically, the undocumented immigrant population was not where the high percentage of violent crime occurred and they were targeting improperly, it did not meet the stated purpose and the most vulnerable in the population was being targeted, it caused immigration enforcement. Council Members Johnson, Sullivan and Brown absent.

Council Member Noriega allowed Reverend McGehee to continue; and Rev. McGehee stated that because the ICE database showed someone did not have the right papers, it did not mean they may not have legal claims to status here and often times where this was implemented people were deported while they actually had legal claims and once they were out of the country the claims were either compromised or disappeared and it was difficult, if not impossible, for police to enforce this in a just and appropriate way and it did separate families, the laws needed to be refined and just and 287(g) was the wrong way to go and would isolate and abuse the immigrant population. Council Member Noriega stated that she went to a meeting last week with activist in the community and there was a great deal of heated light on this, whether it was in the paper or radio, etc., there was much anger and talk and as elected officials and government in this city they needed to have a conversation free of it and she would welcome a conversation on things this group brought up, they had very compelling arguments and there was a concern for public safety and it was coming to bear on an already very complex issue and had under lapping jurisdictions and she would like to have a conversation with Mayor White.

Mayor White stated that he thought she was right, he once read "The truth shall set you free" and he was a big believer in the power of truth and in talking with each other and not about each other and he would like a dialogue here as in October 2006 there was a long community dialogue about intentions to distinguish between people committing violent and serious property and narcotics crimes and the feedback he got from the immigrant community was they were often victims of those crimes by many people and to distinguish from that and many other issues involved such as many who had lived here years, raised families and obeyed laws; that first there were procedures used for a Class C citation which was it was just a citation, but there were people who were booked and spent time from time to time on Class C and the revision a few years ago gave strict orders and they needed to be constantly vigilant and applied on a nondiscriminatory basis to those lacking identification, it could be someone born and raised here 50 years and they just left their ID at home; that fingerprinting may be the best tool in determining who an individual may be and people used aliases and it had nothing to do with immigration status; that up to this point in the city jail those individuals had been run against an FBI database, the NCIS database which had criminal history and for those who were then taken to the county jail, Class B Misdemeanors and above, there may be additional checks done and some of that information may be if an individual's immigration status was revoked because of a violent crime, they want to provide law enforcement with tools needed to determine who was in that category of deportable felons, those who had committed serious violent crimes or property or narcotics crimes, where they had been adjudicated to leave the country; that was the goal and the only goal; that if someone did commit a serious crime they should not be deported immediately, the system was set up so they would be tried and sentenced or if a plea bargain they would serve time and even then they could not be deported unless there was a hearing held, they were not in the business of detaining people for any lengths of time for ICE to check out, what they wanted was for ICE to work within the framework of the Criminal Justice System to do whatever it felt was appropriate to identify those individuals who was more often than not victims in communities in which they lived; that he understood the scenarios and what he felt in his heart was 287(g) had become a symbol on both sides of the immigration issue and for some it was a symbol for those jurisdictions who did use it for patrol functions or employment and for others it became a signal that they did not mean what they said in this country and whether they have legal residency status or not they wanted the data so when an individual had served time they were deported; and unless they dealt with this on a straight forward basis they could let the debate be hijacked by those who wished to judge the many by the actions of those few; that it was important to have a forum and go through and he would ask Council Members and he had talked to Sheriff Garcia, but his final point was this was temporary and transitional for years; that they voted last year to consolidate the city and county facilities and it was to begin construction one year from now for every year he had been Mayor and they needed to work with the county and come up with policies; that Sheriff Garcia, felt as he, that they needed to be particularly vigilant about things that would be characterized as profiling and at the same time he would ask people to put themselves in his shoes and of others who wanted to say to people if there was someone in custody for violating the criminal law of this country and they were in the category of deportable felon that they have information to allow that deportable felon to be dealt with within the laws of this country; and Reverend McGehee stated that this program targeted people and made them felons and she did not think that was consistent with the way things were done in this country; and Mayor White stated that the only reason the words 287(g) were used was individuals at ICE told them unless the city signed an agreement they would not be able to have access to certain database and the agreement was called 287(g). Council Member Sullivan absent.

Upon questions by Council Member Khan, Reverend McGehee stated that if he and Mayor White were driving and they were stopped it was her understanding it was a Class C Misdemeanor to not have documentation and under the new provision the officer could take them to jail and screen them; that under the program officers were to be trained by INS, a 4 or 5

week program, but chances were he would be the one taken to jail; and Council Member Khan stated that he was probably the only one around the Council Table who was a first generation immigrant, he came legally and lived legally daily and he counted his blessings daily that he was allowed to be an American, he treasured it greatly; that the issue was being used by people from all different sides, all were using the issue as a political thing rather than trying to really find answers because as an immigrant it was insulting when people said the criminal problem in this country was because of new immigrants, it was a message people like him got every day; and if they threw out every immigrant in the country how many would bet if crime would be eliminated from society; that there did need to be a resolution to this and people who broke laws and hurt people needed to be treated and thrown out if they were not legal, but on the other had they needed to be mindful that if they gave the discretionary power to police officers to decide who between him and Bill White appeared to be legal or not then there would be many going to jail, they may come out, but he did not want to spend hours in a jail just because he did not have his drivers license with him and once he did forget his drivers license and remembered his number and it checked out and all was okay, but chances were many innocent people who had nothing to do with this huge issue of immigration would be getting hurt if this happened; that it needed to be resolved but only targeting those who were here illegally and did criminal acts in society and not just those blessed and thankful to be here. Council Members Adams, Sullivan, Holm and Rodriguez absent.

Council Member Jones stated that as Council Member Noriega said they did need a discussion and Council Member Noriega's committee would be a great place to have it; that it was her understanding of the law on a Class C you did not get taken in and if you had no ID you were ticketed for failure to have ID and that was it; that at the city jail they could only hold someone 48 hours unless they had tickets and more serious criminals within 48 hours were transferred to Harris County jail; and Council Member Noriega stated that one of her points was with a Class C ticket you did not go to jail, but there was a change in what they did and that was what they were talking about and she needed to be aware of it; and Council Member Jones stated to Mayor White she would like the Administration to provide how many people had been taken by ICE from the city jail; and Mayor White stated that policies crafted by the Administration, Chief Hurtt, Council Member Garcia where they had announcement of the policy and the Mexican Consul General participated, those policies had resulted in over 400,000 people since October 2006, being fingerprinted and those fingerprints were run through the NCIS database and if the person was a deportable felon ICE notified them of the fact and they were put into the custody of ICE and it was his recollection somewhere in 300 to 400 were in that category over that population and the reason it was a small number was because most people were law abiding and some were citizens and it was a tiny majority who was deportable felons; and Council Member Jones stated that when they were in the city jail she wanted to know how many they actually turned over to ICE from the city jail; and Mayor White stated it was in the number of 300 to 400; and Council Member Jones stated that she believed if they would quit arresting people for less than a graham drug case they would not have a drug overcrowding problem, but that was a discussion for another day; and Reverend McGehee stated that they were discussing a change which now allowed them to do this for Class C Misdemeanors where you should not be going to jail anyway so why have a provision under 287(g) to allow INS inspection of Class C Misdemeanor violators once they got to jail; and Council Member Sullivan stated that he was objecting to this discussion; and Mayor White stated that a point of order was called and sustained; and called on the next speaker. Council Members Adams, Sullivan and Holm absent.

Ms. Silvia Mintz, 1800 St. James Place #105, Houston, Texas 77056 (281-451-1499) appeared, presented a letter to Ms. Vasquez for the Mayor and Council Members drafted by the pastors and stated that she was representing a new organization of pastors and leaders of different churches who came together to help the immigrant community and many of the members were U. S. citizens and permanent residents but they had great concerns about their

fellow immigrants; that Mayor White said they needed dialogue and the churches were inviting all of them to come hear their concerns about the 287(g) and other actions the city was taking, so their doors were open, it was also mentioned there was a need of cooperation for police to be effective and that was true and it was also one of their concerns; that they were concerned about once the community lost trust in the police department they would be afraid to call because of immigrant consequences and they would no longer be willing to call or help police; that she understood they were speaking about violent criminals and none of them wanted violent criminals to stay, but people who committed minor infractions did not need to be placed in immigrant proceedings; that she practiced immigration law and saw cases daily where people were placed in proceedings when they had no criminal record, but because they did not completely stop and they did not want to see this in city jails; that Council Member Noriega mentioned a meeting and the Assistant Police Chief was present. Council Members Adams, Sullivan and Holm absent.

Council Member Jones stated to Mayor White that she would like statistics broken down by race for everyone in the city stopped with HPD being the arresting agency for failure to provide information who were taken into custody versus written a ticket versus given a warning; and Mayor White stated that he would get the information to her; that Houston was a leader in information reporting having to do with this and a report came out about two months ago. Council Member Jones stated that Ms. Mintz had about 30 seconds to continue; and Ms. Mintz stated that the Assistant Chief of Police had come to the meeting and told them that once 287(g) went into effect at the city jail within 24 hours people would be in the hands of the Department of Homeland Security so it would not be 48 hours or transferred to county jail, once 287(g) went into effect it would be 24 hours regardless if it was a Class C or anything else according to Assistant Chief of Police. Council Members Adams, Sullivan and Holm absent.

Upon questions by Mayor White, Ms. Mintz stated that it was Chief Polaris who said it at the meeting; and he said it was because an officer was shot; and she just became a citizen a few years ago and she suffered with racial profiling, such things happened daily and the pastors did want to negotiate with him and she was asking that they meet because there was a danger; and Mayor White stated that he thanked her for bringing to his attention the statement by Chief Polaris, he knew he was a part of the decision making in October 2006 to allow them to try and identify people who were serious criminals so they could be effectively deported after serving their time; that he wanted to be clear the last incident was not a reaction to the last incident, it was a reaction to information they got from the last incident and he told citizens of the community and Council Members who had a variety of views on immigration, but they had seen many across the Council Table help him in correcting misimpressions, including Council Member Lawrence and many others, and it was their intention that the people in the category of having violated deportation orders on account of crimes when they were in custody they would use database to identify the individuals and then they were told by the head of the Department of Homeland Security, and he was told by the person personally, that there was a database that would have information that was not in the FBI database about people ordered to leave the country on account of criminal acts and in this case in Brazoria County, the last time the individual was arrested, apparently there was not information available to the Brazoria County Sheriff indicating the person was ordered to be deported and they wanted to work with people and if someone was subject to deportation they wanted to be able to identify the individuals who came back into the country in violation of that order and they needed to be sensitive to and avoid procedures to do profiling and that was separate and apart from 287(g), he needed people to help to deport those needing it when they had them in custody; and Ms. Mintz stated that was why pastors were present, they were willing to work with the government to make this a safe place, but they also wanted to make sure injustice was not happening and families were not being separated just because of a Class C Misdemeanor; and again asked the Mayor to reconsider the 287(g) letter. Council Members Adams, Sullivan, Holm, Lovell and Jones absent.

Mr. Ruben Perez, 10310 Tollman, Houston, Texas 77034 (713-566-9038) appeared and spoke in Spanish which was translated by Ms. Mintz and stated that they were representing Pastors In Action and he was asking Mayor White to reconsider the petition made March 16, 2009, to the Department of Homeland Security with the intention of putting into action in our city 287(g); that the intention of 287(g) was to make police officers who were agents of justice to make them immigration agents and it created a serious conflict and threat to social peace; that because of the economic and labor base and discriminatory social base, because less than 5% of cities in the country had established the program and it showed inefficiency and it was expensive to the cities government and in many cases the original spirit of 287(g) was broken as it was to pursue criminals. Council Members Lawrence, Adams, Holm, Lovell and Jones absent.

Council Member Noriega stated to Mayor White that she wanted to state for the record as part of the meeting she was at last week this community was very clear they were in no way suggesting anything be done that would not be to the best safety and well being of this city's citizens, what they asked was separating criminal behavior and serious violent offenders and the need to address them in an appropriate way from just scooping everyone up in a net and that conversation needed to be had. Council Members Lawrence, Holm, Lovell and Jones absent.

Council Member Rodriguez stated that he understood the issue and it was a compelling issue they made; that he also heard Council Member Noriega and Mayor White and agreed they needed a discussion about this policy and this issue; that he was concerned about splitting families and concerned there was an immigrant community fearful of working with police and as they approached the census it did the city no good to have a community fearful of census; that they were looking at June for a Latino Summit and he would like to dedicate the summit to that issue and have good dialogue and work with law enforcement, the community and pastors to come up with a good policy and they had his commitment to work with them; that he did not think officers should be immigration officials that was why they had federal government, but they did want serious violent criminals off the street and children safe and he thought they all felt the same and his office was open to their concerns and suggestions. Council Members Lawrence, Johnson, Lovell and Jones absent.

Mayor White stated in Spanish that they all had concerns and they all needed to listen and learn and share information regarding policies; that he would ask if there was violence in the rights of the workers, that when there was violence it was important to speak up. Council Members Lawrence, Johnson and Jones absent.

Mr. Omar Benitez, 6719 Rosemary Lane, Houston, Texas 77093 (281-995-7916) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson and Jones absent.

Rev. Leopoldo H. Mata, 14619 LeaCrest, Houston, Texas 77049 (281-458-9473) appeared with two others at the podium; and Council Member Clutterbuck moved to suspend the rules with a point of order; and Mayor White stated that it was not because of what he was saying or who he was but because there were Council Rules which had to be enforced on a nondiscriminatory basis only one speaker could be allowed at the podium at a time; and the other two gentleman stepped back; and Reverend Mata stated that they were two young men at his church that were not participating, but he wanted them to experience standing before Council; that he wanted Council to know there was no special interest from the pastors, but they were representing their community; that they wanted to stop involvement of police which was previously expressed and they would beg Mayor White to help them, they believed in him, but were so disappointed he was supporting the idea, many of their brothers and sisters were

attacked by police and he (Mayor White) could not understand; he, himself, was a result of a law in 1986 helping them to legalized status and now he had children who went to the university and they were asking only for a chance to prove they were here to work and he volunteered any way possible; that when IKE came they opened facilities and asked for no money to help. Council Members Lawrence, Johnson, Holm and Jones absent.

Mayor White stated that understanding was important and this was a right and they wanted to communicate freely and he understood their point and he thought this made his point, he lived here and raised his family who was contributing to this country, there were many people who were non citizens and serving in the military and fighting for us and he lived here and would bet he had not committed burglaries, etc., and many who had immigrant backgrounds did not burglarize or sell drugs, etc., and his comment was particularly among citizens most vulnerable was he heard there was a lot of fear of crime and they needed to come up with a system to identify those committing serious crimes, felonies, and make sure they were arrested and served their time in the criminal justice system and then be returned to their country of origin; and upon questions, Reverend Mata stated that he did not disagree with that; and Mayor White stated that it was his quest to come up with processes where those individuals were identified and have them removed from victimizing others and that was their only goal and they were trying to define programs to carefully meet that goal. Council Members Lawrence, Johnson, Sullivan, Holm, Noriega and Jones absent.

Mr. Neal Massey, 777 Worthshire, Houston, Texas 77008 (713-444-6686) appeared and stated that he was on the board of the homeowner's association of Hidden Lake Townhomes, a complex in Timbergrove Manner and off and on over the years they tried to have an abandoned train trestle removed by White Oak Bayou between Durham and West T.C. Jester; that it had been abandoned by the railroad and they felt it needed to be removed as it was a fire hazard, it caught on fire several times, the last time the entire trestle was ablaze, that they were also convinced it contributed to flooding in the area, with a heavy rain water came from the bayou and backed up against the trestle that they tried contacting their Council Member's office, the Flood Control District, the property research department and railroad and all were dead ends, no one could give an answer or be accountable and he would like that to change. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega and Jones absent. (NO QUORUM PRESENT)

Mayor White stated to Mr. Drabek, the Public Works representative, he would like his attention for this comment; that normally there was something in the notes he was reading, he did not understand, he would like Public Works to let him know the answer to and certainly also to this citizen; that from time to time he understood there were restrictions on what could be built within the bayou system and the drainages leading to the bayou because if the bayous and drainages were to work water needed to flow and that bridges not be built which would impede the flow and in this particular case the citizen was complaining about an abandoned railroad trestle which crosses the bayou system and the note he was reading said the Harris County Flood Control District did not want anyone to remove the railroad trestle until there was additional detention as all three trestles along the White Oak drainage slowed the flow of water during flooding conditions and he was having a hard time reconciling they did not want people to build in the bayous to impede the flow of flood water out but they did not want to remove it; and he would like someone to report back to him; and upon questions, Mr. Massey stated that yes, they did want it taken out and he would also like clarification on another issue with the trestle, one thing they were told was the railroad company deeded the property to the city to be a part of the hike and bike trail and the issue with that was the trestle was extremely dangerous because of the fires and it probably would need demolition and then to be rebuilt if it was to be used; and Mayor White stated that he was not here to judge that, but others may agree with the assessment, but he wanted a report back from Mr. Drabek on what exactly their position was with respect to this trestle, in particular he was concerned with all he had learned in this job

saying they wanted things removed which impeded the flow of water to the bayou system and now something said they did not want to remove a bridge because it dammed up water behind it. Council Members Lawrence, Johnson, Clutterbuck, Sullivan and Holm absent.

Upon questions by Council Member Khan, Mayor White stated that he thought this Council authorized within the last year to put in place something the community wanted a long time which was to purchase this right-of-way and they did so; that there was controversy and they did need to provide some detention in this area, this was an area where there could be some flood detention, etc., but right now he believed it would be the case when they owned the right of way, they owned the trestle and there was the question what should they do with the trestle and what would it cost; and Council Member Khan stated that the way he read it was Public Works was saying the Flood Control did not want water flowing into the bayou faster during flooding and the trestle impeded that; and Mayor White stated that he read it as it slowed the water and that was a good thing, but that conflicted with what he had heard including construction along White Oak Bayou in particular and Council Member Lovell was a resource and there was a business of people who salvaged old railroad ties and he did not know about trestles, but his house was full of old railroad ties because it was such a durable wood and to Mr. Drabek and Public Works another issue was sometimes they got into the mentality of how much did it cost to tear down something, but another thing to think of was were there people who would tear it down and take off the wood at no public cost; and on this issue he would like Mr. Drabek to reply to him and to the citizen on whether it was the case they wanted the trestle to back up the water when it rained and if that was the case did they want them to build more because he did not think so, he wanted clarity on the issue and he did not want clarity on what to do with the area, but did they agree it was likely to be useful for a bike trail and also the third issue was what thoughts had been given to demolition of this and if there were people he talked to on taking it on salvage value. Council Members Lawrence, Johnson, Adams, Sullivan, Holm and Noriega absent.

Mr. Jonathan Smulian, 1231 Arlington, Houston, Texas 77008 (713-863-9047) appeared and stated that he was present expressing a very serious concern about the Public Works Program to rehabilitate Yale Street in the Heights between I-10 and 610; that Public Works said they were in the 50% of the design stage and that 220 trees might be affected by this minimal widening; that in 1986 500 trees were planted and \$90,000 was collected and backed by the Greater Heights Commerce and Trees for Houston and they nurtured the now mature trees; that it would be a terrible negative impact to harm the trees for a minimal gain; that ten foot lanes were fine for what was planned for Yale and there was no reason the road should be widened; that they would like to see it rehabilitated and within the existing curbs and keep the trees.. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Brown stated that Mr. Smulian knew of what he spoke, he was a professional in this field, a renowned urban planner, and when he said this was unnecessary all should take it to heart including Public Works; and upon questions, Mr. Smulian stated that the design was in a preliminary stage and they were looking to make 11 foot lanes and could make it 44 feet, at the moment the range was between 40 and 42 feet and any tree within 3 feet of the existing curb would be affected by any development and so 230 trees were in grave danger on the first phase and on the second phase they would have a similar number of trees; and Council Member Brown stated that pointed out they needed an urban street standard; and he urged Mr. Smulian and his colleagues to work with Public Works and find a solution a little better than what they came up with on Kirby Drive. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that an update was that the project was currently at 50% design stage and the project manager met in the field with the City of Houston Parks Department and consultant and Urban Forester to evaluate the true impact of the trees and they

were in the process of preparing a tree mitigation plan to preserve trees and looking at the width to see if modification was needed and root protection, etc., was in the tree evaluation; and she would like it to go to Quality of Life or Transportation Committee and proceed with a hearing and all have input. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Noriega stated that District H was still open and they were working with Public Works and monitoring it and encouraged anyone interested to contact the District H office and get current information. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Debbie Broman, 1233 Yale, Houston, Texas 77008 (713-862-2570) appeared and stated that she was present regarding the trees on Yale and back in the late 1980s she took on the project with Trees for Houston and the Greater Heights Area Chamber of Commerce and when they planted them they were young and now they had been watered and nurtured and pruned and they provided great shade and a tree lined thoroughfare through the heart of their community and she was proud of it and hoped Council would help them preserve and protect them. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Frank Salzhandler, 1813 Missouri, Houston, Texas 77006 (713-520-1985) appeared, presented books entitled Vanishing Wildlife of Texas and stated that he was with the endangered species project and books being presented were being presented to schools; that additionally his organization received grants from the Texas Education Agencies to bring thousands of high school students on conservation expeditions in Memorial Park and they consulted with experts on river hydrology and geomorphology on the bayou and did a short documentary with world renown river expert Dave Rozkin and they shot most of the film along the bayou at the Hogg Bird Sanctuary and Mr. Rozkin was amazed such a place was still in the middle of Houston; that he was an expert in repairing damaged river systems and said the embankment was a perfect example of how natures conservation techniques worked and there were few such examples left around the bayous; that the trail recently cut at the Hogg Bird Sanctuary had now collapsed and there was a three foot cliff over the bayou where there was once a perfect slope and urged all go and see what had occurred in just a few weeks and if repairs were not done there would be permanent damage and the canoe site would destroy and devastate and result in an extreme negative impact. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she read his editorial in Sunday's Houston Chronicle and thanked him for the article and coming today. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Tom Jones, 12517 Texaco Road, Houston, Texas 77013 (713-330-4206) appeared. Presented information and stated that he was present on police harassment and police brutality and police profiling, etc., violation of civil rights by police to citizens; that a month ago he was profiled and arrested by police and a few minutes later joined by two more officers; that details had been sent to Council offices between March 21 and March 24 and they had copies at the Council Table; that Saturday he was out when Officer Ruiz stopped him with his partner and asked what was up with the limo and he said it was his car; that about 30 minutes later they stopped him at another location in the Fifth Ward and said what was he doing and he said he was writing addresses of vacant property; and the officers asked for his license and insurance and said he was blocking traffic and from that point he was arrested and placed in the squad car

and his car was thoroughly searched. Mayor White, Council Members Lawrence, Adams, Sullivan, Khan, Holm, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he knew from his past history he was a teacher; and upon questions, Mr. Jones stated he was never given a ticket, but they held him in the back of the police car; that they were on Lorraine Street at West, he was put in handcuffs; that he had filed a report and he was called for pictures showing damage to his wrists and car; and Council Member Johnson stated that if an officer stopped you, searched your car and handcuffed you and then simply let you go it wasted time and violated civil rights; and upon further questions, Mr. Jones stated that 2 officers first stopped him and then after moving to another location he was stopped again with two additional officers and they all searched his car and then said he was free to go and there were no findings on his report as yet; and Council Member Johnson stated that he was stopped, handcuffed and placed in the back of a car while his car was searched and then he was simply let go and that said to him priorities were not in the right place in fighting crime in the Fifth Ward community and he would like to see what happened with this officer and he wanted go get information on the IAD report and would follow-up with him. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Jones stated that they said they stopped him because his limo was blocking traffic, they asked for consent to search his car and he said no; and Council Member Jones stated that she wanted to know the probable cause for the stop and apart from that they did not have the right to search the car if they said no and the only time they could was when arresting him and did it as incident to the arrest and she would follow-up with Council Member Johnson. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Rodriguez thanked Mr. Jones for coming and stated that it happened in Council Member Johnson's district, but he lived in his district and as his District Council Member he was concerned and would work to get that information; that they had a fine police department and he did not want him to lose faith in the officers and he too wanted to see the report. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he was a national crime victim; that this month was National Crime Victims Month and he was filling charges on HPD false arrest and assassination attempts; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Brown 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 glad to be back and she was president of Acres Home Willow Run and North Plaza Beautification and restoration and again present to speak on the need for the YMCA; that they had now started flooding. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Mr. Francisco Valle, 4311 Roseland, Houston, Texas 77006 (832-455-4530) appeared and stated that he was present to express his concern of the Houston Police Department, he prayed God gave them wisdom to do what was right, in 1933 Hitler became chancellor and created the Gestapo and under the law there were many trespasses on the Jews and everything started with people like them who thought they were doing the right thing and it was being done under the law. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 4:49 p.m. City Council recessed until 9:00 a.m., Wednesday, April 22, 2009. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, April 22, 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 and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Ronald C. Green out of the city on city business.

Note: Council Member, District H Position, vacant.

At 8:33 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:31 a.m. Mayor White called the meeting to order and stated that the first item was a public hearing. Council Members Sullivan and Holm absent.

HEARINGS - 9:00A.M.

1. **PUBLIC HEARING** on proposal to construct and operate a Light Rail Line in the median of Martin Luther King Boulevard where it traverses MacGregor Park – was called. Council Members Sullivan and Holm absent.

The City Secretary stated that Mr. Arturo Michel, City Attorney, would make remarks on the hearing and they had one speaker that had reserved time to appear.

Mr. Michel stated that he was going to be presenting the hearing this morning for a couple of reasons, that one, they were trying to do a procedure for hearings where it was more streamline, they had hearings that were on the record and most of what was important was before them and this way they help to allow more time for questions rather than hear a presentation of information they may already know; that the second one had to do with parks, they were trying to do something in their hearings with parks and the actions they would take next week that reflected more of what the facts were and highlighted in instances like this where the proposed use was really an amenity and benefitted the park; that this was a proposal to use part of MacGregor Park for the Southeast Corridor Light Rail, that it was on the median that ran down the middle of Martin Luther King Boulevard that bisected the park, that it was a very narrow medium and was a heavily traveled roadway, that it was a median that really could not be used for any other purpose, there were no recreational activities that occurred on there, that it would be dangerous in fact to have any, that at the south end where Old Spanish Trail hit it opened up more and that was where the stop for the rail line was going to be, that it was a park purpose and an amenity because it would bring more people to the park in a fashion that minimized anything else, they could not bring the number of people they could through a light rail and with cars, they would have to have more parking take up park space that could be used

for recreational purposes; that the hearing today, he wanted to emphasize, was not an issue on the Metro Rail Line, whether people thought it was a good idea or bad idea, it was simply to determine this use, if it went through, whether it was a park purpose and for the reasons that he had stated, and were in the record, he thought it clearly was; that what they would ask next week was for them to make an alternative finding because they often held Chapter 26 hearings where they took the position that something was or may not be a park use, but Chapter 26 allowed them to use it for a non park use if they made certain findings that there were no reasonable or prudent alternatives to this use and that all reasonable steps were taken to minimize the impact on the park, that although they believed that was not the case, that this was a park use, that process required that anyone who wanted to contest and felt differently do so within 30 days so they could bring finality to the whole process pretty quickly; that another thing that was important to note was that MacGregor Park, the heirs of Mr. MacGregor had all consented to this use, that under their versionary interest it had to be used for park use and they agreed this was park use and would be used for that purpose, that at this point he would turn it over to questions and the Director of Parks, who was present, could answer any questions in further detail if they had any.

Mr. Preston Roe, 3731 Florinda, Houston, Texas 77021 (713-747-4358) appeared and stated that he was President of Super Neighborhood No. 68, which was in the greater OST South Union Super Neighborhood, that he was present to speak for the rail station that they planned to put at MacGregor Park, that it would enhance the usability of the park because as some of them knew quite a bit of traffic came to that park and the friends of MacGregor Park had put thousands of dollars into MacGregor Park so they would like to see greater use of that park which would also bring in vitality to that park and maybe funds from Mr. Turner to put more equipment into the park, so that he was firmly for the MacGregor Station being placed at the proposed site that was specified in the plan.

Upon questions from Council Members, Mr. Joe Turner, Director, Parks and Recreation Department, stated that there had been no safety studies done but it was the edge of the park, the median was the boundary of the park so it was on the eastern edge of the park.

Upon further questions from Council Members, Mr. Roe stated that he thought that Metro had been working with the schools in safety training, which he had attended some of the graduation exercise for the small children and how to practice crossing rail lines.

Upon further questions by Council Members, Mr. Turner stated that the department itself requested the station for the park and part of the reason was that they had an issue with people crossing OST now as coming to the park if they were coming from the south end and it was going to give them an opportunity to get people safely across OST, which they had never had before with the park, and once the station was designed he was sure there would be upgrades on the crosswalks to bring them into to the park and at the same time down at the intersection of where the turn was into the park they would get a new improved intersection down there also or a turn lane into the property that was east of the park that would give them a better improvement; that he was sure when they got the station built that they would improve the crosswalks.

After further discussion, Mr. Roe stated that the rail line would also enhance the connect ability with the proposed Medical Center express that would be projected to run out of Palm Center directly to the Medical Center, so it would be one of the stops at MacGregor Park that people could get on and wind up at Palm Center; that he had not been involved with the schools administration but was sure it was projected to place more crossing guards and also have extended training with the kids, that he was quite sure they would be placing crossing guards not only at the main crossing but also monitors in between the crossing areas and Palm Center to monitor that area.

Upon further questions, Mr. Michel stated that as to the finances he did not know if they had something from Metro and could try to find that out, that for purposes of this hearing the concern was only establishing the consistencies with the park use.

Council Member Khan moved to close the public hearing, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0214 ADOPTED.

MAYOR'S REPORT

At 9:55 a.m. Mayor White stated that they would move to the consent agenda.

CONSENT AGENDA NUMBERS 2 through 32

MISCELLANEOUS - NUMBERS 2 through 4

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2009 Operations and Maintenance Budget for the **SAN JACINTO RIVER AUTHORITY** \$2,389,428.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0215 ADOPTED.

4. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$8,253.60 per acre for properties connecting to the 12-inch water line located along S. Sam Houston Parkway E. from Old Chocolate Bayou Road constructed by **GSL INVESTMENTS, INC - DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0216 ADOPTED.

DAMAGES - NUMBER 5

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled 2008-15081; **OTILIA RAZO SOSA, ISIDRO SOSA, JORGE SOSA, MARIA ARECELY SOSA, SERGIO SOSA, JOSE SOSA, and MARIA GUADALUPE SOSA**, each Individually as Statutory Beneficiaries of Ysidro Ramirez Sosa, Deceased v. Williams Brothers Construction Co., Inc. and the City of Houston; in the 269th Judicial District Court of Harris County, Texas - \$200,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0217 ADOPTED.

ACCEPT WORK - NUMBERS 6 and 7

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,515,506.13 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection System Rehabilitation and Renewal - 4.8% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0218 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,127,672.75 and acceptance of work on contract

with **LEM CONSTRUCTION COMPANY, INC** for Pressure Reducing Valve Station Improvements Package No. 4 - 17.91% under the original contract amount - **DISTRICTS E - SULLIVAN and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0219 ADOPTED.

PROPERTY - NUMBER 8

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Frederick R. Lausen of Bellmead Company LLC, for abandonment and sale of a ±1,455-square-foot triangular portion of excess Maxie Street right-of-way, located within the Cottage Grove Addition, Section One, out of the John Reinerman Survey, A-642, Parcel SY9-059 - **DISTRICT H** – was presented, moved by Council Member Khan, seconded by Council Member Adams. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0220 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 13

11. **B&H FOTO & ELECTRONICS CORP.** for Audio/Visual Equipment and Supplies from State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Municipal Channel - \$150,000.00 Cable Television Fund – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0221 ADOPTED.
13. ORDINANCE appropriating \$118,818.00 out of Equipment Acquisition Consolidated Fund for Purchase of Grounds Maintenance Equipment for Public Works & Engineering Department – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0322 ADOPTED.
- 13a. **BROOKSIDE EQUIPMENT SALES, INC** for Grounds Maintenance Equipment for Department of Public Works & Engineering - \$72,320.00 – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0222 ADOPTED.

ORDINANCES - NUMBERS 15 through 32

15. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to appeals before the City Council - had been pulled from the Agenda by the Administration, and was not considered.
16. ORDINANCE **AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to correct Scrivener's Errors in the Parking Ordinance – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0323 ADOPTED.
17. ORDINANCE consenting to the addition of 10.0061 acres of land into the **WESTCHASE MANAGEMENT DISTRICT**, a Municipal Management District - **DISTRICTS G - HOLM and F - KHAN** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0324 ADOPTED.

22. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON AREA COMMUNITY SERVICES, INC**, providing up to \$1,045,000.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds for the administration and operation of a Tenant-Based Rental Assistance Program along with Supportive Services - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0325 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City of Houston and **NEW HOPE COUNSELING CENTER, INC**, providing up to \$339,190.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds, which amount includes a limitation on additional funding in the amount of \$169,595.00, for the administration of a Short-Term Rent, Mortgage and Utility Assistance Program and the provision of Supportive Services – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0326 ADOPTED.
24. ORDINANCE amending Ordinance No. 2007-1319, as amended, to increase the maximum contract amount for contract between the City of Houston and **SMYSER KAPLAN & VESELKA, L.L.P.** for Legal Services relating to the defense of claims concerning the City’s Sign Ordinance in the extra territorial jurisdiction - \$50,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0327 ADOPTED.
30. ORDINANCE appropriating \$9,909,330.00 out of Metro Project Commercial Paper Series E Fund and \$627,840.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** for Hillcroft Reconstruction from Bellaire Boulevard to Southwest Frwy (US59); 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 Metro Improvements CP Series E Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0328 ADOPTED.
31. ORDINANCE No. 2009-0313, passed first reading April 15, 2009
ORDINANCE granting to **Q.R.S. OF TEXAS, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0313 PASSED SECOND READING IN FULL.
32. ORDINANCE No. 2009-0314, passed first reading April 15, 2009
ORDINANCE granting to **SHE-CO, INC, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto **SECOND READING** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0314 PASSED SECOND READING IN FULL.

Council Member Khan stated that they just approved Item No. 30, which was the Hillcroft

Project in District F, and he wanted to thank his colleagues and the Mayor for approving the project, that his constituents were happy that the project was going on. Council Member Noriega absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. RECOMMENDATION from Director Department of Public Works & Engineering for payment of funds for traffic signal operations and maintenance on the Metro Light Rail Traffic Signal System pursuant to the Operations and Maintenance Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** - \$209,321.96 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0223 ADOPTED.

PROPERTY

9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Joyce Owens, Owens Management Systems, LLC on behalf of New Hope Housing, Inc (Joy Horak-Brown, Executive Director), for abandonment and sale of four 10-foot-wide sanitary sewer easements, four 10-foot-wide utility easements and the attendant 20-foot-wide aerial easements, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all within Block 98, located in the Denver Addition, out of the Harris & Wilson Survey, A-32, Parcels SY9-025A-H and DY9-038 **DISTRICT H** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0224 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. **NPL MANAGEMENT LTD** for Differential Absorption Light Detection and Ranging (DIAL) System Provider for Houston Department of Health and Human Services - \$566,480.00 - Grant Fund – was presented, moved by Council Member Lovell, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0225 ADOPTED.
12. **AMEND MOTION #2006-774, 8/30/06, TO INCREASE** spending authority from \$1,010,000.00 to \$1,414,000.00 for Aviation Gasoline and Turbine Fuel for Police Department, awarded to **ADA RESOURCES, INC** - \$404,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0226 ADOPTED.
14. **HANSON PIPE & PRECAST** - \$401,388.96 and **CPR SERVICES AND SUPPLY COMPANY, INC dba MDN ENTERPRISES** - \$155,482.50 for Concrete and High Density Polyethylene (HDPE) Drainage Materials for Department of Public Works & Engineering - General and Stormwater Funds – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2009-0227 ADOPTED.

ORDINANCES

18. ORDINANCE approving the issuance of \$20,000,000.00 of bonds by the **EAST ALDINE IMPROVEMENT DISTRICT - DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0329 ADOPTED.
19. ORDINANCE establishing the north and south sides of the 2300 block of Albans Road within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C – CLUTTERBUCK** – was presented, and tagged by Council Member Clutterbuck.
20. ORDINANCE approving and authorizing amendment to Intergovernmental Agreement between the City and the Houston-Galveston Area Council for continuation of a National Emergency Grant related to Hurricane Ike Assistance – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0330 ADOPTED.
21. ORDINANCE approving and authorizing Agreement for Convention Services between the City of Houston, **ALH PROPERTIES NO. FOURTEEN, L.P.**, and **AMERICAN LIBERTY HOSPITALITY, INC** - 7 Years - Not to exceed \$9,604,000.00 - Enterprise Fund – was presented, and tagged by Council Members Holm and Clutterbuck.
25. ORDINANCE amending Ordinance No. 2005-373 (passed on April 13, 2005) to increase the maximum contract amount for Contract between the City of Houston and **IDEAL FINISHES, INC** for Graffiti Eradication & Protective Coating Application Services for Various Departments \$486,094.20 - General Fund – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0331 ADOPTED.
26. ORDINANCE approving and authorizing Professional Services Contract between the City of Houston and **ALAN PLUMMER ASSOCIATES, INC** for Air Permitting, Storm Water, Wastewater Permitting and other Environmental Services at Various Wastewater Treatment Facilities; providing a maximum contract amount - \$1,065,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0332 ADOPTED.
27. ORDINANCE appropriating \$565,700.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for Design of Groundwater Treatment Plants Improvements - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0333 ADOPTED.
28. ORDINANCE appropriating \$458,700.00 out of Woodlands Regional Participation Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **URS CORPORATION** for Design of the Reconstruction of Cambridge Road from Holly Hall to IH-610 - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0334 ADOPTED.
29. ORDINANCE appropriating \$238,559.00 out of General Improvements Consolidated Construction Funds and awarding Construction Contract to **INLAND ENVIRONMENTS, LTD**, for Asbestos and Lead Abatement, Demolition, Soil Removal, Backfill and

Compaction at HPD Mounted Patrol Facility; 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 materials testing services and contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0335 ADOPTED.

NON CONSENT AGENDA - NUMBERS 33 and 33A

PURCHASING AND TABULATION OF BIDS

33. ORDINANCE appropriating \$29,995.00 out of Reimbursement of Equipment/Projects Fund for Purchase of Automobiles and Utility Vehicles for Houston Police Department – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2009-0336 ADOPTED.

33a. **AMEND MOTION #2009-53, 2/4/09, TO PURCHASE** additional Automobiles, Trucks and Utility Vehicles for Various Departments, awarded to Philpott Motors, Ltd. d/b/a Philpott Ford/Philpott Toyota - \$210,134.00 - Equipment Acquisition Consolidated, Supplemental Environmental Projects and Recycle & Reuse Grant Funds - **REQUIRES THREE MOTIONS** – was presented. Council Member Holm absent.

Council Member Khan moved to suspend the rules for the purpose of reconsidering Motion 2009-0053, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Holm absent. MOTION 2009-0228 ADOPTED.

Council Member Khan moved that Motion 2009-0053 be brought back for reconsideration, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Holm absent. MOTION 2009-0229 ADOPTED.

Council Member Khan moved to adopt the recommendation to amend Motion 2009-0053, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Holm absent. MOTION 2009-0230 ADOPTED.

MATTERS HELD - NUMBER 34

34. 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 – (This was Item 19 on Agenda of April 8, 2009, POSTPONED BY MOTION #2009-196)** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Holm absent. MOTION 2009-0231 ADOPTED.

Council Member Noriega stated that this had been set aside for a couple of weeks while they had a chance to visit with the neighborhood and there was quite a bit of discussion and some questions about whether the neighborhood could buy it and what they finally did was come to an agreement with the purchaser to have the area landscaped in a certain kind of way that blended with the Metro station so they had some very good outcome come out of the couple of weeks they took to talk with the area civic associations about it and she wanted to thank the administration for giving them the time to do that, that it was in District H and she

wanted to remind every one that District H was still open for business.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Brown stated that he wanted to talk about their recently released electrical service reliability in the Houston region, to better prepare for emergencies, to harden their electrical grid and to make it obviously more resilient to hurricanes and storms, that Mayor White had a great group of experts assembled in the task force and he wanted to say that it was a big step forward for Houston, Texas in terms of smartening and improving their electrical grid, that it had the cooperation of industry, principally CenterPoint Energy, and they were going to move forward on this, a great step forward for the City of Houston so that eventually when the program was completed it was a \$200 million to \$400 million program, that if another Ike, or worse than Ike, hits they would not have a major part of their City shut down for lack of electricity and they had a much better ability to bring back the electric power in a much more rapid fashion, that there were also some recommendations for selective under grounding to make the grid more resilient and he certainly supported that; that there were also incentives that were coming to provide sources of renewable energy generation that went into the grid, principally solar and wind power, that he believed also that they had in this plan for the future the provision for backup generation and restoration of electrical service for their critical facilities like hospitals, public buildings like City Hall and other facilities that needed to stay open so that they could better survive a storm like they experienced with Ike; that he thought there was one item to still address and that was the cost of electricity in the City of Houston, that as many of them had discussed in Houston they had some of the highest per kilowatt hour cost of electricity, that there was a possibility that when they designed a better electrical grid that because of balancing of loads and taking the pressure off of certain generating facilities and balancing that with others that the price for kilowatt hours in peak load times could come down and he very much supported that, but they must recognize that more effort needed to be made to get everyone's electrical bill down, residential and commercial customers, because obviously if they had electrical rates that were almost twice that of San Antonio and Austin they were not going to be economically competitive with commercial enterprises so this was a big challenge for Houston and what they had done with the task force was a good start to improving the economic climate in Houston which they certainly needed these days; that he participated in the East Downtown Sharet, that east downtown was the area east of Highway 59 across from the George R. Brown Convention Center and Minute Maid Park, where the new soccer stadium was going, that the area, which was a tax increment reinvestment zone, had tremendous opportunities to increase the City tax base and their revenues, sales and property taxes, that in the works, besides the soccer stadium, there were two hotels, two rail stops, two twenty story apartment buildings, a lot of ground level, street level retail, the idea of a pedestrian street along St. Emanuel, that there was also in the offing some interest in a new museum, some greenways, parks and plazas and he would like to see also some sites for a YMCA, recreation facilities, library, fire station and church, that none of it was going to happen in an informed way unless they had a plan and they were going to have a plan for east downtown which assists development in this area which could increase their tax base by as much as \$1 billion so it was something that they needed more of and he looked to supporting it as it moved along. Council Members Lawrence, Khan and Holm absent.

Council Member Noriega stated that the District H Council staff would like to thank the Greater Northside Management District and Metro for hosting the Community in Motion Workshop last Thursday at Moody Park, that many small business owners along the corridor and valuable leaders were in attendance and obtained valuable information from Metro, the District staff was able to talk with the community about their concerns, that she thought it was a useful meeting and they appreciated everyone that attended; that as a related issue she would like to remind everyone who lived in the Northside and Heights area and all of the parts of District H that early voting would start Monday, April 27, 2009, that they would really

encouraged folks to come out and vote early; that the early voting locations were the Harris County Administration Building, 1001 Preston, first floor, the Moody Park Recreation Center at 3725 Fulton and Ripley House Neighborhood Center at 4410 Navigation, that the voting hours could be found on the website; that the East End Chamber of Commerce would be hosting a Salute to Law Enforcement on Saturday, April 25, 2009 at Gulfgate Center Mall, that it was an opportunity to visit with their men and women in blue, that the event would run from 12:00 p.m. to 4:00 p.m. and would feature exhibits that would showcase how area law enforcement agencies such as the Houston Police Department were combating crime and promoting public safety, that it was a great way to bring the whole family out to find out about those efforts and to show appreciation to the men and women who put their lives on the line every day to keep them safe, if they had any questions or would like more information about the event they could contact her office at 832-393-3005.

Council Member Adams stated that she wanted to congratulate Ms. Diane Sheffield of Cunny Homes, that on Saturday she would be honored by the National Women of Achievement for all of her commitments and compassion to the community; that she wanted to congratulate the Police Academy Cadet Class 202 on their ceremony last night; that tomorrow night, April 23, 2009, they would be having their final and fourth Public Safety Forum at Wharton Elementary School, that it would begin at 6:30 p.m., that she wanted to thank Chief Hurtt, Chief Thaylor, Captain Futures and Captain Bender for all of their continued work and all the Houston Police Officers who continued to come out every month, that they had been some successful Public Safety Forums; that the Lake Plaza dedication was on Saturday, April 18, 2009, and she wanted to thank her colleagues and the Hermann Park Conservancy for allowing her to participate in their ribbon cutting, that for those who had the opportunity to please go and visit Hermann Park, that it was the heart of District D; that she had the opportunity to be a volunteer and board member to the Southeast Red Cross and on Friday they would have their annual Red Cross Roundup, that the roundup was in honor of Elmo Dellisboard, that he was a board member of the Red Cross and helped to get fire alarms and made sure that the senior citizens had fire alarms around Houston, that it was on Friday, April 24, 2009, at 6:30 p.m. at Lilly Grove Church in their community center; that on Saturday, April 25, 2009, was Comcast Day, that it would be held at Alcott Elementary School, that they would ask for volunteers to come out and help clean, paint, de-litter, replace recycling containers, paint front entrance and wash classroom windows, that for more information they could contact Dr. Carla Brown, the Instructional Coordinator. Council Member Noriega absent.

Council Member Jones stated that she wanted to thank Mr. Ernie Etuck, Houston Housing Authority, that Ms. Catrell Gabriel came to public session last week and her housing had been stopped and Mr. Etuck gave her an extension until they could figure out about a letter to keep her on housing; that yesterday the United States Supreme Court came down with a decision called *Arizona v Ghan*, that it was an important decision because it had cleared up and clarified the law on stops and warrantless searches, that before the decision came out when people got stopped the police could just go through their cars, that the decision talked about how warrant less searches were per se unreasonable, that she was doing this as a public service announcement because people did need to know their rights when it happened to them, that if they were handcuffed and placed in the back of a police car the police could not go search their car, which was done a lot prior to this, that the only way they could search your car was if you gave a consent to search, which they did not have to do. Council Member Jones read a memo stating that "on April 16, 2009, the Housing and Community Development Council Committee Agenda, Item No. 3, came before committee for a vote, although the program seemed to be sound I voted no because I believed we were not authorized to fund it, in order to verify my concern I sent an email to HUD Director Sandra Warren inquiring as to the proper protocol for HUD funds post FY2008 HUD Monitoring Report. Ms. Warren affirmed my inclinations that the item I voted against could not be funded using any HUD monies because of the numerous outstanding HUD violations facing the Housing Department, please see the attached email.

That as the Chair of the Housing and Development Committee I was committed to supporting affordable housing and assuring that the City of Houston does not ultimately jeopardize funds for low to moderate income family and individuals. I want to work with and not against HUD and guarantee a productive result for our constituents. This was just super important because in Houston we do need to improve our affordable housing stock. I believe that this agenda item that came before the Housing Committee was a good item but I also understand that the way that we pay for these affordable housing projects are through HUD and I want to make sure that we do not run afoul of HUD because whether we like it or not HUD can cut off our funding, HUD can make us pay them back money for non HUD funds and ultimately when we get sanctioned by HUD the people that end up paying are the people who can least afford to take the hit. Specifically we had some problems, I remember in the past, with Senior Housing Repair, which they had seniors who had houses falling down around them and we could not repair their houses because of what happened, the Home Funds were suspended right now and the Home Repair Funds were suspended right now, so hopefully we would get these problems cleared up within the 30 days from April 6 so that we could move forward and that we can get back on track to funding good projects so that low and moderate income families and individuals are not penalized". Council Members Lovell and Noriega absent.

Council Member Rodriguez stated that for the past few weeks his office had received calls from several of his constituents who were dissatisfied and disappointed in the Water Department, that two calls had truly revealed the problems that he believed must be resolved promptly and efficiently; that the first was the case of Ms. Line Newsome, an 80 year old resident, whose story was covered by Amy Davis of KPRC last week, that for several years Ms. Newsome's water meter was broken and not only did the Water Department failed to repair they began to estimate her usage and not by ordinance they could collect back pay for underestimating the usage, that it was actually \$944.00, close to \$1,000, required to be paid by a senior citizen who was on a fixed income; that yesterday he received a call from another constituent who advised him that his meter was also broken and he was billed \$340 for the month of April, more than when he had a swimming pool, that when he could not pay the department cut off his service, that he later found the means to pay his bill and after he was reconnected the Water Department made him pay an additional \$120 for a reconnect fee which he thought was unacceptable, that he being a customer in good standing had budgeted for his necessary usage, what his bill said, and out of the blue they came and billed him extra, that he found it unacceptable, that he knew they were all in difficult economic times and meeting after meeting he had been told that the economy was bad and they could not add CIP projects, infrastructure and sidewalk projects, but he did not think they had to put these economic struggles on the backs of their constituents, that he would really like to see the Water Department do a better job of customer service, and being a little more proactive they could fix some of these water meters and go out and let folks know that it was a serious concern, that they had to be better than that, they could not be asking 80 year old ladies to go and look at their water meters and pick up and examine what was there, especially if it was not even on a good surface, that he would like to work with Mayor White and the administration to come out with a plan, that he knew the City Attorney was working on noting that estimates would be on water bills but he really thought they needed to look at how they repair the water meters and how they could solve the problem, that he understood that people needed to pay for the water they were using but if they did not know how to read water meters or did not know that their usage was being estimated then he thought they needed to do a better job of communicating with them, that he looked forward to work with Mayor White and also wanted a thorough report on broken meters reported to the Water Department to date, the cost of repairing a meter and the number they repair a month and the estimated cost to repair all of the broken meters across the City of Houston, that their constituents were struggling and if this was a minor adjustment that could relieve some of the stress he would be willing to offer a budget amendment next month, that he appreciated the administration working with him on this and looking into it. Council Member Jones absent.

Mayor White stated that he agreed with Council Member Rodriguez's comments on customer service, that thank goodness they passed the ordinance restricting it for two years and they did know that there were times and cases where people did not pay their water bills and had creative ideas or posed themselves as residents when they were really a landlord of multiple structures, but he absolutely agreed with him that there needed to be much more customer service and a way to come up with some principles to compromise those claims where somebody had been billed for a period of time in error; that at the same time he would say to those and note that if there was some use of water by someone who had been billed in error, a smaller amount, then ultimately all the other rate payers had to pay, that some of them had heard him privately and he had expressed it publicly around the table and it seemed to him like this had more the attitude of a government monopoly than it did a customer service organization where there ought to be some acceptance of responsibility by individuals and a better way of handling with some standardized resolution tools; that he would say for the citizens there was also a process, that through the administrative process there were payment plans where the actual water had been used so it did not hit the bill all in one month, but he wanted to thank Council Member Rodriguez for bringing it up. Council Member Jones absent.

Council Member Rodriguez stated that Ms. Newsome's bill was actually paid under protest, that she did not have the money to pay it but they had anonymous Houstonians who donated money to her so she was able to pay for it, but it should not have to come to that, that he did appreciate the citizens working with her and looking out and taking care of a neighbor but at the same time it should not have to come to that, and Mayor White stated that just like the topic they had yesterday he was frustrated that he did not have, despite some instructions by him, better dispute, customer oriented dispute resolution and billing practices by their Water Department, that he would say that the issue of what to do where somebody had been incorrectly billed and their meter was accurate concerning their water use, a landlord with multiple properties, then it was something worth their considering, should the risk be entirely on the other rate payers, that it was not on the City because it was a non profit organization, should it be entirely on the other rate payers or should that rate payer also accept some responsibility, but what he was most frustrated by was the lack of modern customer service, procedures that they had there where somebody visits with a customer and reviews the alternative, these people who maybe somebody called the person, walked them through it, visited their home, that government bureaucrats liked for people to come to City offices to meet with them, they do not make house calls, why, because they were bigger, that was the type of stuff that infuriated him; and Council Member Rodriguez stated that he had pretty good experience with the Water Department in the past, but over the last few months, actually since maybe Hurricane Ike, the level of service had really dropped of and he thought they needed to do a better job. Council Member Jones absent.

Council Member Sullivan stated that he wanted to make sure they acknowledged the firefighter funerals that they had last week, that it was an honor for him as a Council Member to be there and he wanted to thank everyone with the Fire Department, the Police Department and all of the surrounding public safety organizations who stepped up and helped cover the City and those who showed up to show their respect for the two fallen firefighters, that he wanted to thank Pastor Steve Riggle for opening up his church to them for the service; that he had a townhall meeting last week in Kingwood, that it was well attended and they were going to ask a number of departments for help, that assisting him in answering questions were Public Works, Houston Police Department, Solid Waste, Parks, Houston Fire Department and General Services, that he wanted to let them know how helpful they were; that they had a new president of the Kingwood Super Neighborhood Council, Bob Rehack, that he was excited to accept the role of president and to help him he asked Planning to come out to Kingwood and give them a Super Neighborhood Council 101 Course, that if anyone had not done that he wanted to let them know that Donald Perkins and Matt Deese were exceptionally talented men who knew

what was going on with the Super Neighborhood concept; that the Care Van was out giving vaccinations in his district on Beamer Road in the South District and at McDonalds on Uvalde at Woodforest, that he and Lauren Doke, from his office, went out and visited with all the nurses and screeners who were taking care of the families who had no other way to vaccinate their children; that he wanted to thank McDonalds on Uvalde for hosting the Care Van and for giving free ice cream to all the kids after they got their shots; that last night the Houston Police Department graduated 52 men and women, once again a very diverse group, that he wanted to say that it was an honor to be there, that they also had a promotion ceremony where they promoted a number of sergeants to lieutenants and then they had a new Assistant Police Chief appointed, an Asian Police Chief, that he did not know if it was a direct result of the community input where they came down and let them know what they thought but at any event they did have an Asian Police Chief, Assistant Chief Chen. Council Member Jones absent.

Council Member Lovell stated that today at 3:00 p.m. there would be a meeting of the Transportation, Infrastructure and Aviation Committee, that they would be considering the appropriation of funds out of the Airport Improvement Fund for improving expansion projects at both Hobby and IAH Airports; that she wanted to congratulate Pin Oak Middle School for their victory, they defeated Lanier Middle School for the HISD Middle School Baseball Championship; that to the family of Leigh Boone, who she watched on the news last night, what an extraordinary family and what a class act they were for the horrible accident that happened, that it had really affected her neighborhood when the fire trucks collided and Leigh was caught underneath one of them, that it was a horrible accident that had affected her whole neighborhood of Montrose, that she wanted to say what great respect she had for them, that it was an incredible loss to have their daughter be on a bicycle going to work and being at a place where she ended up losing her life and for them to have such a positive attitude and a special kindness that came through, that she thought their attitude had sort of set a tone in Montrose, in their neighborhood, that they were very sad about what happened, that there was a memorial that had been put up with a bicycle, but she also wanted to say that their Houston Fire Department were a class act to, that they showed it by showing up at Leigh's funeral, they gave her all the respect and honors that a firefighter received just a few days before, that she knew that the show of respect and sympathy meant a lot to the family, and it meant a lot to their neighborhood since Station No. 16 was right there, that she wanted to say to the Boone Family what a great example they were and hoped in hard times she could be as classy as they were, that she could assure them that the spirit of Leigh would live through Montrose because she was an exemplary example of what the spirit of Montrose was. Council Members Rodriguez and Jones absent.

Council Member Lawrence stated that she hoped her colleagues and neighborhood constituents would consider attending a Crime Stopper Luncheon on May 7, 2009, that they were now having a monthly luncheon with outstanding speakers, that registration was at 11:30 a.m. and lunch at 12:00 p.m., that Crime Stoppers, as they all knew, was very involved in anonymous tips and taking felons off of their streets, that they had expanded to excellent school program with 222 Tips, with kids being anonymous and actually letting Crime Stoppers know about drugs and weapons on campuses, that they do not go after the publicity but they would be surprised what was found at schools across Houston, no particular area, but across Houston, that they were having every month at Maggiano's, that everybody was welcome. Council Members Sullivan, Rodriguez and Jones absent.

Council Member Johnson stated that yesterday he presented a proclamation to Tim Disney, the Director of American Violent movie and Ms. Regina Kelley, who was the inspiration behind the movie, that it was a fantastic movie, that last night they had a packed house at the Edwards Theater, that he wanted to thank those individuals who came out to be a part of the movie, that the movie would open up in May in the City of Houston and all over the Country, that the movie tells a story of what was happening in their communities every single day and when

they looked at the movie and heard some of the things that took place in Hearn, Texas in 2001 it would blow their mind, they would think that the hands of time were reversed and they were back in 1950 the way the judicial system was just going into the communities and taking individuals and arresting them and throwing them in jail and strong arming them to take plea bargains, that it was a very thought provoking movie; that he wanted to congratulate HISD for taking four of the top spots at the Children at Risk ranking and public high schools in the greater Houston area, that some of the schools included District B schools, that Kashmere and Barbara Jordan, were two of the schools that were impacted, that it had ranked amongst the best in college readiness, graduation and SAT scores, that he wanted to say to the developers that there were great schools in District B, that North Forest Independent School District had turned itself around under the leadership of Doctor Adrian Johnson and doing a fabulous job; that on a sad note, a near and dear friend of his passed away, Ms. Gloria Gorman, who was the Principal of Crawford Elementary, that she was a champion for their children and HISD and the Fifth Ward Community, that her life was cut short by a tragic accident, and asked for a moment of silence for Ms. Gloria Gorman. Council Members Sullivan, Rodriguez and Jones absent.

Council Member Holm stated that Vernon G. Henry died on Sunday, and she wanted to recognize and let his family and his wife of 41 years, Mary Lou Henry, know that their thoughts and prayers were with the family as they grieve his loss; that they were receiving a lot of phone calls on an article in the Chronicle on Sunday about the Constable and Sheriff Programs and consolidating those programs, that she thought it was a University of Houston Professor, that as a consequence of it they had received many calls with the concern that there was going to be a movement to reorganize and perhaps close the Constable office, that it was not up to them to get into that but she did think that for District G the Constable Program not only supported HPD it was a partner and their citizens felt their patrol, their response and their support on a daily basis and at this point and time when HPD did not have the resources to completely satisfy the needs of that community she wanted everyone in District G to know that this Council Member wholeheartedly supported the Constable Program, that she was talking about the Constable based program, that there were programs that she knew their community neighborhoods participated in where they used private, they either used the Sheriff's or Constables Department privately or HPD privately, she was not talking about that, that she was talking about the day to day resources that the Constable's Program provided in conjunction and totally interfaced within their own City services, so she hoped that the Mayor would acknowledge, that their citizens were looking for the confidence of continued security in this time and they were feeling so challenged with the criminal activity that they support the services that were offered their taxpayers through both the Constable Program and their City Program. Council Members Sullivan, Rodriguez and Jones absent.

Council Member Khan stated that he wanted to invite everybody to a townhall meeting in Sharpstown regarding security and would be at Sharpstown Civic Club, the Houston Police Department and Harris County Constables would be there tomorrow at 7:00 p.m. at the Sharpstown Recreation Center at 6600 Habortown Drive, that he would request everyone to come and join them; that on Saturday they would have the 17th Annual Gulfton Festival at Burnett Bayland Park at 6200 Chimney Rock Drive, there would be a parade and would start at Benavides Elementary School at 11:00 a.m. and would go to Burnett Bayland Park, that they would request everyone to come and join and would thank all of the sponsors for making it successful; that he would like to discuss with Mayor White and his colleagues that he thought it would be beneficial for them and the City if they had some kind of briefing, at least a yearly briefly from Metro, that these were very important boards which they had input in appointing and he thought that a lot of time they, and he was sure all of his colleagues, received questions about Metro and yes they had very good people serving on the Metro Board, they could call them up any time and they respond to them but he thought a formal briefing to the Council would be helpful where they could ask the questions, which they were asked on a routine basis from the Metro officials, so he would request that the Mayor look and consider this like a yearly

briefing, and there were some other entities that he thought a yearly briefing to the Council may be helpful, besides Metro they had input in Port Commissioners appointment and he thought a lot of people asked questions about the Port also, that if they got a yearly briefing where they could ask questions not only about their finances but their plans he thought the citizens would be better served; that he wanted to congratulate Lieutenant John Chen who was promoted to Assistant Chief by Chief Hurtt, that Assistant Chief Chen was a 27 year veteran of the Houston Police Department; that he hoped he was the best qualified person for the position, that like he said in the public hearing two weeks ago and would repeat, he thought that each and every officer could serve and protect each and every one of them equally and properly and they had total confidence in every officer; that he thought that having diversity in the leadership position should be a reflection of what Houston's diversity was all about; that he wanted to wish a speedy recovery to his childhood friend, Mr. Sham Whally, who just went through surgery at Hermann Methodist Hospital; that he wanted to express his condolences to Dr. Siddiqui and his family for the loss of their elder brother, and also Mr. Ighabl of Crown Doors whose mother-in-law passed away this weekend, that he wanted to wish condolences to all of them. Council Members Sullivan and Jones absent.

Mayor White stated that this body was going to be dealing with difficult budget issues this year, that from time to time he made suggestions to various departments, he could think of two examples of that, about generally what they call process re-engineering or how they could make management structures more productive, the structures of the organizations and the roles, that he was notifying citizens but was very specifically wanted to be on record in a public format and allow them to respond to him in an appropriate fashion not at the Council table today because of their compliance with rules concerning open meetings, but he wanted to say that unless somebody dissuaded him it was his intention to begin retaining some top tier consulting firms who would help them find some of these efficiencies with RCAs coming from the Mayor's office or other offices if the departments would not do it, that they had good working relations and did not think there was any bad faith involved but he was just saying it was a little unusual but he was sort of running out of time and perhaps running out of patience a little bit, that they had talked about something earlier concerning processes on billing collection of the water sewer system, that he would not go into all the details, that they had a directors meeting about it, that he did not want somebody, this was not a jobs program for consultants, not everybody had retained management consultants, that he had seen somebody retained to do performance reviews who never had big private sector clients, that was not what they were interested in, they were wanting to have somebody and he needed some visibility and results by about the beginning of the fiscal year that they would be going into in July 2009, so for the City Attorney, the Agenda Director, Members of City Council, it would be better of if their managers took some initiative but they were juggling operations and many things, he was understandable, but if things were not done promptly then he was just going to do it; that the general format would be, and he was not in the business of writing RCAs but it may be a two part where somebody did a phase one and then did a phase two because until they got under the hood they may not be able to figure it out, that his criteria was going to be very simple, who were companies that were used by other large organizations in order to do things for this purpose, that was the only criteria that he used and the availability of their staff, that they needed to do this because they wanted to be able to provide services and live within tight budgets; that if anyone had any reaction to anything he had said he would ask to not do it right now, if that was okay with them, that he thought it could be a topic they discuss next week at Council, so really all he was doing was venting and providing some thoughts, just like they were around popoff, that if they had a discussion perhaps they would have it as a Mayor's Report or some other way that they could openly discuss it. Council Members Sullivan and Jones absent.

There being no further business before Council, the City Council adjourned at 10:56 a.m. Council Member Green out of the city on city business. Council Members Sullivan and Jones absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary