

City Council Chamber, City Hall, Tuesday, May 5, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 5, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega and Ronald C. Green; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marty Stein Agenda Director present. Council Members Jarvis Johnson out of the city on city business. Council Member M. J. Khan, P. E. out of the city on personal business.

Note: Council Member, District H Position, vacant.

At 2:16 p.m. Mayor White called the meeting to order and stated that Council Member Lawrence would begin presentations. Council Members Sullivan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that most were aware next month a candlelight vigilance service for HPD would be held, Friday night, and last week was "National Crime Victims Rights Week and today there were a number of crime victims and other groups present showing support and invited those present with her presentation to the podium. Council Member Lawrence stated that this reaffirmed the nation's commitment to addressing the needs of crime victims; that more than 33 million Americans were victims of crime yearly; one person was murdered every 31 minutes; one person was sexually assaulted every 1.9 minutes; one child was reported abused or neglected ever 34.9 seconds and one person was killed in an alcohol related crash every 40.4 minutes; that victims suffered emotional, physical, psychological and financial harm as a result of crimes; and victim assistance programs around the country provided vital support and the Victims Crime Act passed in 1984 affirmed a national commitment to helping victims rebuild their lives by establishing a criminal victims fund; and presented a Proclamation to Mr. Andy Kahan proclaiming last week as "National Crime Victims Rights Week"; and Mayor White stated that he had been going through the budget to see what could be done to try and deter crime and apprehend criminals, the right to be safe and your personal property was one of the most basic civil rights; that he did not think they did enough, the impact of crime did not just stop when the criminal finished the act; that anyone burglarized or who know people traumatized knew the issue of what they did to deter and apprehend criminals but also to respect rights of victims to include them in decisions being made in the criminal justice system was a great challenge and this country did not have that right yet; that he appreciated Mr. Kahan's work and that of all the organizations to make sure even though something was not on the front page or 10:00 p.m. news victims were in thoughts and prayers; and with the Proclamation congratulated all organizations. Mr. Kahan thanked the Mayor and Council and their staff for what they had done on behalf of his office, it was extremely important to have support in doing what he did and on behalf of himself and his staff they appreciated all the Mayor had done on behalf of crime victims; and thanked Chief Storemski who also supported crime victims rights; that no one wanted or deserved to be a victim of crime. Council Members Rodriguez and Brown absent.

Council Members thanked and commended Mr. Kahan and all those present representing victims of crime. Council Member Rodriguez absent.

Council Member Lovell invited Mr. Wayne Klotz to the podium and stated that today it was her pleasure to be able to stand here and introduce Mr. Klotz who was just elected president of the American Society of Civil Engineers and his dad, Mr. Bill Klotz was present today and he worked in the Public Works Department in 1936 and the whole department was on the ninth floor of City Hall and asked that he stand to be recognized. Council Member Lovell stated that Klotz Associates, Inc., endowed scholarships and Mr. Klotz continued to serve on Civil

Engineering Advisory Boards; and served on the board of directors of Harris Galveston Coastal Subsidence District, the Harris County Flood control Taskforce and Transportation Infrastructure Advisory Board and Water Issues Committee of the Greater Houston Partnership, etc., presented Mr. Klotz a Proclamation proclaiming today as "Wayne Klotz Day" in Houston, Texas. Council Member Rodriguez absent.

Council Members congratulated and thanked Mr. Klotz on his accomplishments and for his help and assistance; and Mr. Klotz stated that he believed civil engineering was the basis of every city as they could not live together without water, drainage and transportation and through his work he had opportunity to give back.

Council Member Jones invited Mr. W. C. Fields to the podium and stated that Mr. Fields was a good follow-up to the crime victims as he did something most did not do and would not do, he was the man who found the body of Hallie Jenkins, the little girl who was the last of five to be found after drowning; that Mr. Fields was 69 years old and walked 5 miles one day and 6 the next looking for the baby to help bring closure to the family; that he was watching television and kept hearing they could not find the last baby and he was a Granddad and he saw his grandchildren in the baby who could not be found and something said why are there not more people out there and then God said to him, "You aren't out there either.", so he strapped on his boots and went walking and he listened for God to tell him where to go and eventually he found the baby and she wanted to thank him for being an ordinary citizen and doing something extra ordinary, he walked two days by himself because he thought it was the right thing to do; and presented him a Proclamation for exemplifying a caring spirit and compassion to others; for finding the body of Hallie Jenkins; and for all those and other reasons presented a Proclamation to Mr. Fields honoring and thanking him and proclaimed today as "W. C. Fields Day" in Houston, Texas. Mr. Fields thanked all for the recognition and asked Hallie's mother to stand to be recognized and thanked her for coming in his support. Ms. Jenkins appeared at the podium and thanked all who came out in search of her baby who could now be at rest. Council Members Sullivan and Noriega absent.

Council Member Adams stated that honoring Mr. Fields was well deserved; that the Bible stated, "The steps of a good man are ordered by the Lord" and another scripture said "Those with a spiritual ear listen and hear what the spirit of the Lord says"; and when she heard his story he said he was about to give up, but something said not to give up; that his flesh was tired and he wanted to stop but he said something told him to not give up, just walk a little further and he would find what he was looking for and she thanked God he did not give up and he listened to the spirit of the Lord and let his steps be ordered; and may god bless him and let his favor continue to shine upon him and his family for doing such a great deed. Council Members Sullivan and Rodriguez absent.

Council Member Clutterbuck stated that she too wanted to thank Mr. Fields for appearing today and to thank him for listening to the gentle nudge that God gave each of us, but not all take the time to hear it; and thanked him for stepping up when so many think why should they do it; and extended sincere condolences to the mother of that beautiful child and the city joined her in her grief. Council Members Sullivan, Rodriguez and Jones absent.

At 2:50 p.m. Council Member Lawrence led all in the prayer and in the pledge. Council Member Rodriguez and Jones absent.

At 2:52 p.m. the City Secretary called the roll. Council Member Johnson out of the city on city business. Council Member Khan out of the city on personal business.

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

At 2:53 p.m. the City Secretary began calling the public speakers.

Mr. Eric Geisler, 4320 Lafayette, Bellaire, Texas 77401 (713-665-7200) had reserved time to speak but was not present when his name was called.

Ms. Sophia Davis-Fields, 4617 Kashmere, Houston, Texas 77026 (281-777-3680) appeared and stated that she was a product of Kashmere Gardens and last Wednesday her mother's home was burglarized while she was out and she was concerned with the police response time and for other senior citizens; that the neighborhood had several burglaries and they received no help and today she wanted to see what they could do as a team to help seniors there get support and protection; that her mother was afraid now in her own home and she should be able to live there with no fear; and again asked what they could do to make it safer for all in the community. Council Members Holm, Noriega and Jones absent.

Mayor White stated that it was fit she came today when they recognized those who were victims of crime; that people talked about crime statistics, but they were not just statistics they were people and as long as there were any numbers they should try and do better; that he was informed of the circumstances of their response and he was waiting for a report back, it did not seem at all appropriate that it was a Code 4 call, it seemed it should have been a Code 2 with an average response time of 10 minutes that because of Council actions to enhance patrol and investigation in a district including their area crime was down sharply this year compared to before, but it did not mean crime was acceptable; and he appreciated her asking if there was something they could do together; that people around who had information was the best lead and with a number of burglaries in an area in a concentrated time they generally found there was a person or small group responsible and when the person was taken out of the neighborhood burglary went down. Council Members Holm, Noriega and Jones absent.

Council Member Green stated that Council Member Johnson had done a thorough investigation on this and the Mayor pretty much gave a wrap up on the crime situation there and she should not feel this was an assault against Kashmere Gardens and he thanked her for bringing it to their attention. Council Members Holm, Noriega and Jones absent.

Council Member Lawrence thanked Ms. Davis-Fields for coming and stated that it was a violated feeling when robbed and it would be great to organize her neighborhood into a group called (COP) Citizens On Patrol and she could talk to them at the storefront about the program, certain ones were training at this time. Council Members Holm, Noriega and Jones absent.

Council Member Brown moved the rules be suspended for the purpose of hearing Ms. Sandra Hines after Ms. Louversa Davis, seconded by Council Member Jones. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Khan out of the city on personal business. Council Member Lovell absent. MOTION 2009-0245 ADOPTED.

Ms. Stella Davis, 4617 Kashmere, Houston, Texas 77026 (281-777-3680) appeared and stated that she was present on behalf of her Mom as well as herself, first she was ashamed of herself because when she called her she assumed the response came out and she did not find out until the next morning it was after midnight before response came; that they got into their own lives and thought things, but as siblings sometimes they failed them and she felt so bad that her mother was just distraught; that they did want to work with the neighborhood because

seniors there were afraid and did not want to talk, but her mother was speaking out and she did want all in Kashmere Gardens to step up so seniors and disabled would be safe.

Mayor White thanked Ms. Davis for coming and stated he drove around the neighborhood and there were too many abandoned properties, they needed young families to move in; that they had brought burglaries down significantly in their area, but the best leads were those who knew who was committing the burglaries and they needed to come forward, but they were investigating response time. Council Member Holm absent.

Council Member Lawrence stated that many were afraid to come forward, but there were flyers notifying of Crime Stoppers and people could call 713-222-TIPS and they were anonymous and people if they were a good lead would receive monetary settlement. Council Member Holm absent.

Ms. Louversa Davis, 4617 Kashmere, Houston, Texas 77026 (281-777-3680) appeared and stated that she was 70 years old and disabled and a widow and she raised all her children at her house; that when she came home she had the key and when she started to put it in the door opened by itself and the latch was on the floor and she jumped back and ran to the front of her house and told her neighbor and she was still shaking and could not sleep at night; that she got into her van and called 911, but they did not come and she called and called again; that her daughter came about 7:30 p.m. and she had a little relief, but even now her legs were still wobbling. Council Member Holm absent.

Mayor White stated that he did not know what words he could give her for courage to persevere, but for some reason God made this world where some people existed in every place at every time who tried to exploit the vulnerable and many people had invasion of their most basic rights in violent crime or home break ins and they condemned this behavior and with her family she had a lot of support to move on and to those who would say they were just stealing property they were really destroying a person's life and feeling of security, but they should not let such people, whether burglars in neighborhoods or terrorists abroad, cause them to cower in fear because that was what they would like; and Ms. Davis stated that was why she was present today. Council Member Holm absent.

Council Member Jones thanked Ms. Davis and her daughters for coming and Ms. Hines who would come next; that she knew Council Member Johnson was working on her case and requesting a copy of the 911 tapes; that she apologized response took so long and knew it took her peace of mind and she also understood he had requested a town hall meeting on the issue and more patrols in her area. Council Members Clutterbuck, Adams and Holm absent.

Council Member Noriega stated that she was chair of the committee the police reported to and in front of her was a memo that her Council Member, Jarvis Johnson, had written to the Police Chief asking for information and explanation and out of this other seniors would have their needs addressed as well so she had done a service coming today; and she had two staff members who would speak with them at this time. Council Members Clutterbuck and Holm absent.

Ms. Sandra Hines, 10010 Cullen, Houston, Texas 77051 (832-537-8477) appeared and stated that crimes against the elderly in Kashmere Gardens were on the rise and many elderly were silent victims and fearful for Ms. Davis for coming and reporting what happened to her; that Ms. Davis called police at 5:00 p.m. and police did not come until 12:22 p.m. and when she (Ms. Hines) called to talk to them they said Ms. Davis had been a priority 4 and they had called at least 6 times; that they then gave the phone to Sgt. Davis who said he would do his best for Ms. Davis but she never heard from him or that shift and she had several complaints from citizens

affected by burglaries and police never investigated and two neighbors moved; and they think they know one who was involved. Council Members Clutterbuck and Holm absent.

Council Member Noriega asked Ms. Hines to continue; and Ms. Hines stated that she was told burglary suspects robbed them early in the morning and often men ride bikes in the area and she wondered why there was not more police visibility and why were crimes not being investigated; and Council Member Noriega stated that there was no excuse and this was not acceptable and a police representative was present and would visit with her at this time; that Council Member Johnson already was dealing with this and she would add her voice to his. Council Members Lawrence, Clutterbuck and Holm absent.

Mayor White stated to Council Member Noriega that while driving down the burglary rate they found the biggest thing you could do to drive down the rate was catch the burglar; and people often wanted more patrol, but people rarely burglarized in front of a patrol vehicle, but catching them is the best. Council Members Lawrence, Clutterbuck and Holm absent.

Upon questions by Council Member Brown, Ms. Hines stated that initially there was no dialogue with neighbors because they were working and scared, but with Ms. Davis coming it generated a connection between the citizens wanting to know now what they could do, but nothing can give her peace back until she regains it on her own though Council Member Johnson recommended a town hall meeting and that and more interaction between police and elected officials could help; and Council Member Brown stated that he would second what the Mayor said, to catch the perpetrator reduced the crime and that needed exchange of information. Council Members Lawrence and Holm absent.

Council Member Rodriguez moved the rules be suspended for the purpose of hearing Ms. Maria Vasquez after Ms. Rose Mourning, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Khan out of the city on personal business. Council Members Lawrence and Holm absent. MOTION 2009-0246 ADOPTED.

Mayor White stated that as the next speaker approached he would ask a photo be placed on the television screen and stated that this picture was what Ms. Davis and crime victims were talking about; that he was visiting the neighborhood and could use some help; that this was one of the notorious of the hourly motels on Gregg Street about a block north of Liberty and 5 or 6 blocks north of Lyons Avenue and 3 or 4 blocks east of I-59 and from what he could tell the motel had no windows and you should see the police records on it, but they were going to trial on it and they were looking for witnesses to come forward from the neighborhood to say what they had seen; that in Sunnyside they came together and took the stand and they needed the same cooperation here and it was set for trial next week. Council Members Lawrence and Holm absent.

Ms. Rose Mourning, 6818 Kassarine Pass, Houston, Texas 77033 (713-254-5574) appeared and stated that her street had become a dump and she called Council Member Adams and Council Member Sullivan's office and all they got was promises; that finally Ms. Johnson came and looked at the neighborhood; that someone dropped trash next door which was vacant and from the 6800 block to 610 it looked like a dump with old furniture, boxes, tires, etc., and she was asking for help in cleaning up. Council Member Holm absent.

Upon questions by Mayor White, Ms. Mourning stated that a guy dumped at 6825 she saw him and another at 6817 and she got his license number and information on the side of his truck and she had been calling 311 and not the only one but could get no help; and Mayor White stated that they had a special program with Crime Stoppers they started about 2 months ago and they got real results with neighborhood groups and they had rewards for people who helped

track them down and to Ms. Vasquez stated that they needed to figure out with Neighborhood Protection if they did get a license plate number and they did have different places under surveillance by cameras and this may be one of them. Council Members Holm and Brown absent.

Council Member Adams stated that Ms. Johnson was a member of her staff and they had been very responsive; that she knew Alice Coffee had worked closely with the community and she wanted on record that they had gone out several times and cleaned up but they just kept dumping and she would ask the Mayor and maybe Captain Curran of HPD Neighborhood Protection and see if they could get surveillance on Kassarine Pass and she did applaud Alice Coffee because she had gone above and beyond and there was a problem throughout the city; and upon questions, Ms. Mourning stated that she had pictures of dumping on her cell phone and Council Member Adams stated that Ms. Vasquez would download those and they would see what they could do to help. Council Members Lawrence, Holm, Rodriguez and Brown absent.

Mayor White stated to Ms. Vasquez and to Captain Curren of Neighborhood Protection it was a felony to dump large amounts in neighborhoods and as they tracked individual cases that came through and people were arrested they needed to make sure they did follow-up with the DA so they would understand it was important to set an example. Council Members Holm and Brown absent.

Council Member Jones stated that she was at a meeting at the West Gray Police Station and they had HPD there which handled illegal dumping and they gave community sessions teaching harmful effects of dumping, etc., and it was very informative. Council Members Sullivan, Holm and Brown absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of allowing an interpreter at the podium with Ms. Vasquez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Khan out of the city on personal business. Council Members Sullivan, Holm and Brown absent. MOTION 2009-0247 ADOPTED.

Ms. Maria Vasquez, 8622 Wynlea, Houston, Texas 77061 (713-922-4684) appeared with an interpreter and stated that she came before Council about 2 years ago and not much was taken into consideration; that she purchased a home in March 2007 and in April 2007 she noticed a terrible defect with the sewer line depositing sewage into her yard, every time it rained heavy sewage backed up into her home and she replaced all carpet and linoleum in her home and now recently she had to throw away all new furniture due to mold and bacteria forming in the bottom of it; that she was directed to Omar Hernandez and he tried diligently to remedy the situation but was not able to; that she had dealt with this two years now and it was a health issue for her children who continuously became sick and she would like, if possible, a response today as this was an ongoing situation. Council Members Sullivan, Holm and Green absent.

Council Member Noriega asked Ms. Vasquez to continue; and Ms. Vasquez stated that she would like the Mayor to look into this and she had photos to present and she would like all to understand that the health conditions were bad and if they persist would the city be interested in purchasing the home or land, something had to be done. (Note: City Secretary's Office received no photos.) Council Members Sullivan, Holm and Green absent.

Council Member Rodriguez stated that his office had been working with Ms. Vasquez and it was unfortunate she had to live with it for two years; that Public Works was out doing smoke test on the sewer system and it was important and did not see why it would take two years to get her an answer. Council Members Sullivan, Holm and Green absent.

Mayor White stated that last year in the area they did put 850 feet of 12" line and 1,500 feet of 15" line because there were sanitary sewer problems and after the last flood there was a problem and he did have photos of Ms. Vasquez's residence although the work they did had helped the area; that Ms. Drabek was present and could visit with Ms. Vasquez and there was illegal connections of roof drains through the sanitary sewer system; and Ms. Vasquez stated that she has reports and letters to indicate that it was an ongoing problem for the last 20 years and she had the home only the last two years. Council Members Sullivan, Holm and Green absent.

Ms. Sharon Rivers, 3939 Braden Drive North, Houston, Texas 77047 (713-308-8517) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Holm and Green absent.

Ms. Wanda Goree, 6331 Annunciation, Houston, Texas 77016 (832-887-5918) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Holm and Green absent.

Reverend Marvin Holmes, 3211 McIlhenny, Houston, Texas 77004 (832-438-2620) appeared and stated that he had issues needing to be addressed, one was the motel on Sampson Street in his neighborhood which had prostitution and drug activity and on his street was speeding traffic, they ignored the stop sign and also there was loud music and yesterday on the way to work he was solicited by a prostitute and lastly Neighborhood Protection had not got back with him concerning his landlord not fixing anything and garbage was being dumped in his yard and on the side of his house where there was a vacant lot. Council Members Sullivan, Holm and Green absent.

Upon questions by Council Member Jones, Reverend Holmes stated that the hotel was at Sampson and McGowen; and Council Member Jones stated that she would work with Council Member Rodriguez to the extent they could; and Mayor White showed a motel earlier but here there was a number of hot sheet motels and there was prostitution and drugs; and upon further questions, Reverend Holmes stated that Neighborhood Protection had come out and took pictures because the landlord never fixed anything and he called them and got the run around; and Council Member Jones stated landlords did have certain responsibilities and duties and he may be able to go to the JP Courts and by the property code he could rent deduct and did not need a lawyer for that; and upon further questions, Reverend Holmes stated that illegal dumping was on Napoleon and McIlhenny right next door to him, it was an empty lot. A picture of his area was brought up on the television showing the motel and dumping. Council Members Holm, Brown and Green absent.

Mayor White stated there was technology but they would need community support, you could run a balloon up and get 24 hour surveillance of any place, he had seen it, but he understood there were privacy considerations, but they would be able to run it back and catch them in the act of dumping every time. Council Members Holm, Brown and Green absent.

Council Member Rodriguez stated that he wanted to correct something, they had helped him in the past and given him the same legal advice Council Member Jones had regarding the property and landlord issue, however, they had not helped or assisted with this as they did not know about it, but they would work with him on the issues. Council Members Holm, Brown, Lovell and Green absent.

Council Member Adams stated that she saw several dangerous buildings in the photos and she had harped several weeks, but they needed to look at how they were spending money when it came to dangerous buildings; that it was shocking to see tomorrow on a consolidated

plan they were getting ready to pass money from CDBG for legal employees totaling almost \$5 million for salaries and Ms. Mitchell stated earlier they allocated \$400,000 a year for dangerous buildings but for the budget it was \$8 million and they had about \$7 million something left over for this fiscal year and tomorrow on Item 29 they were getting ready to transfer money to General Funds and there were two items of dangerous buildings, one was about \$102,000 giving back to General Funds and another was about \$53,000 being given back to General Funds because of money they said they found, but she thanked Mark Curran because she knew he was trying to revamp Neighborhood Protection and she worked with him the last 1-1/2 years and he did a wonderful job, but they needed to look because they had issues of dangerous buildings and they needed to utilize the money, they should not have nearly \$7 million left over for dangerous buildings and she wanted to know how many buildings they had torn down and why there was so much money left over and they were paying almost \$3 million for staff, 78 employees, and if they were paying that work should be done and it was not equaling out; that she could go back and see buildings checked off for demolition back when she was still in the Mayor's Office and they needed to see what was being done to utilize taxpayer's dollars and if \$8 million was set for the year for dangerous buildings then the money should be used and not given back and if someone was in a position they should not be they needed to find people eager enough to get the job done; and Mayor White stated that was well put. Council Members Holm, Brown, Lovell and Green absent.

Mayor White stated that he assumed Council Members had received the information on the CDC guidance earlier this afternoon on school closures, but if they had not he would provide it. Council Members Holm, Brown, Lovell and Green absent.

Mr. Mark Anthony Smith, 6650 Dunlap #D36T, Houston, Texas 77074 (210-689-7405) appeared, presented information and stated that he was present seeking enforcement of Title 7 of the Civil Rights Act 1964, however, in complying and inserting his Constitutional rights for exposing illegal activities at the company he formerly worked for, he exposed illegal activities which endangered the neighborhood on Grace Lane with coworkers and community and they did it a year in advance trying to stop what eventually led to two thefts and numerous injuries and retaliation which led to himself and his friends also present to be victimized with threats on their lives and blackballed as far as any employment, none of them could get employed, and they had no other opportunity because other organizations they went to had not listened to any of their cries so far. Council Members Sullivan, Holm, Rodriguez, Brown, Lovell and Noriega absent.

Council Member Jones stated that he would be meeting with her staffer to allow him to listen to an audio tape of people at CES, recently a gentleman died and now they had two deaths in a relatively short time and TCEQ was investigating and so was the EPA in a variety of other things and they were waiting to see how the investigations turned out; that his concern was them doing business in Houston as he alleged they had shady business practices; and Mr. Smith stated that it endangered lives and their concerns were if someone had come forward a year ago, now there were deaths; and Council Member Jones stated that she was informed of a town hall meeting in a yard about CES and on 20 minutes notice she drove there and listened and came back the next day popped off on it and asked why the city was not suing them and they did it, they sued them, so she could not say about before she came, but when she knew of it she acted. Council Members Sullivan, Holm and Brown absent.

Council Member Rodriguez stated that on a point of clarification, the Google map viewed previously were not real time pictures and the trash could have been there earlier, but could have been picked up and he wanted to make citizens aware of that. Council Members Sullivan, Holm and Brown absent.

Mr. Perry West, 3111 Cumberland, Missouri City, Texas 77459 (281-710-7776) appeared and stated that he too was an ex-employee of CES and devastated by actions taken by the company; that he came today to ask the Mayor and Council to enforce the 1964 act Title 7 and Title 8 under the medical act where he was denied due process of the law; that he had a medical condition he obtained at CES, 2 hernias, and he was dismissed by CES and on page 2 of the presentation earlier it showed on the fourth line your release is a direct result of these insidious actions inflicted upon CES by the city and two lines further it said you can explain to them that because of them you do not have a job, but not only was he without a job he was unable to obtain another job because his medical was cut off and he was not able to pass physicals with his hernias and he was asking Council to help if they could. Council Members Sullivan, Holm, Rodriguez and Brown absent.

Council Member Adams stated that to give an update, even after the lawsuit which occurred they still were receiving complaints on CES and one of the chemicals, which was unfortunate for the person who passed away in Port Arthur, was one of the chemicals housed at CES but moved to Port Arthur, but they were working with the Legal Department and the Environmental Protection Agency to make sure CES was abiding and the Fire Department was making sure they did abide by the rules as well and they were being inspected routinely, but she had just asked Legal what their role was in the complaint he brought forward today, but she would meet with Mr. Carges as he was the one who actually was working on this CES case and she would make sure he received the information to see what could be done. Council Members Sullivan, Holm, Rodriguez and Brown absent.

Council Member Jones stated that in responding to the letter he referred to where CES said they could blame the city, but by them doing bad business and being penalized had nothing to do with the city and they were passing the buck on something they were responsible for; that from a legal perspective he needed to file with the EEOC which she believed he had done and there may be retaliation issues but they would investigate and then they would take his case or give him a right to sue letter in which instance he would have so many days to retain his own lawyer to sue them and he could retain his own lawyer on any damages he thought CES had done to him on health, etc., but for employment the EEOC was the first and she would suggest he do that. Council Members Sullivan, Holm, Rodriguez and Brown absent.

Mr. Sebastien McCrimmons, 2506 Fairbanks, Houston, Texas 77026 (832-483-3657) appeared and stated that he came to ask for support as he was in the same situation as Mr. West and other employees at the company; that Council Member Jones told them steps to take and he would guess he has now heard all he needed to hear, but he wanted Council Members to know they did take the steps and took activities for the community's well being and to know you could be put in a situation with no one to turn to was a hurting feeling and now he was present with friends to be pointed in the right direction. Council Members Sullivan, Holm, Rodriguez and Brown absent.

Mr. Derek Tucker, 814 Frazier, Houston, Texas 77038 (713-385-3774) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm, Rodriguez and Brown absent.

Mr. Charles Martel, 3606 Sakowitz, Houston, Texas 77026 (713-670-7123) appeared, presented information and stated that he was present to speak on public corruption; that there was a civil case that went to a district court room and the DA took homes from him and his wife which they signed the homes over because they were threatened that if they did not they would be sentenced whether they were guilty or innocent; that neither of them had ever been in trouble so they signed the homes over as was told, but on March 19th they signed a home over in Houston and as they went to the civil county courthouse a deed was submitted which the Mayor and Council Members had a copy of and it was not his wife's handwriting and she did not

receive the \$6,500 in the highlighted area and he was seeking justice and would also be taking this to Washington; that they could not sleep and people watched their homes and they received phone calls with death threats all because of homes not even in their possession any longer; and they have an HPD case number and he was seeking justice. Council Members Sullivan, Holm, Rodriguez and Brown absent.

Council Member Jones stated the information she was shown helped her clear up things; that the memo said he and his wife were charged with a felony; and Mr. Martel stated it was felony theft; and Council Member Jones stated they were charged in the county courts, this was the city and they had no jurisdiction over them; that they went to dispute resolution; and Mr. Martel stated that because it was in the City of Houston he was told he had to make the HPD report; and Council Member Jones stated that the District Attorney of Harris County accepted charges, it seemed they thought this had to do with forgery and she can't tell, but if he pled guilty to anything he probably lost his right to appeal ; and she did not know what he wanted the city to do; and Mr. Martel stated that it was more of a cry out than asking for help because there was so much on his shoulders and they did not know where to turn so even if this was the wrong direction he was just making steps; and Council Member Jones stated she felt he needed to hire a private lawyer. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated that mortuary, Gary, Indiana; to his cousin Michael Jackson he thought he could help him break Thriller's record and call the album Mortuary Corpses; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Shelton Modelist, 5619 Lakefield, Houston, Texas 77033 (713-733-6994) appeared and stated that he was present today to mention a health and building code violation problem; that they lived in the Golden Glade Estates Subdivision in Houston located off Mykawa Road and Airport Boulevard and neighbors moved in about four years ago and they were dumping sewage into the ground and in light of the epidemic now with the Swine Flu and mosquitoes he was calling on the City of Houston to get this stopped because every time they had rain mosquitoes would breed in the water with the sewage and then they would bite them and their dogs and it caused him to take his dog to the vet and he got headaches, etc., so he was asking that the Health Department go out and take care of it. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she was just informed inspectors should be on their way out now to inspect, but she did want to know if his phone number listed was correct as they wanted to contact him in the morning and inform him of their findings; that this would be a Neighborhood Protection issue as well, but Public Works would also like to be included and Mr. Gary Drabek was present and wanted more information from him as well; and Mr. Modelist stated that the people who roofed also threw roofing materials there with other trash on the vacant lot; and Council Member Adams stated that he should share information with Ms. Vasquez, if he had photos and the address and the Administration would get back with him tomorrow. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Barry Simmons, 2747 Briar Grove #940, Houston, Texas 77057 (713-256-6067) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Joseph Burnley, 4218 Dragonwick, Houston, Texas 77045 (281-686-9155) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Terry Thompson, P. O. Box 1535, Houston, Texas 77251 (936-355-9487) appeared and stated that Ike destroyed her home and she had to relocate; that she was a survivor from domestic violence, child molestation and child alcoholism and now was very proactive living in Willis; that she had a lump in her breast and fighting again to survive; that she got food stamps and applied for Medicaid and felt she was violated again; that she talked to the DA, she turned in a couple being abused and told to stay out of it, but she did not stay out of anything; that she was having problems at the court house not getting responses back; and continued expressing her personal opinions until her time expired. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Linda McLean, P. O. Box 36198, Houston, Texas 77236 (832-641-0519) appeared, presented information and stated that she again was present with Tempie Services giving the city opportunity to claim approximately \$90,000 of unclaimed funds; that she wanted to ask what they could do to go further, she received a call and was being asked questions about her company and they had been in business since 2006 and \$50,000 belonged to the City of Houston, \$27,000 to Harris County and \$11,000 to the county Tax Assessor and all could be verified. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Ms. McLean for coming and stated that she had a memo the city had people working for them going after unclaimed funds and were very successful and thanked her for offering her services, but stated they already had people looking at claims to go after. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Noriega 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 the President of the United States of America and again present regarding false arrest charges; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Noriega 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 president of Willow Run and again present to state that the YMCA 26.82 acres were up for sale and it was taxpayer property in their community and they were being discriminated against, the Mayor would not help and she was asking him to take charge and set a meeting to see what was being done with their land. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Ms. Taylor for coming and stated that she was a wonderful advocate for her neighborhood and as they told her before if there was something they could do at the city they would, but there was nothing they could do to help. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Noriega 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, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 4:39 p.m. City Council recessed until 9:00 a.m., Wednesday, May 6, 2009. Council Member Johnson out of the city on city business. Council Member Khan out of the city on personal business. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, May 6, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Susan Taylor, Deputy City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member M. J. Khan, P. E. out of the city on personal 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 9:41 a.m. Mayor White called the meeting and stated that the first order of business was the Monthly Financial Report and called on Ms. Annise Parker, Controller, and Ms. Michel Mitchell, Director of Finance. Council Members Brown and Green absent.

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

Ms. Parker and Ms. Michele Mitchell reviewed the Monthly Operations and Financial Report, all special revenue funds and all enterprise funds, and Ms. Parker reviewed the status of bond funds and a Quarterly Investment Report, a copy of which is on file in the City Secretary's Office for review. Council Members Lovell and Green absent.

Mayor White stated that he knew that Ms. Travis may be scheduling some opportunities for Council Members in Washington, D.C., that obviously prompt payment by FEMA was important to them, that he was not being critical of some of the people they did have on the ground but it was a matter of having the sufficient number of qualified people at FEMA on the ground and similarly with the State, to please help him, elected officials around the table, in any way they could with any federal official, to emphasize the importance of getting prompt reimbursement, that unfortunately out of sight was out of mind and they needed to make sure they committed, that also he wanted to commend the City Controller for a fair assessment of the fact that just like they were trying to run the City in a business like manner and be good stewards of the taxpayers dollar and at a time where they should see from the budget submitted to Council next week, that less than half of one percent growth in operating and maintenance expenditures of the City of Houston, and they had certain fixed obligations, then in order to provide continuity of services they must examine every account, every project, every expense item and that included making sure that those funds that had been reserved for various things could be used on things that were good to go, that another way to put it in business was to call it managing the working capital, to make sure they were managing the working capital of the City the actual project priorities would be determined in the budget itself, so making sure that they

did not have excess cash reserves for something that was not going to be done immediately did not mean they were setting a budget priority, all it meant was that they were able to accomplish more because they did not have funds that were sitting waiting, that the same thing with real estate, that they had asked the Real Estate Department, every organization, every family that was out there, if they had a family that had seen potential retirement income go down then maybe if they had an extra acre that they inherited from somebody, maybe it was a good time to sell that acre in order to put that money in the savings account and those types of decisions were being made by the owners of the City, the citizens were the taxpayers every single day and they were making those same kind of decisions. Council Members Lovell and Green absent.

Upon questions by Council Member Adams. Ms. Mitchell stated that the dangerous buildings that were in those funds they had loaned \$3.5 million out of the General Fund and that was interest on those funds so it should go back to the General Fund because the General Fund loaned the money, that the other funds, as the Controller said about looking for loose change, that they did, she, the Administration and the Controller, was to look at funds that no longer had any useful value but were holding balances that they could close down, they worked closely with the Legal Department to be sure they were within the ordinance and were able to do so, so they were able to move \$581,000 to the General Fund, but they also found that there were some funds in there that could have been used for the PIB, which were what the funds were, to pay Debt Service, so for \$519,000 they paid Debt Service with that, that was basically how they transferred those funds, but for the Demolition, which Council Member Adams spoke about yesterday on demolishing the buildings, they pay \$3.4 million per year to demo buildings and they now currently had approximately \$2.5 million left in the Construction Fund to do so, that they would need to look at doing CO's again to continue the program of the demolition of the buildings, but she also understood, and spoke with the Police Department and maybe Council Member Brown made a statement yesterday that there was a process, that there were landowners and it was a long process to be able to demo some of these buildings so it was not as if they were not moving on them as quickly as they could. Council Member Green absent.

Mayor White stated that he thought that Ms. Mitchell's comments generally went to a fund that they used on commercial demolitions, which also could be expedited, that he was seeing the beginning of the tunnel of having their Legal Department file suit, and he had recruited some volunteer lawyers, on commercial property owners, where they had to knock it down to collect on some of those, and Council Member Adams had the same concern that he thought a lot of them had which was just the pace of demolitions within the Neighborhood Protection on CDBG funded, that one thing they had done, just so they were communicating, there had been some changes made over the last 120 days in personnel and the role of the Legal Department so he thought they had it, that one reason they did have some fund balances that were not always expended was because it was not just demolition but the Neighborhood Protection activities, that each of them knew that these were activities that were a high priority when they went into the neighborhoods they served, that he thought they were on the same wave length and one thing they ought to do, especially those that Mr. Arturo Michel had assigned and Captain Curren, had been in the saddle for a few weeks, that maybe they could have a committee as a whole, or if it did not delay business a Mayor's Report and they pick five cases at random and go through those five cases, that he knew when he and Chief Lumpkin did this five years ago they saw the pace of activity pick up.

Council Member Noriega stated that they had anticipated having the group coming to the Safety Committee this summer to visit with them, that there was someone new in charge of the function, for the edification of her colleagues and everyone out in the audience, that they were going to be looking at this and following up on several discussions they had at the table; and Mayor White stated that they would work through the issues that they had with HUD.

Upon questions by Council Member Jones, Ms. Parker stated that the Sign Abatement Fund was a special fund that was created during the course of the litigation, the decades long litigation over billboards, that because of the resolution of that long standing litigation it was felt that it was possible to dissolve that fund and roll it back into the General Fund, that a lot of the funds carried fund balances and they were funded each year as part of the budget process and there was no reason for them to maintain a fund balance, they would give them the amount of money that they deemed appropriate to spend for the upcoming year, so that those fund balances could simply be moved into the General Fund, that when she said they were carrying fund balances it was sort of like they had a little savings account there, they never touched that fund balance, they were given spending targets each year and they spent that money, with demolition being a special case, but in general they were just maintaining a reserve fund in that special fund and they had reallocated it back to the General Fund and they could spend it on the priorities they deemed appropriate in the upcoming budget.

Mayor White stated that he was going to make a couple of points that he hoped would be helpful in the upcoming budget, first, he could think of at least three Council Members who had for good reason asked them to push for a concept or principle called zero based budgeting, that what they were doing here was part of that, that zero based budgeting was an analytical concept which meant that periodically they examined again the original purpose for a program, activity, expenditure or a fund, that some people carried it to extremes and created excessive costs because if they literally went through a legal analysis of the damages for breeches of all their contracts, or they de-appropriated contracts, construction contracts, every year in the middle of the contract, or if they said they were going to breach all of their public employee contracts every year it would be a waste of money, that they would spend on legal fees everything that they would do or they were not going to sign any lease agreement for anything more than one year, they were going to breach it, but it did require that they look, as the Controller and Director of Finance had looked at, fund balances and then decide at some point they were not going to send the money to Switzerland, they were going to close out a fund balance and then it would be subject to the transparent scrutiny of the budget process they would be undertaking in the next six to seven weeks, that he wanted Council Members to know that what had often been advocated on the table they did more and more of it every year and this was part of the exercise and he would anticipate, unless there was some miraculous recovery of a magnitude that the Nation had not seen so quickly, that this would not be the last time over the next two years that people went back and examined each of the fund balances and reexamined each of these activities, and Council Member Jones stated that since the Mayor's administration could decide what the priorities were for these fund transfers she wanted to put in for a Compliance Officer in the Housing Department so they could work some stuff out with HUD, for the record; and Mayor White stated that to everybody here and to City Departments, it did not mean that where there were fund balances necessarily folks were asleep at the wheel, and he would explain why, in government if they tell people if they do not spend it at the end of the year that they would lose it they would fund people shoving money out of the door at the end of the year, so they had to make a proper balance between wanting to not create a reverse incentive for people to spend even when it would not necessarily be prudent to do so and they needed to be able to clean the shelves from time to time and make a decision what their priorities really were. Council Member Lawrence absent.

Council Member Brown stated that he read the notices in the paper and drove around and looked at some of the structures that were scheduled for hearing or for demolition, and there were four of them that were coming up at the hearing on May 21, 2009, that were in District D and he would share that with her, that he thought what would be informative to the City Council was if Council Member Adams office could track the progress from hearing to either bringing it up to standard or demolition, that would be a very informative process, that he would hope that she would get back with them and tell them how long it took from May 21, 2009 to solving the problem. Council Members Lawrence, Rodriguez and Jones absent.

Council Member Lovell stated that she wanted to congratulate Controller Parker on the "Bank on Houston" and knew it had been a big success; and took a point of personal privilege to announce that Parks and Recreation had a new program called "Houston Parks and Recreation Department "CPI" Citizens Park Inspector, that it would be a pilot program with 10 volunteer citizens who would be trained by program coordinators to be the eyes and ears in their neighborhood, they would inspect a park once a month for a year and then submit their inspections on line to the webpage, that they had Ricardo Zavala and Gloria Moreno who were part of the project and she thanked them for participating, that there would be eleven pilot parks spread out through the City, Cottage Park, Clark Park, Judson Robinson Jr. Park, Andover Park, West End Park, Pleasonton Manor Park, George Nelson Park, Briar Meadow Park, Settegast Park, The Walter Rasmus and The Forum Park; that she wanted to thank Director Turner for his leadership and would thank the citizens who were going to volunteer and asked that they stand and be recognized and Delores Jenkins. Council Members Lawrence and Jones absent.

Council Member Clutterbuck moved to accept the Monthly Financial Report and the Quarterly Investment Report, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Lawrence and Jones absent. MOTION 2009-0248 ADOPTED.

Mayor White stated that he wanted to commend the City Controller and Director of Finance for working closely together, that these were going to be some of the most challenging budgeting times and just plain competence was at a premium and he appreciated the work they both did in that respect. Council Member Jones.

MAYOR'S REPORT - Summer Jobs for Youth

Mayor White stated that the purpose of this was to both inform Council Members but to ask for their assistance, that he wanted to commend Ms. Linda Clarke, that she had provided leadership, not only for the City, but for the region in battling for the funds that would allow them to accomplish a couple of purposes including getting summer jobs for youth and using them to extend some of the services that they could provide by the City during hard economic times. Council Members Jones absent.

Ms. Clark reviewed the 2009 Summer Jobs for Youth Program, a copy of which is in the City Secretary's office for review, and on the City of Houston website. Ms. Clarke stated that they were sending it out with some additional information in digital form; and recognized the managing contractors for the City of Houston that were present in the audience, Mr. Roberto Gonzales, Employment and Training Centers, Ms. Sharon Malvo and Mr. Tony Williams, Houston Works and Ms. Lacreia Hammonds and Ms. Sue Crewver, Workforce Solutions. Council Members Clutterbuck, Holm and Jones absent.

Mayor White and Council Members Adams, Lovell, Johnson and Brown thanked Ms. Clarke for her presentation.

At 10:40 Mayor White stated that they would move to the consent agenda.

CONSENT AGENDA NUMBERS 1 through 38

MISCELLANEOUS - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appointment of **MR. ALLEN DALE WATSON**, to Alternate Position Four, of the **AIRPORT BOARD OF ADJUSTMENT**, for an

unexpired term ending February 1, 2011 – was presented, moved by Council Member Green, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2009-0249 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **PUBLIC PARKING COMMISSION**, for terms to expire December 31, 2010:

Position Seven - **MR. ANDREW J. LAYDEN, JR.**
Position Eleven - **MR. BRIAN W. JACKSON**
Position Fifteen - **MR. DALLAS S. JONES**

– was presented, moved by Council Member Green, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2009-0250 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS, (SOUTHWEST HOUSTON ZONE)**:

Position Two - **MR. WELCOME W. WILSON, JR.**, for a term to expire December 20, 2010
Position Five - **MR. HARRY SHANI**, for a term to expire December 20, 2009

– was presented, moved by Council Member Green, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2009-0251 ADOPTED.

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Mayor White and Council Members Clutterbuck, Holm and Adams congratulated the new appointees and thanked them for their service to the City of Houston.

ACCEPT WORK - NUMBER 4

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$5,090,058.00 and acceptance of work on contract with **WORKMAN COMMERCIAL CONSTRUCTION SERVICES, INC** for Clayton Library Renovation - 14.64% over the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Lovell, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2009-0252 ADOPTED.

Council Member Rodriguez moved to suspend the rules to consider Item No. 21 out of order, seconded by Council Member Holm. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2009-0253 ADOPTED.

21. ORDINANCE approving and authorizing first amendment to Agreement between the City of Houston and **COMMUNITY FAMILY CENTERS/CENTROS FAMILIARES DE LA COMUNIDAD**, to provide additional funding in the amount of \$770,000.00 in Community Development Block Grant Funds for Construction of a Gymnasium located at 7318 Avenue F - **DISTRICT I – RODRIGUEZ** - was presented, and tagged by Council Member Jones. (Note: Council Member Jones released her tag later in the meeting.)

PROPERTY - NUMBER 7

7. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of

Houston v. FVL, Ltd., a Texas Limited partnership, et al., Cause No. 922,728; for acquisition of Parcels AY7-423 and AY7-429; for the **MERCURY DRIVE PAVING PROJECT (IH-10 - Wallisville) - DISTRICT I – RODRIGUEZ** - had been pulled from the Agenda by the Administration, and was not considered.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 11A

10. ORDINANCE appropriating \$231,651.33 out of Equipment Acquisition Consolidated Fund for Purchase of Utility Carts for Parks & Recreation Department – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0370 ADOPTED.
- 10a. **PROFESSIONAL TURF PRODUCTS, L.P.** for Purchase of Utility Carts through the Interlocal Agreement for Cooperative Purchasing with BuyBoard for Parks & Recreation Department \$274,995.85 Equipment Acquisition Consolidated and Park Special Revenue Funds – was presented, moved by Council Member Lawrence, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2009-0254 ADOPTED.
11. ORDINANCE appropriating \$38,460.00 out of Equipment Acquisition Consolidated Fund for Purchase of Air Compressors for Public Works & Engineering Department – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0371 ADOPTED.
- 11a. **VOLVO CONSTRUCTION EQUIPMENT & SERVICES** for Purchase of Light Towers, Air Compressors and Generators through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - \$217,550.15 Enterprise and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Lovell, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2009-0255 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 14 through 38

14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Kelving Drive (Parcel SY8-068), containing 0.0017 acres of land, more or less; vacating and abandoning said tract to Stacey Fine Homes of Texas, Inc., abutting owner, in consideration of owner's conveyance to the City of a street easement (Parcel AY8-111), containing 0.0017 acres of land, more or less; all located in the P.W. Rose Survey, A-645, Houston, Harris County, Texas, and owner's payment to the City of \$300.00 - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0372 ADOPTED.
17. ORDINANCE consenting to the addition of 1,234.49 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 158**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0373 ADOPTED.
23. ORDINANCE appropriating \$48,500.00 out of HAS Consolidated 2000 AMT Construction Fund (8200); authorizing the purchase of land in Greenview Manor Section One Subdivision, Houston, Harris County, Texas, for George Bush Intercontinental Airport Houston (IAH), CIP A-0476.81; approving Purchase and Sale Agreement with the owner of the land (Helene L. Trocmet Macaluso) - **DISTRICT B - JOHNSON** – was presented.

All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0374 ADOPTED.

24. ORDINANCE appropriating \$756,075.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing an Architectural Services Contract between the City of Houston and **PERKINS & WILL - CRA, L.P.** for the Palm Center/Young Library Replacement; providing funding for the Civic Art Program and contingencies related to the construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0375 ADOPTED.
27. ORDINANCE appropriating \$47,890.00 out of Public Health Consolidated Construction Fund for Purchase and Installation of Security Equipment, Remote HVAC Equipment, and Fan Coil Units for the Department of Health and Human Services - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0376 ADOPTED.
30. Omitted
33. ORDINANCE appropriating \$12,000.00 out of Drainage Improvement Commercial Paper Series F; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC** for the Kirby Drive Relief Storm Sewer, Phase Two - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0377 ADOPTED.
34. ORDINANCE appropriating \$384,400.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **MALCOLM PIRNIE, INC** for Design of Security Entrances and Truck Turnaround Lanes at the East Water Purification Plant - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0378 ADOPTED.
35. ORDINANCE appropriating \$1,070,000.00 out of Drainage Improvement Commercial Paper Series F, Fund; and allocating \$500,000.00 out of Stormwater Fund awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for On-Call Drainage Construction; providing a maximum contract amount; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F, Fund and the Stormwater Fund – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0379 ADOPTED.
36. ORDINANCE appropriating \$2,596,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for Lockwood Lift Station Rehabilitation, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0380 ADOPTED.

37. ORDINANCE granting to **ARC ABATEMENT, 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 - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0381 PASSED FIRST READING IN FULL.
38. ORDINANCE granting to **SWEEPING SERVICES OF TEXAS - OPERATING, L.P., A TEXAS LIMITED PARTNERSHIP**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0382 PASSED FIRST READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,610,408.16 and acceptance of work on contract with **N. G. PAINTING, L.P.** for Rehabilitation of Three Ground Storage Tanks at Three Pumping Stations - 3.38% under the original contract amount - **DISTRICTS D - ADAMS; F - KHAN and G – HOLM** – was presented, moved by Council Member Lovell, seconded Council Member Lawrence.

After discussion by Council Member Adams, a vote was called on Item No. 5. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2009-0256 ADOPTED.

PROPERTY

6. RECOMMENDATION from Director Department of Public Works & Engineering to **RESCIND MOTION #2008-726, 9/24/08, AND AUTHORIZE** abandonment and sale of East Avenue O, from 96th Street to its eastern terminus and East Avenue N, from 96th Street to its eastern terminus; all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9, Parcels SY8-009A and SY8-009B - **DISTRICT I – RODRIGUEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2009-0257 ADOPTED.

PURCHASING AND TABULATION OF BIDS

8. **21ST CENTURY MANUFACTURING, INC** for Installation and Fabrication of Professional and Organizational Development Systems for General Services Department and authorize funding to be provided from contingency funds previously appropriated pursuant to Ordinance No. 2007-713 for construction of the South Post Oak Multi-Service Center/Vinson Branch Library under contract with Comex Corporation - \$134,622.00 and contingencies for a total not to exceed \$141,003.00 - Public Library Consolidated Construction Fund – was presented, moved by Council Member Lovell, seconded by

Council Member Lawrence. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2009-0258 ADOPTED.

9. **BELL HELICOPTER TEXTRON– BELL HELICOPTER TRAINING ACADEMY** for Night Vision Goggle Flight Training Professional Services for Houston Police Department - \$79,230.00 - Police Special Services Fund – was presented, moved by Council Member Lovell, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2009-0259 ADOPTED.

RESOLUTIONS AND ORDINANCES

12. RESOLUTION approving and authorizing the nomination of **ANHEUSER-BUSCH, INC** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project - **DISTRICT B – JOHNSON** – was presented.

After discussion by Council Members, Clutterbuck, Johnson and Noriega, Council Member Johnson stated that he wanted to meet with Anheuser-Bush, Inc. again and would tag Item No. 12 and would meet with Anheuser-Bush, Inc. later on this week and would get all of questions answered.

Council Member Jones stated that she would like to release her tag on Item No. 21, that that she had concerns about some HUD regulations and had received some information from Council Member Rodriguez that made her feel comfortable so she would release her tag on that item, and Mayor White stated that they would take it up at the end of the meeting.

13. ORDINANCE delegating to the Mayor, in response to a Public Health Event only, authority to establish appropriate measures, including temporarily suspending, amending, or granting an exception to certain limitations of Chapter 14 of the Code of Ordinances, Houston, Texas, involving use of leave time and various personnel procedural matters – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. ORDINANCE 2009-0383 ADOPTED.

Council Member Rodriguez moved to consider Item No. 21 at this time, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. MOTION 2009-0260 ADOPTED.

21. ORDINANCE approving and authorizing first amendment to Agreement between the City of Houston and **COMMUNITY FAMILY CENTERS/CENTROS FAMILIARES DE LA COMUNIDAD**, to provide additional funding in the amount of \$770,000.00 in Community Development Block Grant Funds for Construction of a Gymnasium located at 7318 Avenue F - **DISTRICT I – RODRIGUEZ** – was again before the City Council. All voting aye. Nays none. Council Member Khan out of the city on city business. ORDINANCE 2009-0384 ADOPTED.

15. ORDINANCE rescinding Ordinance 2008-629 and approving and authorizing Purchase Agreement between **MEDILIFE OF HOUSTON, INC**, Purchaser, and the City of Houston, Texas, Seller, for the sale of the Former Fire Station No. 27 located at 6302 Lyons Avenue, Houston, Texas, for a sale price of \$53,000.00; approving the subsequent sale of the property and assignment of a Development Agreement to the Society of Houston Latin Fire Fighters - **DISTRICT H** – was presented. Council Member Green absent.

After discussion by Council Member Brown, a vote was called on Item No. 15. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Green absent. ORDINANCE 2009-0385 ADOPTED.

16. ORDINANCE appropriating \$156,896.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Interlocal Agreement between the City of Houston and the **HOUSTON COMMUNITY COLLEGE SYSTEM** for improvements to the Houston Amateur Sports Park; providing funding for contingencies related to the construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D – ADAMS** - was presented. Council Member Green absent.

After discussion by Council Members Brown and Adams, a vote was called on Item No. 16. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0386 ADOPTED.

18. ORDINANCE approving and authorizing the City of Houston to submit the 2009 Consolidated Action Plan to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**, including the following 2009-2010 grant applications: (1) 35th Program Year Community Development Block Grant in the amount of \$33,717,217 (\$29,798,698 Entitlement Grant and \$3,918,519 Program Income); (2) Home Investment Partnerships Grant in the amount of \$13,130,151 (\$12,722,540 Grant, \$300,000 Program Income, and \$107,611 from the American Dream Down Payment Initiative [“ADDI”]); (3) Housing Opportunities for Persons With AIDS Grant in the amount of \$6,038,000; and (4) Emergency Shelter Grants in the amount of \$1,326,597; and to accept the aforementioned grant funds, if awarded – was presented, and tagged by Council Members Jones, Noriega, Adams and Clutterbuck. Council Member Sullivan absent.

19. ORDINANCE appropriating \$585,000.00 out of TIRZ Affordable Housing Fund and approving and authorizing Development Agreement between the City and **BURGLI INVESTMENTS, LLC** to develop thirteen (13) Solar Powered Affordable Single-Family Homes to be sold to qualified low-income and very low-income families - **DISTRICT I – RODRIGUEZ** – was presented. Council Member Sullivan absent.

After discussion by Council Members Lovell, Jones and Johnson a vote was called on Item No. 19. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0385 ADOPTED.

20. ORDINANCE amending the Grant Agreement between the City of Houston and **W. LEO DANIELS TOWERS, INC** to change the amounts of the sources of funding to \$670,969 in Community Development Block Grant Funds and \$215,031 in Home Investment Partnerships Funds, revise the scope of work, and extend the period of time to commence the work in connection with the rehabilitation of a 100 unit apartment building for the elderly and disabled known as the W. Leo Daniel Towers - **DISTRICT H** – was presented, and tagged by Council Member Jones. Council Member Sullivan absent.

22. ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **HOUSTON AERONAUTICAL HERITAGE SOCIETY, INC**, a Texas 501(C) (3) Non-Profit Corporation, for certain premises at William P. Hobby Airport - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0388 ADOPTED.

25. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **WHALEY ENERGY CONSULTING LLC** for Professional Consulting

Services - \$365,000.00 Central Service Revolving Fund - was presented, and tagged by Council Members Clutterbuck, Adams and Green. Council Member Sullivan absent.

Council Member Adams stated that she would like for someone to come and talk to her and give her further information on exactly what this was, that the community had not been notified about what was going on. Council Member Sullivan absent.

26. ORDINANCE appropriating \$470,675.00 out of Police Consolidated Construction Fund, approving and authorizing second amendment to Construction Management-At-Risk Contract (approved by Ordinance No. 2007-1359) between the City of Houston and **GILBANE BUILDING COMPANY** for the Construction of the HPD Qualification Pistol Range; providing funding for Modular Office, Design Services and contingencies related to construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0389 ADOPTED.
28. ORDINANCE appropriating \$500,000.00 out of Equipment Acquisition Consolidated Fund for the Purchase of Software and other Technology Equipment for the Enterprise Geographic Information System (EGIS) – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0390 ADOPTED.
29. ORDINANCE related to accounting for available funds of the City; amending and repealing various ordinances related to inactive Special Revenue Funds to release residual funds and streamline accounting for City Funds; appropriating \$7,552,000.00 from the Limited Use Roadway and Mobility Capital Fund (Fund 4034) and authorizing its transfer to the General Fund Fund Balance; making provisions related to the subject; providing a repealer; providing for severability – was presented. Council Member Sullivan absent.

After discussion Council Member Holm offered the following written motion to amend Item No. 29:

“I move to amend agenda Item #29 to exclude the Limited Use Roadway and Mobility Capital Fund (Fund 4034) from transfer into the General Fund, so that those funds can be appropriated for other capital projects.”

After further discussion Council Member Adams stated that she would tag Item No. 29 and asked how do they watch or manage funds like this, because they were saying that it was money that had been sitting there for years, so whose responsibility was it to manage, oversee and make sure that all of these things were done in a proper manner or to look at other ways that the monies could be utilized in the same area in which it was allocated, and Mayor White stated that he would get that information for her. Council Member Sullivan absent.

After further discussion Council Member Clutterbuck stated that she would tag Item No. 29 and Council Member Holm’s amendment. Council Member Sullivan absent.

After further discussion Mayor White stated that both Item No. 29 and the amendment had been tagged. Council Member Sullivan absent. Council Members Sullivan, Rodriguez and Brown absent.

31. ORDINANCE approving and authorizing Contract between the City and **PMAM CORPORATION** for Burglar Alarm Administration Services for the Administration & Regulatory Affairs Department; providing a maximum contract amount - 5 Years with two

one-year options - \$9,000,000.00 General Fund – was presented. Council Member Sullivan absent.

After discussion Council Member Lawrence stated that they had to make the installer accountable whether it was the permits or some direction, and Mayor White asked if she would be willing to take some leadership with Mr. Moran on that, and Council Member Lawrence stated that she thought it had been through Council Member Noriega's committee and thought the three of them could work on that very well. Council Members Sullivan, Holm and Brown absent.

Mayor White stated to Ms. Susan Taylor, Assistant City Attorney, that he did not know whether she had been monitoring the discussion but could say that they were going to need somebody legal involved and it could not be based on lore, that he was not faulting Legal, they wanted to go to the limit of what the law was so they needed to be considering what that limit was, that was State Law. Council Members Sullivan, Holm and Brown absent.

Council Member Noriega stated that this particular item was about managing the handling of the permits and that kind of thing and making it easier, that it was a good time to talk about it, but down another trail and thought what they needed to do was continue to address this to try to get it right. Council Members Sullivan, Holm and Brown absent.

A vote was called on Item No. 31. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Sullivan, Holm and Brown absent. ORDINANCE 2009-0391 ADOPTED.

32. ORDINANCE appropriating \$1,243,402.38 out of Equipment Acquisition Consolidated Fund and approving and authorizing Contract between the City of Houston and **TIBURON, INC** for an Automated Records Management System for the Houston Police Department - was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Sullivan, Holm and Brown absent. ORDINANCE 2009-0392 ADOPTED.

32a. ORDINANCE approving and authorizing Lease Agreement between **AMERICAN NATIONAL INSURANCE COMPANY, as Landlord**, and the City of Houston, Texas, as Tenant, for 14,859 square feet of office space at 811 Dallas Street, Houston, Texas, at a monthly rental of \$33,432.75 for the first eighteen (18) months and a monthly rental of \$34,671.00 for the following eighteen (18) months, with a resulting aggregate rent for thirty-six (36) months of \$1,225,867.56, and \$158,213.04 estimated operating and parking expenses, for a sum of \$1,384,080.60, for use by the Records Management System Project Team of the Houston Police Department **DISTRICT I – RODRIGUEZ** – was presented, and tagged by Council Member Green. Council Members Sullivan, Holm and Brown absent.

Council Member Green stated that he had a couple of questions regarding the lease for HPD and the process of installing and managing the record system, that he wanted to make sure they were getting the best value and that there were no other pieces of property, one that were owned by the City, that may meet their needs, and two, that maybe cheaper, that he understood that convenience played a part but they were a municipality and probably needed to look at all of the options that were out there, that he wanted to sit down with Building Services and HPD to make sure they had exhausted all options. Council Members Sullivan, Holm and Brown absent.

32b. ORDINANCE appropriating \$248,866.62 out of Equipment Acquisition Consolidated Fund for Purchase of Office Furniture for Houston Police Department - was presented. All

voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Sullivan, Holm and Brown absent. ORDINANCE 2009-0393 ADOPTED.

- 32c. RECOMMENDATION from Purchasing Agent to award to **J. TYLER SERVICES, INC** for Office Furniture from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Sullivan, Holm and Brown absent. MOTION 2009-0261 ADOPTED.

MATTERS HELD - NUMBERS 39 through 41

39. ORDINANCE appropriating \$11,862.41 out of Metro Project Commercial Paper Series E Fund as an additional appropriation for Construction Contract between the City of Houston and **JFT CONSTRUCTION, INC** for San Felipe Pavement Improvement from Fountainview Street to Chimney Rock Drive (Approved by Ordinance No. 2006-510 and 2007-1333) - **DISTRICT G - HOLM – (These was Item 6 on Agenda of April 29, 2009, TAGGED BY COUNCIL MEMBER BROWN)** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Sullivan, Holm and Brown absent. ORDINANCE 2009-0394 ADOPTED.
- 39a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,192,437.11 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for San Felipe Pavement Improvement from Fountainview Street to Chimney Rock Drive - 14.25% over the original contract amount - **DISTRICT G – HOLM – (These was Item 6A on Agenda of April 29, 2009, TAGGED BY COUNCIL MEMBER BROWN)** – was presented, moved by Council Member Lovell, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Sullivan, Holm and Brown absent. MOTION 2009-0262 ADOPTED.
40. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to appeals before the City Council – **(This was Item 13 on Agenda of April 29, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented, and tagged by Council Member Jones. Council Members Sullivan, Holm and Brown absent.
41. ORDINANCE making findings concerning the use of the median of Martin Luther King Boulevard within MacGregor Park for Construction and Operation of a Light Rail Line by the Metropolitan Transit Authority of Harris County (METRO) - **DISTRICT D – ADAMS – (This was Item 23 on Agenda of April 29, 2009, TAGGED BY COUNCIL MEMBER ADAMS)** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Sullivan, Holm and Brown absent. ORDINANCE 2009-0394 ADOPTED.

Mayor White stated that it may be that there was a joint committee hearing, that a number of their constituents were concerned about flooding, that perhaps the Infrastructure Committee and Drainage Committee could have a joint hearing on just the status of the Flooding Program and now the Capital Improvement side of the program, the projects on that program, that they would have the CIP out next week and then there was the additional issue of part of the funding that they were waiting on the Emergency Funding from Ike that Congress passed in September 2009, and 20% of that they were allocating to remediation of flooding problems, then they had done a lot of work to identify regional detention sites, they saw a memo from him concerning the status of that, and stated to Ms. Stein that they ought to schedule a joint committee hearing and

he would encourage all Council Members who were interested, whether or not they were in one of those two committees, to participate and the department of Public Works, that in addition, as a matter of comity if there could be a representative of the Flood Control District present he thought it would be useful. Council Members Sullivan, Holm and Brown absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Clutterbuck stated that on Saturday would be the grand opening of the HPL Express of the Houston Public Library, the Frank Branch Library, that it would be on May 9, 2009 at 10:30 a.m. and she would invite all her colleagues to attend, that the location was 10103 Fondren, which was just south of South Braeswood, that she wanted to extend her thanks to everybody in the community who helped make it possible; that on Monday they lost a longtime friend, Ms. Jane Ely, that she was a longtime Chronicle and Houston Post political reporter, that she wanted to extend her sincere condolences to her sister, as well as her good friend, Al Davis, as well as her family at the Houston Chronicle; that they would start the budget process and look forward to reviewing the budget on Tuesday and Budget Committee Workshops would begin on May 26, 2009 and continue through June, that she would encourage her colleagues to study the budget and come up with their suggestions, that she would like to propose that if anybody had any suggestions for increased funding that those frankly be rejected in this particular climate and would hope that her colleagues would understand that they had worked very hard at crafting a budget that did not have any layoffs and still cut back on a lot of waste and was a trim, fit and fiscally conservative budget and she looked forward to having suggestions from her colleagues on their ideas of how they might be able to make it better. Council Members Sullivan, Holm, Brown and Jones absent.

Council Member Noriega stated that District H elections would be on Saturday, that it would be a real opportunity for their vote to count, that in these kind of low turnout elections it really mattered for every individual person; that they had two HISD longtime folks pass away this week, that they lost Ms. Karen Owens, who was the head of the Alternative Certification Program and Ms. Juanita Walker, who was a real pioneer with the Volunteers in Public Schools, that both of these women made significant contributions and she did not want their passing to not be noticed; that today they voted on Item No. 13 about the Mayor having power in an emergency and the thing on all of their minds was the health emergency to modify some of their personnel policies, that she would like to suggest that with a flu problem going on and the real potential for something serious roaring back in the fall, something like 40% of Houston workers did not have any sick days, in particular mom's or dad's who had small children at home, that it was a real service to the City that they not come to work and keep the rest of them from getting sick, that she would like to challenge the bosses, employers and small and medium businesses to think about it as their employees cope with whatever they deal with, to be sensitive and try to accommodate folks because it was to all of their advantage and benefit to the greater good if they did not have folks with the flu coming to work and infecting other people or small children at home without supervision, so they needed everyone in Houston to be aware of it as they move forward. Council Members Johnson, Clutterbuck, Sullivan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that people counted on them to be steady and reliable in the case of disasters and he thought by and large that was the tone they took in the last one and part of leadership to. Council Members Johnson, Clutterbuck, Sullivan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she had asked her staff for them to begin to give back to those organizations that give back to them, whether the Homeless Coalition, SEARCH, Covenant House or the Women's Center, and not only that but to volunteer, that they kicked off the District D Day of Giving, that once a month they were going to take a couple of hours out of

their day, pick a non profit organization and go back into the community to give to, that she wanted to thank her staff for taking her compassion and commitment for public service and making it their own, that she wanted to thank her wonderful and supportive staff for what they had done; that she wanted to say congratulations to Karen Haller, whose son Alex was graduating from Howard University, that they were really proud of her, that she was a great mother; that she wanted to thank Constable May Walker of Precinct No. 7 for inviting them to the May Day Festival, they had a wonderful time this past weekend; that Saturday was a great turnout for the Complete Count Census Committee meeting, that she had the pleasure of serving as Co-Chair, along with Gracie Saenz, for the Outreach Committee, so anyone who wanted to be a part of the outreach could call Donald Perkins in the Planning Department at 713-837-7103; that they were demolishing the MLK car wash, that they were out there and she would be going back out there, that they were excited about one of the nuisances being torn down, that they wanted to thank the South Park Community for wanting to see change and improvements in their community; that on Saturday the TIRZ would be reopening Peggy Park, located at 4101 Alameda Road; that she would have the opportunity to present a proclamation on Saturday at the Astros game, that the game would be dedicated to the veterans; that they support the Rockets and congratulations for their win this week; that on the agenda they passed two very important items, they see that District D would continue to move forward, the Palm Center Young Library and the Sports Amateur Sports Complex; that she wanted to wish her mom, Barbara Stevens, a Happy Mother's Day. Council Members Johnson, Clutterbuck, Sullivan, Holm, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he posted with the Mayor of Los Angeles, Antonio Varagosa, a wager and challenge and would get back to his office to see how he had responded to that. Council Members Johnson, Clutterbuck, Sullivan, Holm, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to say Happy Mother's Day to everyone; that they were saying goodbye to two of the interns in their office, Ms. Bonnie Gutz and Ms. Jaweria Seth, that Bonnie was a graduating senior at the University of Houston and Jaweria was a junior of the University of Houston, that she wanted to thank them for all of their hard work; that they lost Mr. Jerry Brady, owner of Liberty Cab, that she wanted to say her condolences to his family; that they would have two committee meetings tomorrow, the Quality of Life Committee meeting would be at 10:00 a.m. and Director Turner would give a presentation on the Houston pools and at 2:00 p.m. the TIA would be there and the FAA would be there to give them a presentation on the environmental impact for George Bush Intercontinental Airport/Houston; that May 6 through 12, 2009 was National Nurses Week, that she wanted to say to her sister and nephew, who were nurses, a Happy National Nurse Week, that they were both emergency room nurses, that they were both in California; that May 3 through 9, 2009 was Teacher Appreciation Week, and she wanted to say thank you to her niece Katy, who was a teacher, for all that she did; that the Houston Fire Department had been really having a hard time and they learned that one of their cadets in training collapsed and died, Cadet Conway Johnson, that all of their condolences and prayers went out to his family and to the Houston Fire Department; that it was a 100 year celebration of the Police Department Motorcycle Corp. and there was a big spread in the paper about them, that it was a great history so congratulations to the Houston Police Department; that to everyone please do not forget to call your mom and wish her a Happy Mother's Day. Council Members Johnson, Clutterbuck, Sullivan, Holm, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to say Happy Mother's Day to all of the mothers in District A and all over the City, that there were a lot of flooding issues that had really impacted District A, that was one of her goals coming in and they actually had sixteen neighborhoods that had never flooded before with homes in them so there was some tremendous need there and they would be having a meeting on May 20, 2009 with people

whose homes actually flooded to really talk to them about some ways to check the drains, the street, to make sure that people who were mowing their lawn were not putting leaves and grass down the storm sewer, clean the street, do not let limbs and leaves just sit there on the street because it would accumulate in high water times; that she stayed up to celebrate the Rockets victory so tonight would be another one of those days so they certainly wish the Rockets a victory; that Friday was the candlelight vigilance for HPD and hoped that Council Members and staff and constituent would come to recognize those fallen officers, that it would be on Allen Parkway on Friday night; that she wanted to thank the Mayor for Dr. Persee's daily report, it had been very factual and very helpful. Council Members Johnson, Clutterbuck, Sullivan, Holm, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:04 p.m. Council Member Khan out of the city on personal business. Council Members Johnson, Clutterbuck, Sullivan, Holm, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary