

A Regular Meeting of the Houston City Council was held at 9:00 a.m., Wednesday, May 27, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Jo Wiginton, Senior Assistant City Attorney, Division Chief, Mr. Don Cheatham, Senior Assistant City Attorney, Division Chief ; Ms. Claudia Vasquez, Director Citizens Assistance, Mr. Xavier Herrera, Citizens Assistance; Ms. Martha Stein, Agenda Director and Ms. Stella Ortega Agenda Office, present.

Note: Council Member, District H Position, vacant.

At 8:16 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:27 a.m. Vice Mayor Pro Tem Lovell called the meeting to order and called on Council Member Holm for the prayer and the pledge of allegiance. Mayor White and Council Members Johnson, Sullivan, Khan, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

At 9:29 a.m. Vice Mayor Pro Tem Lovell requested the City Secretary to call the roll. Mayor White and Council Members Johnson, Sullivan, Khan, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Members Green and Rodriguez moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor White and Council Members Johnson, Sullivan, Khan, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding. MOTION ADOPTED.

At 9:30 a.m. the City Secretary began calling the public speakers. Mayor White, Council Members Sullivan, Khan, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Michael Kubosh, 1701 Lubbock, Houston, Texas 77007 (281-851-0172) appeared and stated that he was present regarding the red light camera issue, he was against them being installed and using it as a way of raising funds for vendors in the city; that accidents were decreasing in the city, but at red lights they were increasing; and urged Council Members to admit they did it for money, not public safety and take them down; that their notice of violation came from Arizona and money was sent to Ohio so it was being outsourced when jobs were needed here and citizens should know why. Mayor White, Council Members Sullivan, Khan, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Noriega stated that his point on the jobs were well taken, it should be looked at, but her guess was contracts were in place; that she appreciated him bringing it to Council's attention. Mayor White, Council Members Sullivan, Khan, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Paul Kubush, 1619 Lubbock, Houston, Texas 77007 (281-850-0171) appeared, presented information and stated that he was present regarding the Red Light Camera Program; that his presentation was Professor Robert Stein's report with City of Houston information and it showed all places accidents had gone up and at Monroe at the Gulf Freeway accidents had gone up 913%; and page five showed the conclusion that the absolute number of collisions at camera-monitored approaches was not decreasing and an HPD Sergeant Michael Muench stated he reviewed 10 years of studies on red light camera programs and the tentative evidence was that those studies using the weakest designs were most likely to report a reduction; and his time expired. Council Members Sullivan, Brown and Jones absent.

Council Member Noriega stated that she thanked both he and Mr. Michael Kubosh; that the initial presentation was in the interest of public safety and research showed growing collisions in other places, but her understanding the Stein report did have interesting data they were looking at; that the issue of economics was important now and things had changed and she thought in her opinion some of the importance of this was the financial peace of it and she would welcome visiting with him and discussing improvement to cash flow in courts, etc. and people had to be safe in many ways, but they would look at it again; and Mr. Kubosh stated the numbers were not his but the City of Houston's numbers. Council Members Sullivan, Brown and Jones absent.

Council Member Lawrence stated that she would not had voted if she thought it was a money generator; that there was a lot of green in the report, District A, she saw many in her district running red lights and that was why she voted that way, but it was coming out green in the study; and Mr. Kubosh stated that she was ignoring page 5 where it said the absolute number of collisions at camera-monitored approaches was not decreasing. Council Members Johnson, Sullivan, Brown and Jones absent.

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Brown and Jones absent.

Mr. Jim McIngvale, 6000 North Freeway, Houston, Texas 77076 (281-844-1963) appeared and stated that last Thursday night at Galleria Furniture they had a fire up about 10 to 12 feet and he called 911 and within one to two minutes the Houston Fire Department was present and worked on the incredible fire and a couple of firemen showed up at the front saying all had to exit the building and they went to watch their life's work burn down with many tears, then about that time the Mayor showed up lifting everyone's spirits and he (Mr. McIngvale) and his wife spoke with Chief Boriskie who said the warehouse was gone but they would take a stand and try to save his showroom and those valiant men and women of the Houston Fire Department went in and risked their lives taking a stand behind the restaurant and saving the showroom; that the insurance people said it was an absolute miracle they were able to stop the fire like they did and today he was present to thank the Mayor and the wonderful men and women of the Houston Fire Department for saving their store because without their valiant efforts it would have burned to the ground; and he wanted to say thank you and they were forever indebted. Council Members Sullivan and Jones absent.

Mayor White stated a friend of his of longstanding who a few years ago gave him advice on how to run the city's operations and Council Members heard him say it before and that was "Just do it." And he remembered who gave him that advise Council Members Sullivan and Jones absent.

Members of Council commended Mr. McIngvale as a God driven man with much kindness; expressed appreciation for all he had done for the City of Houston and so many within the City of Houston, expressed sorrow for all he and his family were going through at this time and appreciation for him coming in the midst of all this to express appreciation to the men and women of the Houston Fire Department; and Mr. McIngvale read a letter from a first grade student stating how sorry they were for him and stated that he got letters from all over Houston like that and a young boy, 11 years old, brought him \$200.00 from his savings and he tried to find him and his school called today.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Member Lawrence absent.

Mr. Ronald Branch, 2800 Post Oak Blvd. #225, Houston, Texas 77056 (713-402-3604) appeared, presented information and stated that he was chair of the Houston Foreclosure Prevention Task Force; that they were helping to prevent foreclosures in the community, Houston was not as heavily impacted, but in April almost 500 homes in just 10 zip codes were affected by foreclosure and on a larger scale during the first quarter of 2009 Harris County accounted for 54% of the state's foreclosure activity, almost doubling the second place holder; that a letter was mailed to Council Members informing them of the Task Force; that they were an affiliate member of the Texas Statewide Foreclosure Prevention Task Force and they were helping people preserve homeownership by providing access to their mortgage lender and or a HUD certified not for profit housing counseling agency to work with them free of charge. Council Member Rodriguez absent.

Council Member Jones read information from the flyer presented they were meeting Saturday, May 30, 2009 from 9:00 a.m. to 3:30 p.m. at the Power Center; documents they needed to take with them; and stated that it was great what they were doing and encouraged those needing help to attend Council Member Sullivan absent.

Council Member Johnson moved the rules be suspended for the purpose of hearing Ms. Effie Williams out of order to be heard after Ms. Margie Phelps, seconded by Council Member Khan. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0282 ADOPTED.

Ms. Laura Jaramillo, 1000 Louisiana, Houston, Texas 77002 (713-319-1728) appeared and stated that she was co-chair of the Houston Foreclosure Prevention Task Force and they would be hosting events in the community every other month and would be holding one this Saturday at the Power Center and had received good media coverage; that they had been reaching out to elected officials to help spread the word and had more flyers if needed and October 31st the National HOPE Appliance would be hosting an event with them at Lakewood Church as last year; that they were free and they were experts, but it did cost money to operate and they were looking for resources to help and would also appreciate their help in that; that PBS was helping and would be at the event Saturday. Council Members Johnson, Sullivan, Khan and Lovell absent.

Council Member Lawrence stated much information was given on the flyer and if she would email the Council Members she would be glad to shoot the information out in email to citizens. Council Members Johnson, Sullivan, Khan and Lovell absent.

Upon questions by Council Member Adams, Ms. Jamamillo stated that they were trying to keep homeowners in their homes and by outreach events and time to plan they had experts there to work on modifications to their loans; and Council Member Adams stated that her definition of prevention was to get the person and show them what they were doing, she wanted an organization to step forward and do a case management service and take it to the level of prevention, find the problem and do something about it through the long haul, it was a lifestyle change and she hoped they would do that. Council Members Johnson, Khan and Lovell absent.

Council Member Rodriguez stated that she should consider District I a partner, he would help anyway he could and would appreciate the email information. Council Members Johnson and Khan absent.

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

Ms. Margie Phelps, 7634 Langley Road, Houston, Texas 77016 (713-633-6293) appeared and stated that she had been to Council quite a few times; that her carport blew down several

years ago and they put it back with no problems and they were appalled the City of Houston was asking her neighbor, Ms. Atwood, to tear down her carport because she did not have her deed restriction; that there were many carports in the area and she hoped they could change this; that she and others present were in support of Ms. Atwood. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Effie Williams, 5914 Brettshire, Houston, Texas 77016 (713-631-3573) appeared and stated that she was past president of the Fontaine Scenic Woods Civic Club and they had to get a message out that deed restrictions were not enforced at this time and they were not going to tear down their fences or carports; that it was devastating after the storm and they were still trying to rebuild and she was present because she was asked to come and they were present supporting those trying to rebuild and she would like all to leave those homeowners alone as long as they had permits. Mayor White, Council Members Clutterbuck, Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Johnson thanked Ms. Williams for coming and she was absolutely right. Mayor White, Council Members Clutterbuck, Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Johnson moved the rules be suspended for the purpose of hearing Ms. Shirley Atwood out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck, Sullivan and Holm absent. MOTION 2009-0283 ADOPTED.

Ms. Shirley Atwood, 7702 Langley Road, Houston, Texas 77016 (713-301-2204) appeared and stated that she was present as Hurricane Ike took down her carport and they started rebuilding and she saw the Mayor say things destroyed from Ike they could rebuild; that someone came from the city asking her husband if he got a permit and he told him builders said he did not need one, but she went to the permit office to obtain one and then she was told there was a building line and she could not build but they were finished by then so the man came back with a red tag and she went back to the city and again was told she could not build so she told them she had a carport there for 28 years and he told her she never had a carport, but she told him she had that contract from 1971 and he said he did not want to see it; that she then told him many of her neighbors had carports and had them many years, 12 in her block, and he said he had a complaint on her called in, but they were never aware of a building line; that later an inspector came and said she needed the permit and went back and was denied again. Council Members Clutterbuck, Sullivan and Holm absent.

Council Member Johnson stated that she did right to rebuild and he thanked her for it and supported her; and upon questions, Ms. Atwood stated that she was told by Planning her carport would not come down but she needed the permit or tear it down; that she still had the contract for her first carport and petitions signed and her tax statement where she paid taxes on a carport for 28 years; and Council Member Johnson stated that Mr. Drabek was present and there was a variance she could file for; and Ms. Atwood stated that she was told from the one who would not give her the permit she needed a variance which was about \$5,000; and Council Member Johnson stated that she was given wrong information and he wanted her to speak with Mr. Drabek; that he felt priorities were displaced here; and asked Mayor White to get to the bottom of this. Council Members Clutterbuck and Holm absent.

Council Member Adams stated that she supported Council Member Johnson and in her district they had the same issue and she asked the Administration along with the Legal Department to see what was in place regarding storms and rebuilding and presented scenarios where some were allowed to rebuild and others were not and they needed to be consistent and place something in writing. Council Members Clutterbuck and Holm absent.

Mayor White stated to Mr. Drabek stated that as he understood the issue the carport extended into the subdivision's setback area and they received many complaints from individuals about enforcing regulations on permit requirements, then on the other there was the issue of what procedures were when people rebuilt a structure they had before a natural disaster, he did not think anyone wanted to do enforcement of city policies by natural disaster and thought the issue was worth having a policy and if there was need for ordinances changes for extraordinary circumstances such as disasters, but most should remember feedback from departments was about enforcing restrictions which existed in subdivisions of deed restricted communities. Council Members Clutterbuck, Holm, Green and Jones absent.

Council Member Sullivan stated that he wanted to welcome a special group today, Schultz Middle School from Waller, Texas, were present and he thanked them for being interested and coming today. Council Members Clutterbuck, Holm, Brown, Green and Jones absent.

Mr. Jeff Spivey, 1559 Tarberry, Houston, Texas 77088 (832-428-0255) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Holm, Brown, Green and Jones absent.

Ms. Rene Morse, 7701 Langley Road, Houston, Texas 77016 (713-491-9405) appeared and stated that she was a member of the Scenic Woods and Fontaine Civic Club and other organizations and this was not the first incident like this in their neighborhood, the first was when a daycare had to move off Langley because it was residential; that this incident occurred because of jealousy, they had no deed restrictions nor zoning and if they did it was not enforced until now; that there were many carports and one was all the way to the sidewalk; that all this was through the years and she urged they let the issue go. Council Members Holm and Rodriguez absent.

Council Member Lawrence thanked Ms. Morse for coming and stated that she spoke with civil judges, etc., and once a precedent was set in a neighborhood a case was usually thrown out, especially after five years and her neighborhood may look into that. Council Member Holm absent.

Mr. Hosie Atwood, 7702 Langley Road, Houston, Texas 77016 (713-301-2204) appeared and stated that he and his wife were the ones who replaced the carport destroyed from Hurricane Ike and he spoke with several builders before starting the carport and he was told no permit was needed and he built it, then when they were completed they were red tagged; that his problem was they were not the only ones with carports, there were carports all around them; and they were told they were red tagged because of a complaint; and he wanted to know why his and no one else's; that many were very old, but some were built this year and if he was red tagged then why were they not red tagged and besides they already had a carport, but since the storm took it they rebuilt and better and heavier than before; and urged the Mayor and Council to help them retain their carport. Council Members Clutterbuck, Sullivan and Holm absent.

Mayor White stated that he understood the issue and Mr. Drabek would speak with the group after they were heard. Council Members Holm and Rodriguez absent.

Council Member Jones stated that she had three points, first grandfathered should be considered, second was the city needed to be fundamentally fair, consistent, and third, there was no place in city government for personal agendas and she would like to know who red tagged the Atwoods. Council Members Clutterbuck, Sullivan, Holm and Rodriguez absent.

Mr. Johnny McKinney, 3514 Connorvale, Houston, Texas 77039 (281-590-4853) appeared and stated that he knew Mr. and Mrs. Atwood 25 plus years and invited all out to see his house, they had one of the most beautiful homes on the street, he always kept it up and was particular

about everything; that many had carports and one even to the street; that they were nice and built onto the houses and Mr. Atwood looked out for his community kind of like Mattress Mack; and asked that they allow it to stay. Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez and Noriega absent.

Mayor White stated that Mr. Drabek was ready to speak with them and this would be worked out. Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez and Noriega absent.

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

Ms. Tony Sengal, 8532 Green River Drive, Houston, Texas 77028 (832-643-2019) appeared and stated that she was vice president of the East Houston Civic Club and present as they were opposing the proposed trucking company which would go from Ley Road to Green River and though Ley was a major thoroughfare Green River was residential and they had "No Thru Trucks" signs; that they were concerned with safety, health, etc., and they built the land up so high when rainy season came around all would be flooded out and their property value may be reduced. Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez and Noriega absent.

Upon questions by Mayor White, Ms. Sengal stated that the trucking company was not in operation as yet, she had been in contact with the city multiple times and she had been red tagged and the city became aware of them because of all her calls; that there was no address but they were next to her property; that she spoke with Mr. Rick Norquist in Structural Planning and he said he would be issuing multiple citations and that was how she found out it was a trucking company and she had information and pictures to present to him. Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez and Noriega absent.

Upon questions by Council Member Lawrence, Ms. Sengal stated that she did not know if they had deed restrictions, but did have "No Thru Trucks" signs; and Council Member Lawrence stated that if she would go to the storefront and let them know which hours trucks came through they would watch it then, like an hour span to check it. Council Members Johnson, Clutterbuck, Sullivan, Khan and Rodriguez absent.

Upon a question by Ms. Sengal, Mayor White stated that a gentleman was here to take information and he would ask for a report on the status and what the legal requirements were; that people could do things with their property but they did need permits; and upon questions, Mr. Cheatham stated that he did not think there were specific permits just by nature of the business, but there were state permits they would need which they could check on; and Mayor White stated that there was also problems with people elevating their land. Council Members Johnson, Clutterbuck, Rodriguez and Noriega absent.

Ms. Maryland Whittaker, 9014 Livings, Houston, Texas 77028 (713-635-8547) appeared and stated that she was present on behalf of her community regarding the trucks; that they had many truck companies in the area and one company was right up against houses and she asked HPD to look at it and they said there was a "No thru Trucks" sign but someone took it down and they would replace it and she was tired of hearing they had no zoning, with the sign they should not be there and they idled and fumes went out all over the neighborhood; that the street had a sign against them and they should not be allowed. Council Members Lawrence, Johnson, Clutterbuck, Rodriguez Lovell and Noriega absent.

Upon questions by Mayor White, Ms. Whittaker stated that she was talking about Mesa

and Chadwood, it was a trucking company, they went in and out on Chadwood and the next street was Tarlton which also had the "No thru Trucks" sign; and Mayor White stated the issue where inspectors needed help from the Legal Department he thought was if there was a curb cut on a "No through Trucks" street could something be done; and Mr. Cheatham stated yes, he did not think they should have been given a curb cut for that purpose on a "No Truck" type street, it needed to be reviewed and he would brief the Neighborhood Services Division on the issue, there was a number of things needing to be looked at in this case and they would ask Traffic to look at it again since they gave the permits; and Mayor White stated could they close what they gave them permission to open since the city owned it; and Mr. Cheatham stated that was what they would ask Traffic to review. Council Members Lawrence, Johnson, Clutterbuck, Rodriguez Lovell and Noriega absent.

Council Member Brown stated that they had a legitimate concern and even without zoning the city was not powerless to protect neighborhoods from adverse impacts and his office would give all provisions in the City Code which protected their neighborhood to them, he would bet there were 15 provisions or so which would protect them and he thanked them for coming. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Jones, Ms. Whittaker stated that she did not know who took down the truck signs, sometimes it was the truck companies, one time a truck even turned over and he did not get a ticket, the policeman said he did not see the sign; and Council Member Jones stated that they needed to be consistent and TCEQ popped into her head, she would like to know..., this brought her back to the CES stuff, and this needed to be checked on and she also had concerns with replats and notice to those in the community. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Lawrence called a point of order on the time limit; and Vice Mayor Pro Tem Lovell stated that she would sustain the point of order. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Reva Fields, 8625 Green River Drive, Houston, Texas 77028 (713-635-3240) appeared and stated that she lived in her home 61 years and the runoff from the trucking company would not be good and she was surrounded by a pipe company which did not have a retention pond and their oil and stuff went into their ditches and then had no where to go and the street was about two feet from her property line and they did not want their street torn up. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that Mr. Drabek was present and after their last speaker they could meet with him. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Vanessa Holly-Stephens, 7725 Fitzhugh, Houston, Texas 77028 (713-635-3128) appeared and stated that she thought a sign should be placed on what they were to build, she was told by the city if it was your property you could put what you wanted on it. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that Mr. Drabek would speak to the group after they were through. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that they should have had notice there and those near should have been noticed, the information she was given was not accurate. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Rodriguez stated that it was his honor and privilege to recognize Mr. Shalazada Irfam, a Daniel Pearl 2009 Fellow from Pakistan and invited him to stand to be recognized. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Khan thanked Council Member Rodriguez for welcoming Mr. Irfam and thanked Mr. Irfam for choosing to be a Daniel Pearl Fellow, it was a great testament to what people of Pakistan felt about the tragedy which affected many around the globe and he looked forward to meeting with him. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James Walker, 3807 Julius Lane, Houston, Texas 77021 (832-443-0340) appeared, presented information from which he read that he was with James S. Walker Architects and he was chairman of the Friends of the Metropolitan Multi-Service Center Advisory Board and as a daily user of the Center's pool he would be forever grateful for the city providing the new facility; that the purpose in coming was the concern over an extended and continuing closure of the pool due to maintenance issues; that it was closed from December to January's end and then from mid March to present and in a meeting yesterday with General Services he was informed the issues were nearly resolved and may open Monday; that he would question no additional funding for the Spinal Cord Recovery Program as well as other programs attributing to the wellness of those with various mobility and health issues; that he contracted a disease and after a month of therapy he was sent to TIRR for an additional 6 weeks and then nothing and a therapist there said his best option was the Metropolitan Multi Service Center and the aquatics program developed by Brandee Tronstad and it eased his spasms, etc., and Mr. Walker's time expired.. Mayor White, Council Members Johnson, Brown, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams stated that they had his statement and asked that he summarize his statement; and Mr. Walker stated the issue was that the program originally administered by Health and Human Services was discontinued for the program by Brandee Tronstad which was quite successful and citizens were denied those services, she came and volunteered after it was eliminated; that many of all ages were in that condition and it was needed and asked for an effort to work with the county and there were programs with the state and if they could get a bunch of people working together they just might get people out of their wheelchairs just as he had gotten out; and Council Member Adams thanked him for coming about the program; that Issa and Mr. Earl were listening today to what they had to say and her office and spoke with Issa and his team and she thanked him, she understood the pool would be opened Monday and they would continue to go to the Advisory Board and meet with them every Tuesday and her staff would start being a part of those meetings to be sure they continued moving forward. Mayor White, Council Members Johnson, Clutterbuck, Brown, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Howard Hulsabosch, 5911 Bryant Pond Drive, Houston, Texas 770471 (713-778-9232) appeared and stated that he was present regarding the extended pool closure at the Metropolitan Multi-Service Center and also reinstating aquatic programs that Brandee Tronstad had developed which helped so many get out of their wheelchairs; that the center was the only one that helped so many, the healing power of water was unbelievable and he begged

to bring Brandee back after she was shamefully dismissed by Doug Earl, she got cancer and went through a brutal cancer program and was told her job would be there, but when she was better his email said they were no longer in need of her services and maybe they did not need them there, but the people in need needed her services; that able bodied people were managing disabled people and they should get some of them to manage the facility, they knew what it was like. Mayor White, Council Members Johnson, Brown, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that there would be an every Tuesday meeting with the Task Force and his issues would not be solved here, but she hoped they would get resolved as the Task Force met. Mayor White, Council Members Johnson, Khan, Brown, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Lawrence stated that she would request a statement from Parks as to why Ms. Tronstad was dismissed, this was the second time in months someone made comments on her dismissal. Mayor White, Council Members Johnson, Khan, Brown, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that would be requested and the pool would be opened Monday and they would meet once a week and she felt the issues could be worked through. Mayor White, Council Members Johnson, Brown, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Jan Sims, 7556 Tipps, Houston, Texas 77023 (713-923-8585) appeared and stated that in October 2006 she helped organize a group of disabled who came to Council addressing the same issues; today she was present speaking on their behalf; that they had wanted Brandee Tronstad reinstated and Council Members said just do it, if they needed her get her and they had her until the issue came up, the bottom-line was they wanted the pool to operate in an efficient manner with temperatures in and out of the pool correct, it was critical to many and the center was for the disabled and before Parks took it over it was a robust center with many participating with many activities and it was like a morgue now, it was not utilized correctly and that was management. Mayor White, Council Members Johnson, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Adams, Ms. Sims stated that they needed their evening classes and trained teachers and Brandee Tronstad reinstated. Mayor White, Council Members Johnson, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Noriega stated to the chair she had the experience of welcoming the Para Olympic crew to Houston months ago and it was amazing and they spoke of the unique facility at the Metropolitan Multi-Service Center and this was something not everyone had and she thought something did need to happen here; and Vice Mayor Pro Tem Lovell stated the pool would open Monday; that all were heard loud and clear and the Task Force would meet every Tuesday with General Services and the Parks Department and those needing it would have input, they would have a voice; and Council Member Noriega stated that she felt there would be a number of veterans returning to Houston and they needed to be ready. Mayor White, Council Members Lawrence, Johnson and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams stated that she would ask all Council Members to be a part of the Task Force; and Council Member Sullivan called a point of order; and Vice Mayor Pro Tem Lovell stated that they had agreed to enforce the rules; and Council Member Adams stated that she appreciated the point of order, but; and Vice Mayor Pro Tem Lovell stated that she would have to uphold the point of order. Mayor White, Council Members Lawrence, Johnson,

Clutterbuck, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Hong-Ying Pan, 1515 Holcombe, Houston, Texas 77030 (713-563-7661) appeared and stated that he was speaking on behalf of Falun Gong practitioners in Houston and expressed appreciation for the Proclamation for Falun Gong Day on May 13th, it showed the city recognized the beauty of Falun Gong; and discussed what Falun Gong was and expressed his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Rubie Dixon, 5105 Airline Drive, Houston, Texas 77022 (713-691-0191) appeared, presented information and stated that she was vice president of the original advisory board at West Gray and there were many things they needed to improve upon, but today was present on behalf of a project, they were in a collaborative effort with the Houston Center For Independent Living, Citizens With Disability Review Board (CDRB) they were hosting a townhall meeting at 1475 West Gray, Friday, June 12th, and invited the Mayor and Council to attend, it was important for them to understand the disabled and seniors were underserved after Hurricane Ike; that Metrolift did not respond and many could not get to POD sites and they would like an open forum so services could be improved. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that the information was valuable and she would like someone from her staff sit with her so they could get all who needed to be at the meeting there. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones read from the flyer topics to be discussed and stated that she or a staff member would be present, it disturbed her people being unable to get to POD sites. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Sullivan, Khan Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Lisa Porter, 3620 Washington Avenue, Houston, Texas 77007 (281-924-7874) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Sharon Rivers, 3939 Braden Drive North, Houston, Texas 77047 (713-518-1950) appeared and stated that she was present with almost 28 years of service to the City of Houston in the HPD Records Division and today was present asking for Council's assistance in helping her and her coworkers over an important issue of their pension; that she learned she would not be receiving her full pension; that about six years ago she joined DROP and switched from Pension Plan B to Pension Plan A and since she contributed \$51.00 biweekly, but she learned she would only be receiving pension for Plan B and not more than \$6,000 she made to Plan A; that for her majority of time she was not given raises and the extra \$102.00 she started putting into Plan A six years ago could have helped her through their struggles, but she trusted it would be going to her pension; that she also had damages from Hurricane Ike and now would not be receiving full retirement and a number of them were facing this and she asked that Council Members immediately look into this. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. ((NO QUORUM PRESENT)

Council Member Green thanked Ms. Rivers for coming and informing Council Members and he would like her to give her information to Mr. John Guess who was behind him and they

would set up a meeting on the issues and make sure she was getting the proper information. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that she too would work with Council Member Green. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. John Juanopulos, 2207 Eastex Freeway, Houston, Texas 77026 (713-227-5207) appeared, presented information and stated that he had been before Council previously and over the past three years they had dealt with a problem at the property located at 2215 Eastex Freeway, his partner was Mr. Joseph Evans; that they faced police retaliation for the past three years; that they leased the building to three tenants and one officer said he operated under authority of Council Member Johnson; that each time they lease the place Officer Waddy would knock on the door each time someone tried to go in and it was all recorded on tape, his supervisor said he did not want any more clubs in the Fifth Ward; that the area needed improvement and not retaliation, he had issued 88 citations to those in the building; that all was recorded and he wanted something done or he would turn the tape over to the news media; that he did not think Council Member Johnson would do this. Mayor White, Council Members Johnson, Clutterbuck, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Green thanked Mr. Juanopulos for coming and upon questions, Mr. Juanopulos stated they leased the place to Mr. Griffin who opened a club with someone, but he was engaged in illegal activities and turned himself in and was in and out of prison so when he was evicted his sister lived behind the place and called the city more than 27 times complaining of loud music, it was a private club; and Council Member Green stated he felt Council Member Johnson was doing what his constituents wanted him to do and if music was too loud someone would complain, but he understood he had 83 calls for service in 2007 and 25 in 2008 and 6 in 2009 so they were going down, but he thought they could not get permits because of electrical and structural issues; and Mr. Juanopulos stated that they were working on the problems; and Council Member Green stated that if he had a tape showing illegal activity by anyone working with the City of Houston he should turn it over today to the media. Council Members Clutterbuck and Brown absent.

Ms. Meg Poissant, 5102 Center, Houston, Texas 77007 (713-880-5553) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck and Brown absent.

Mr. Damone Stewart, 8414 Pommel, Houston, Texas 77088 (832-885-5720) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck and Brown absent.

Mr. Johnny Robinson, 8450 Bigwood, Houston, Texas 77078 (713-631-1758) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck and Brown absent.

Ms. Antoinette Daniels, 8702 Ferdinand, Houston, Texas 77051 (832-687-0907) appeared, presented information and stated that she was bring an issue to Council she faced with the Houston Police Department, she was employed 11 years and was medically separated in April 2006 and in February 2009 she was called to be reemployed as a jail attendant and found she was denied employment because of an unfaithful work history, her EPPE was a 3.0 while she was separated and it was held against her for reemployment and on top of the 3.0 there was a form sent to her asking her to sign that she was resigning, but she did not, she was medically separated and refused to sign; that today she was fighting for her work history, she

had been involved in a car wreck on duty and medically separated and told she could come back for two years and apply for jobs and she had yet received help; that she contacted Council Member Adams office various ways and had received no help. Council Members Clutterbuck and Brown absent.

Council Member Adams stated that they were there to help and she had her whole file pulled and was researching it to help her; that in looking at all her EPPEs ...; that she saw nothing in her file the city sent her outside of her COBRA form and according to her documentation there was no paperwork to show she had an unfavorable work history and she was asking her and HPD to make sure everything being provided was accurate and an annual EPPE was done once a year, but here they did it on a month and they could not do it and score her a 3.0 when she was not at work and that needed to be corrected; that she was reprimanded one time but on a written reprimand it should reflect on her EPPE on the reason why there was an unfavorable work history and all through her forms it said she was medically separated and not that she did not do a good job while at the City of Houston, she scored outstanding with her work history so she would like the Houston Police Department HR to verify why they said she had an unfavorable work history with the city, it was not documented for 11 years; and Ms. Daniels stated that she appreciated her help and understanding, Sgt. McDool was the one who said she had an unfavorable work history due to the 3.0 and paperwork not signed, but that was the only thing she refused to sign, because she did not resign. Council Members Clutterbuck, Brown and Lovell absent.

Mayor White stated that he would ask Lt. Gallier who was representing HPD today to take information, issues were raised by a Council Member and he had listened to Ms. Daniels and did not know how they could resolve it, but he would get with her at this time. Council Members Clutterbuck, Brown and Lovell absent.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-446-4477) appeared, presented information and stated that he was speaking out on METRO's policies and city appointed board members; that he presented a letter from the Federal Transit Administration to METRO concerning a Title VI Civil Rights findings resulting from a comprehensive audit conducted in February and the public did not yet know specific deficiencies and violations where one was reminded of the HUD findings in 2004; that he tried to access documents from the compliance audit and last week the Texas Attorney General ruled METRO must release the information, but they were notorious for their lack of transparency though he prevailed three times with the Attorney General ordering METRO to release the street current damage reports and they still stonewalled those reports and filed against the Attorney General seeking to keep the stray current damage report secret and now there were civil rights findings they were sitting on so where were the watch dogs, where was the city board appointed member designated to represent minority riders, the situation occurred on their watch and he was asking the Mayor and Council to shake up the METRO board and replace members who rubberstamped policies and programs which caused the civil rights deficiencies and abuses towards the poor, minority and elderly riders and there also needed to be another vote on the METRO plans. Council Members Clutterbuck, Adams, Rodriguez, Brown and Noriega absent.

Upon questions by Council Member Jones, Mr. Bazan stated that METRO had not released the drafted findings for the public and the Attorney General ordered it be released and the Legal Department had yet to respond and they had 30 days to file another lawsuit against the Attorney General on the findings and they were playing out the clock; and Council Member Jones stated that she would request the findings and see if she could get them. Council Members Clutterbuck, Adams, Rodriguez, Brown and Noriega absent.

Council Member Green moved to remain in session beyond the scheduled noon recess to complete the Agenda, seconded by Council Member Khan. All voting aye. Nays none. Council

Members Clutterbuck, Adams, Rodriguez, Brown and Noriega. MOTION 2009-0284 ADOPTED

Mr. Robbie Knapp, 815 Houston Avenue, Houston, Texas 77007 (713-228-4371) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Adams, Rodriguez and Brown absent.

Mr. Clifford Phonix, 1004 Palmer, Houston, Texas 77003 (713-225-4268) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Adams, Rodriguez and Brown absent.

Mr. James Whittaker, 9214 Edgebrook, Houston, Texas 77075 (832-878-2641) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Adams, Rodriguez and Brown absent.

Mr. Antonio Tristan, 9214 Edgebrook, Houston, Texas 77075 (832-878-2641) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Adams, Rodriguez and Brown absent.

Ms. Lois Myers, 9701 Westview Drive, Houston, Texas 77055 (713-713-461-7447) appeared and stated that as a real estate broker, former English teacher and homeowner upholding truth and justice she was outraged by the flooding of Long Point Woods, Section III, possibly destroying the value of their homes; that she never had a drop of water in her house before the flood in April; that it could have been prevented by city officials whom they elected and entrusted to care for them and they felt betrayed; that their situation was different that day because of what the city had done to the over the past few years; that they drastically altered the lay of the land, they lowered their subdivision by lowering their bordering surrounding streets of Westview and Bunker Hill; that putting all construction on opposite sides of the streets and them down in the valley while removing the required detention ponds by city ordinance for HEB and Trammel Crow right across the subdivision at I-10 and Bunker Hill, they had now become their detention pond and they wanted to know why the variances were given to the two large businesses, who did it and they did not want to hear HEB had concrete already because they had proof otherwise; that they wanted to know how the problem would be fixed and when, perhaps detention ponds did need to be placed there and major changes needed to be made to the streets, but hurricane season was upon them so it needed to be fixed soon as it would happen again; that three years ago she endorsed the project but warned if the city did not provide adequate flood control and drainage they would flood. Council Members Johnson, Clutterbuck, Adams, Rodriguez and Brown absent.

Mayor White stated that he was getting a report on this, he knew there had been several community meetings and hearings and was expecting a report; that no one wanted the type of flooding she experienced. Council Members Johnson, Clutterbuck, Rodriguez and Brown absent.

Council Member Jones stated that she remembered meetings last year where pictures were brought to them and she remembered issues related to that and she did wish they would have listened to her; that some variances should not have been granted and she was very sorry for what happened to their properties and something did need to be done. Council Members Johnson, Clutterbuck, Rodriguez and Brown absent.

Mr. Ted Brakhage, 3210 Tilson Lane, Houston, Texas 77080 (713-464-8481) appeared, presented information and stated that his topic was flooding and issues which caused the flooding; that there were many students in Council today and all the "u's" in the room were turned around backwards and he did not understand why, but though it was an issue to him, it was besides the point; that he was speaking on flooding and subsidence in Holly Terrace and

Houston, it was on April 28, 2009, they subsided in their area 45 feet from 1978 to 2000 and from 2000 to 2010 he figured they would subside another two feet and when they quit using ground water in 2030 they would have subsided another four feet and that was ten feet; that all Council Members should go the website of his presentation, it went a long ways; that he was trying to get the city and county together in the same place at the same time; that a picture in the Mayor's presentation showed the bayou, Brickhouse Gully, the city culvert and the county culvert and somehow concrete was poured between the two culverts and no water could come out; that the other problem was they had a 48 inch sewer system in front of their yards and when it rained; and his time expired. Council Members Johnson, Clutterbuck, Rodriguez and Brown absent.

Mayor White stated that he thought Mr. Brakhage had attended the Flooding and Drainage Committee Meeting last week; and Mr. Brakhage stated that he attended though he did not get notice until 10:30 a.m. that morning and could not prepare and be there by then. Council Members Johnson, Clutterbuck, Rodriguez and Brown absent.

Council Member Lawrence stated that they just received a list of county ditches; and upon questions, Mr. Brakhage stated that he tried to leave word if anyone came out from the city or county to contact him so he could meet with them and show them, it was going to be who blamed who because they tied together; that he attended the District A meeting and he did not get to speak with Mr. Clay Haines; and Council Member Lawrence stated that she was going to try and have Mr. Haines call him as it was a flood control area and thought he could help him; that the city was not allowed to touch a county ditch and the same applied to the county regarding the city; that she also flooded with 18 inches of water in her house. Council Members Johnson, Clutterbuck, Rodriguez, Brown and Jones absent.

Reverend Goldie Westley, 2025 Highway 6, Houston, Texas 77077 (281-493-1883) appeared and stated that he was with McGee Missionary Baptist Church and today he was present making an open challenge to the Mayor and Council for assistance with a program on gang prevention, it was not a district but a city thing and they and the city met the needs of the community; that they had in place a program challenging youth to become productive members of society and they had done this 20 plus years on their own, but they now needed assistance and again challenged the city for assistance, by the end of the day they should receive their proposal packet. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez and Brown absent.

Mr. Michael Champion 6 Burress, Houston, Texas 77022 (713-691-1721) appeared and stated that he was the president of the Advisory Council and they wanted to invite all to their meeting; that they had many disabled who were unable to get out during a storm and they wanted everyone to be accountable and would like them to work with them. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez and Brown absent.

Mayor White thanked Mr. Burress for coming and expressing his concerns, it was an important reminder and for the Council Members who would continue in office, he knew they gave directions to METRO early in the Administration as a high priority to both continue and expand the METRO Lift Program and that needed to be followed in this and the next Administration and the METRO Board. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez and Brown absent.

Council Member Lovell stated that the town hall meeting was an excellent idea and they had already spoken with them and she was sure they would ask the Mayor's Office to be involved in the Office of the People with Disabilities; and she thanked him for organizing it. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Brown and Jones absent.

Mr. Benjamin Calhoun, 8510 North Main, Houston, Texas 77022 (281-866-0987) appeared and stated that he was present to speak about Internal Affairs and public records; that he had a problem since 2005, when he went to Internal Affairs they did not allow him to leave a complaint about a situation he was going through and about his public records, he had been prevented from getting hazmat on his CDL, he applied and was told his public records had inaccurate information from the County Clerk's Office and the letter they sent him, well it did not say the information was inaccurate, but it was inaccurate, they said he was convicted of possession with intent to deliver from Tennessee Colony, Texas, he went to the County Clerk's Office and they had down he was convicted of delivery, but he was not being allowed to leave a complaint and a third thing was 100% of the people he was meeting as he went about had a problem with him and they would blow the horn or cough like Mayor White just did, they suddenly coughed or something but when he left the room they would stop, but mainly he wanted to leave a complaint. Council Members Clutterbuck, Sullivan, Holm, Brown and Jones absent.

Mayor White thanked Mr. Calhoun for coming and stated that Lt. Gallier was present and could speak with him at this time. Council Members Johnson, Clutterbuck, Holm, Brown and Jones absent.

Mr. Shelby Stewart, 2130 War Admiral Drive, Stafford, Texas 77477 (281-499-6925) appeared and displayed a noose and stated that he wanted to know what Council was doing about this type of racism in the Fire Department, he was present two weeks ago and asked if there was any meetings dealing with the issue and there had not been so he was back to see if they as a group had met with the Black Firefighter's concerns. Council Members Johnson, Clutterbuck, Holm, Brown and Jones absent.

Mayor White stated that he would say this with respect, they had certain protocol of questions and answers they observed with citizens and just because someone did not respond around the Council Table to a particular question by a citizen did not indicate they had not heard him or were intending disrespect. Council Members Johnson, Clutterbuck, Holm, Brown and Jones absent.

Council Member Sullivan stated that he did not say anything the last time the speaker came to Council, but he could not sit and continue watching this go on; that he would direct comments to the Mayor since it was the most appropriate that he found the noose offensive, it meant things to different people and it was particularly offensive to have a citizen come before Council and hold it up for pictures, it was clearly insightful and counterproductive and it was not representative of the Houston Fire Department, this Mayor, this Administration or this City Council; that he had been in dozens of fire departments and never seen anything other than full cooperation and team work; and his comments were not to protect the Administration or chief Boriskie, but stated on fact, what he had seen; and to continue dragging the noose around was nothing more than inciting people and trying to get attention. Council Members Johnson, Clutterbuck, Holm, Brown and Jones absent.

Mr. Stewart stated that the Black Firefighters had to look at it, had he spoke to them. Council Members Johnson, Clutterbuck, Holm, Brown and Jones absent.

Mayor White stated that they had spoken with the African American Firefighters quite a bit. Council Members Johnson, Clutterbuck, Holm, Brown and Jones absent.

Council Member Lawrence stated that she seconded what Council Member Sullivan said and would also direct her comments to the Mayor; that she had been in meetings since the gentleman was present and she would also like to see the noose checked at the door, it was offensive and this gentleman should not be representing the firefighters as he was not one and

had never been one and for him to come and have his picture taken was offensive, if the Black firefighters had a problem then they should be here. Council Members Johnson, Clutterbuck, Holm, Brown and Jones absent.

Council Member Johnson thanked Mr. Stewart for coming and stated that while many may think the noose was offensive he thought to all it was offensive and the message was clear and while the same noose was found in a firefighter's locker it was offensive to the one who found it and was written up for reporting it and at the end of the day he was well within his right for bringing it to Council's attention, often if not enough was said this body did nothing about it, he certainly heard him loud and clear and what he thought was needed was more dialogue and he asked if there was a zero tolerance policy on it, there was one on drugs, but not on racial threats on incidents of race and there did need to be one; that he spoke with chief Boriskie and they had not fully completed their comments, but afterwards he did expect a full report. Mayor White, Council Members Johnson, Clutterbuck, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that she was in a meeting yesterday with Chief Boriskie, Ms. Dupont and Ms. Longoria and three firefighters and the meeting was long and caused them to be late for another meeting, but they talked about work environments, etc., and about creating an environment which did not appear to condone racial intolerance, so there were discussions taking place and she was pleased with it. Council Members Clutterbuck, Holm and Brown absent.

Ms. Dorothy Lane, 4727 Charriton, Houston, Texas 77039 (281-590-1245) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Holm and Brown absent.

Mr. Monroe Hoggart, 4701 Anderson Road, Houston, Texas 77053 (713-433-0341) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Holm and Brown absent.

Ms. Carolyn Davis, 5903 Quail Village Drive, Houston, Texas 77053 (281-437-8157) appeared and stated that on July 4, 2008, someone she grew up with needed to use her credit card for a car rental and she went to Avis and said since they would not be using it she would pay with her ATM card and after returning home she received a call and she had taken her credit card and maxed it out and Capital One let her do it and cleaned it out; and continued expressing her personal opinions until her time expired. Council Members Johnson, Clutterbuck, Holm and Brown absent.

Council Member Jones stated that the city had no power to make Avis do anything, it was civil, but she could file a complaint with the District Attorney's Office and they may or may not pick the case up or could hire a lawyer to have a judgment executed; and Ms. Davis stated that she already did all that; and Council Member Jones stated that she needed to go to the Commissioner's Court as the city had no authority. Council Members Clutterbuck, Holm and Brown absent.

Mr. Deric Muhammad, 7229 Boggess, Houston, Texas 77016 (281-865-8323) appeared and stated that on what was already said about the Houston Fire Department, he met with the Fire Chief last week and it was true that Captain Keith Smith was caught with the noose and secondly the Chief had an investigative option to either investigate in-house or go to the OIG and an in-house investigation would merit no more than a written reprimand and when he made the decision to investigate in-house he knew that; that they also found there was no "no zero" tolerance policy for racism, etc., and that Al Bennett, another firefighter, was reprimanded for jumping the chain of command in reporting the noose incident and what happened was a great

injustice in the city; that he did not bring a noose but started to bring a bowling ball because for them to ask the Black community and citizens of this city to accept a man could take a noose to the Houston Fire Department and only get a written reprimand was like asking him to swallow a bowling ball and he simply could not do it. Council Members Clutterbuck, Holm and Brown absent.

Council Member Lawrence stated that they certainly had a right to come before Council and last week she did take them very seriously and she met with the Chief last week, Chief Longoria and Chief Dupont and spoke about their issues, but she would like them to have Black firefighter come before Council as she would like to hear from them though she would go to stations to speak with them; and Mr. Muhammad stated that Mr. Otis Jordan the head of the Black Houston Firefighters Association first brought the issue to Council in March and now they were knocking on June and he was only here because Black firefighters did come to Council and nothing was done and his question was where was she when the issue was brought to Council. Council Members Clutterbuck, Holm and Brown absent.

Council Member Johnson stated that he appreciated him coming and fighting for injustice; that Otis Jordan did come; and upon questions, Mr. Muhammad stated that it was fact many firefighters they spoke to had an atmosphere of fear at the stations, if they spoke out on such they may be retaliated against such as Al Bennett who was reprimanded. Council Members Clutterbuck, Holm and Brown absent.

Council Member Adams stated that she supported Chief Boriskie's work and firefighters who daily put their lives on the line, but she did want Council to know regardless if it was a noose, etc., it was what the firefighter saw when he opened the door and when you think of a noose it represented hatred and hanging of African Americans and if they did not have a right to come and say how they felt them some should reexamine on what the noose meant and they have asked for policies to be in place in the future and she thanked him for being a voice for others. Council Members Clutterbuck, Holm and Brown absent.

Council Member Green thanked Mr. Muhammad for coming and stated that he had the right to come to speak and stated that he thought all had met with Chief Boriskie and it looked like they needed to follow-up with it but this would not be resolved today though they could come up with a policy; that they could not legislate morality or what people thought but believed any workplace should be free from discrimination or reporting discrimination. Council Members Clutterbuck, Adams, Holm, Brown and Noriega absent.

Mayor White stated that there were 20,000 city employees who were human beings with certain rights as well and he should be assured that as they looked on where they were going forward to try and ascertain what the facts were and which organizations were consulted specifically by name before deciding whether to do this in-house and what circumstances of the rope was over an extended time and opinions of others of all backgrounds concerning the conduct of any particular firefighter and the proportionality of the discipline and intent, etc., sometimes he felt trying to do the right balance between trying to protect the rights of every city employee and as a human being and not politicize individual personnel processes and public disclosure of various matters involving the investigation. Council Members Clutterbuck, Adams, Holm, Brown and Noriega absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373, Houston, Texas 77052-4373 appeared and stated that he was the President of the United States and continued expressing his personal opinions until his time expired. Council Members Clutterbuck, Adams, Holm, Brown and Noriega absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682)

appeared and stated that the YMCA was a need for the Willow Run Community, 26.82 acres; and continued expressing her personal opinions until her time expired. Council Members Clutterbuck, Adams, Holm, Brown and Noriega absent.

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. Council Members Clutterbuck, Adams, Holm, Brown and Noriega absent.

At 1:10 p.m. Mayor White stated that they would turn to the consent agenda. Council Members Clutterbuck, Adams, Holm, Brown and Noriega absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 60**

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

1. RECOMMENDATION from Interim Director Houston Airport System to establish fees for various requests associated with the Airport Compatible Land Use Ordinance regulating development in areas surrounding George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Members Clutterbuck, Adams, Holm, Brown and Noriega absent. MOTION 2009-0285 ADOPTED.
2. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$4,411.20 per acre for properties connecting to the 30-inch or 36-inch wastewater line located along Reed Road from Alameda constructed by **REED ROAD SENIOR RESIDENTIAL LP - DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Members Clutterbuck, Adams, Holm, Brown and Noriega absent. MOTION 2009-0286 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 3 through 7

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,680,125.46 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.** for Storm Drainage Improvement in Wilchester, Memorial Way and Memorial Trails Subdivision - 6.96% under the original contract amount **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck, Brown and Noriega absent. MOTION 2009-0287 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$9,999,120.59 and acceptance of work on contract with **JALCO, INC / GEORGE CONSTRUCTION** for W. Little York Drainage Improvements from Hardy Toll Road to Halls Bayou - 3.53% under the original contract amount - **DISTRICT B - JOHNSON and DISTRICT H** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck, Brown and Noriega absent. MOTION 2009-0288 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$428,562.40 and acceptance of work on contract with **ACM CONSTRUCTION, INC** for Cambridge/Browning Elementary Paving and Drainage

Improvements - 12.32% under the original contract amount - **DISTRICT D - ADAMS and DISTRICT H** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck, Brown and Noriega absent. MOTION 2009-0289 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,463,768.57 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in Buffalo Speedway Area - 4.98% over the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck, Brown and Noriega absent. MOTION 2009-0290 ADOPTED.

#### **PROPERTY** – NUMBER 9

9. 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 withdraw the City's objections to the award in connection with eminent domain proceeding styled City of Houston v. Tania Newinn and Henry Newinn, et al., Cause No. 930,999; for acquisition of Parcel AY7-038; for the **PARK ROW ROAD PAVING PROJECT - DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck, Brown and Noriega absent. MOTION 2009-0291 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 11 through 21

11. **TOMMIE VAUGHN MOTORS, INC** for Pavement Marking Vehicle for the Houston Airport System \$137,238.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. MOTION 2009-0292 ADOPTED.
12. **MOTOROLA, INC** for Radio Transmission System Equipment through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Airport System \$130,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. MOTION 2009-0293 ADOPTED.
14. **MORNING PRIDE MANUFACTURING d/b/a HONEYWELL FIRST RESPONDER PRODUCTS** for Purchase of Fire Protection Ensembles through the Interlocal Agreement for Cooperative Purchasing with the City of Memphis, Tennessee for the Houston Fire Department - \$267,882.00 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. MOTION 2009-0294 ADOPTED.
15. **BOUND TREE MEDICAL, LLC** for Laryngeal Tracheal Device Kits for the Fire Department \$1,148,087.60 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. MOTION 2009-0295 ADOPTED.
17. **ORACLE USA, INC** for Purchase of an Oracle Software License and Support Service Agreement through the City's Master Agreement with the Texas Department of Information Resources for the Mayor's Office of Public Safety and Homeland Security - \$120,322.70 - Houston Emergency Center Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members

Clutterbuck and Brown absent. MOTION 2009-0296 ADOPTED.

18. **NORTEX MODULAR SPACE** for Modular Office for the HPD Qualification Pistol Range through the State of Texas Building and Procurement Commissioner's Contract (TXMAS) for Houston Police Department - \$377,078.00 - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. MOTION 2009-0297 ADOPTED.
19. **UNIQUE DIGITAL, INC** for Storage Area Network, Software Configuration, Installation, Training and Maintenance through the City's Master Agreement with the Texas Department of Information Resources for the Houston Police Department - \$317,435.00 - Digital Automated Red Light Enforcement Program Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. MOTION 2009-0298 ADOPTED.
20. **NATIONAL TECHNOLOGY TRANSFER, INC** for Qualifications for Technical Training on Pumps, Motors, Couplings & Alignment Procedures for the Department of Public Works & Engineering \$115,005.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. MOTION 2009-0299 ADOPTED.
21. **JOHN DEERE COMPANY** for Grounds Maintenance Equipment through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Various Departments \$93,289.31 - Enterprise and Park Special Revenue Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. MOTION 2009-0300 ADOPTED.

**ORDINANCES** - NUMBERS 26 through 60

26. ORDINANCE approving and authorizing Interlocal Agreement between the City and the **MENTAL HEALTH MENTAL RETARDATION AUTHORITY OF HARRIS COUNTY** for Home and Community Based Emergency Mental Health Services; providing maximum contract amount 5 Years - \$926,525.00 - General Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0428 ADOPTED.
27. ORDINANCE approving and authorizing Occupancy Agreement between **GULF COAST COMMUNITY SERVICES ASSOCIATION**, as Occupant, and the City of Houston, Texas, as owner, for space in the Sunnyside Multi-Service Center - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0429 ADOPTED.
28. ORDINANCE approving and authorizing Occupancy Agreement between **GULF COAST COMMUNITY SERVICES ASSOCIATION**, as Occupant, and the City of Houston, Texas, as owner, for space in the Third Ward Multi-Service Center - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0430 ADOPTED.
29. ORDINANCE appropriating \$4,200,000.00 out of Houston Airport System Renewal and Replacement Fund for property damage repair at the City's Airports caused by Hurricane Ike; approving and authorizing the reimbursement of certain Hurricane Ike expenditures from such amount; approving and authorizing the transfer of certain Hurricane Ike

expenditures from the Houston Airport System Revenue Fund and various Houston Airport System Capital Funds to the Houston Airport System Renewal and Replacement Fund; declaring the City's intent to seek reimbursement for such expenditures from the Federal Emergency Management Agency **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0431 ADOPTED.

30. ORDINANCE approving and authorizing Agreement between the City of Houston, Texas and **REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (Hardy/Near Northside Zone)** relating to the provision of Affordable Housing from Tax Increment Revenues of the Zone - **DISTRICT H** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0432 ADOPTED.
32. ORDINANCE approving and authorizing first amendment to contract between the City and **JPMORGAN CHASE BANK, N.A.** for Online Payment Services for all City Departments – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0433 ADOPTED.
35. ORDINANCE amending Ordinance No. 2006-911 passed on October 1, 2006 to increase the maximum contract amount for contract between the City of Houston and **SUPERIOR BUILDING SERVICES, INC** for Window Cleaning Services for the Convention & Entertainment Facilities Department - \$74,951.00 - Enterprise Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0434 ADOPTED.
36. ORDINANCE awarding contract to **RDI MECHANICAL, INC** for Heating, Ventilation and Air Conditioning Services for Various Departments; providing maximum contract amount - 3 Years with 2 one-year options - \$10,238,893.00 - General, Stormwater, Enterprise and Fleet Management Funds – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0435 ADOPTED.
37. ORDINANCE amending Ordinance No. 2006-1027 (passed on October 11, 2006) to increase the maximum contract amount for a contract between City of Houston and **VARIAN, INC** for Repair and Preventive Maintenance Services on Varian Analytical Instruments for Various Departments \$103,681.03 - General and Enterprise Funds – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0436 ADOPTED.
38. ORDINANCE awarding contract to **LIBERTY TIRE RECYCLING, LLC** for Scrap Tire Disposal Service for Various Departments; providing a maximum contract amount - 3 Years with 2 one-year options - \$389,190.00 - General Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0437 ADOPTED.
40. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the Public Improvement Project known as the Homestead Road Grade Separation Project; from Ley Road to Firnat Street, authorizing the acquisition by donation, purchase, or eminent domain proceedings of real property interests in Fee Simple Title or easements to twenty nine (29) parcels of land situated in the Harris and Wilson Survey, Abstract No. 32, or the Andrew Daly Survey, Abstract No. 239, in Harris County, Texas, such property being more specifically situated out of the subdivisions, of Rosewood Estates, Pelham Place, Section 2, Reserve “A” and “B” of Pandel Plaza, Laura Koppe Place and Blocks 1-3 of Barclays Place as

these properties about the east and west lines of Homestead Road between Ley Road and Firnat Street in Houston, Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0438 ADOPTED.

41. ORDINANCE approving and authorizing contract between the City of Houston and **MALCOLM PIRNIE, INC (Red Oak Consulting Division)** for Combined Utility System Water and Wastewater Rate and Impact Fee Study; providing a maximum contract amount - \$598,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0439 ADOPTED.
42. ORDINANCE appropriating \$100,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES, L.P.** for Design of On-Call General Civil Engineering Projects – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0440 ADOPTED.
43. ORDINANCE appropriating \$500,000.00 out of Metro Project Commercial Paper E Series Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **TEDSI INFRASTRUCTURE GROUP** for the Intelligent Transportation System Design Services – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0441 ADOPTED.
46. ORDINANCE appropriating \$660,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract with **COBB FENDLEY & ASSOCIATES, INC** for Technical Assistance for Interagency Project Reviews (Approved by Ordinance No. 2007-0028); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - ADAMS; G - HOLM; DISTRICT H and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0442 ADOPTED.
47. ORDINANCE appropriating \$4,465,300.00 out of Drainage Improvement Commercial Paper Series F Fund, \$706,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding Contract to **SER CONSTRUCTION PARTNERS, L.T.D.** for Storm Drainage Improvements in the Rustling Oaks Subdivision; 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 Drainage Improvement Commercial Paper Series F Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0443 ADOPTED.
48. ORDINANCE appropriating \$3,445,816.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; 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 and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System

Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0444 ADOPTED.

49. ORDINANCE appropriating \$417,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **R. J. CONSTRUCTION COMPANY, INC** for Rehabilitation of Portwest Lift Station, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0445 ADOPTED.
50. ORDINANCE appropriating \$2,401,200.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **JIMERSON UNDERGROUND, INC** for Neighborhood Sewer Improvements, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; DISTRICT H and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0446 ADOPTED.
51. ORDINANCE appropriating \$1,235,240.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Waterline Replacement in Timber Oaks West Area; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0447 ADOPTED.
52. ORDINANCE appropriating \$1,824,700.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **RWL CONSTRUCTION, INC** for Waterline Replacement in Briargrove Park; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0448 ADOPTED.
53. ORDINANCE appropriating \$1,988,600.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Waterline Replacement in Forest West and Cole Creek; 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 A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent.

ORDINANCE 2009-0449 ADOPTED.

54. ORDINANCE appropriating \$1,991,500.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CARRERA CONSTRUCTION, INC** for Waterline Replacement in Southhampton; 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 C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0450 ADOPTED.
55. ORDINANCE appropriating \$1,406,600.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Waterline Replacement in Shady Oaks; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0451 ADOPTED.
56. ORDINANCE appropriating \$1,964,100.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **GONZALEZ CONSTRUCTION ENTERPRISE, INC** for Waterline Replacement in Annunciation Subdivision; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0452 ADOPTED.
57. ORDINANCE appropriating \$2,057,042.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for FY09 Water Distribution System Rehabilitation and Renewal; 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 and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0453 ADOPTED.
58. ORDINANCE granting to **TENNESSEE GENERAL CONSTRUCTION, INC, A TENNESSEE 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 Members Clutterbuck and Brown absent. ORDINANCE 2009-0454 PASSED FIRST READING IN FULL.
59. ORDINANCE No. 2009-381, passed second reading May 13, 2009

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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0381 ADOPTED THIRD AND FINAL READING IN FULL.

60. ORDINANCE No. 2009-382, passed second reading May 13, 2009  
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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0382 ADOPTED THIRD AND FINAL READING IN FULL.

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

**ACCEPT WORK**

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,258,570.35 and acceptance of work completed by the **Surety, GUARANTEE COMPANY OF NORTH AMERICA USA** on contract awarded to **COLT UTILITIES, INC** for Delafield Street and Lidstone Street Sewer Relocation - 8.92% under the original contract amount - **DISTRICT I – RODRIGUEZ** - was presented, and tagged by Council Member Lawrence. Council Members Clutterbuck and Brown absent.

**PROPERTY**

8. ORDINANCE appropriating \$406,312.00 out of Reimbursement of Equipment/Project Fund Number 1850 to pay the amount of the award of special commissioners and the City's costs of Court in connection with the eminent domain proceeding styled City of Houston v. Estrellita H. Redus, Trustee, et al., to acquire Parcel QY9-011, for the Gregory School Project - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0455 ADOPTED.
- 8a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court and pay all costs of Court in connection with eminent domain proceeding styled City of Houston v. Estrellita H. Redus, Trustee, et al., Cause No. 925,819; for acquisition of Parcel QY9-011; for the **GREGORY SCHOOL PROJECT DISTRICT I – RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0301 ADOPTED.
10. RECOMMENDATION from Director General Services Department (i) authorizing the sealed bid sale of Parcel SY9-080, known as the Heights Recycling Center, located at 3602 Center Street at Harvard, (ii) determining a public need for an alternative recycling center site, and (iii) appointing two independent appraisers and an alternate appraiser to determine the fair market value of Parcel SY9-080 - **DISTRICT H** – was presented, and tagged by Council Member Brown. Council Member Clutterbuck absent.

### **PURCHASING AND TABULATION OF BIDS**

13. **KATZENBACH PARTNERS LLC** for Consulting Services for Process Improvement, Reorganization and Best Practices for Purchasing and Payroll Operations for the Administration & Regulatory Affairs Department - \$1,241,300.00 - General Fund – was presented, and tagged by Council Member Green. Council Member Clutterbuck absent.
16. **HOUSTON WORKS USA** to train and employ youth to be energy conservation advocates and distribute energy efficient light bulbs in various Houston neighborhoods - \$115,050.00 - Mayor's Summer Youth Conservation Corps Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0302 ADOPTED.
22. **AMEND MOTION #2006-224, 3/22/06, TO INCREASE** spending authority from \$543,276.20 to \$679,095.25, for Purchase of Automotive Tools and Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments, awarded to **SNAP-ON INDUSTRIAL a Division of IDSC Holding LLC** - \$135,819.05 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0303 ADOPTED.

### **ORDINANCES**

23. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON AREA URBAN LEAGUE, INCORPORATED** to provide \$330,000.00 in Community Development Block Grant Funds for the Renovation of the Urban League Administration Building located at 1301 Texas Avenue - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-0456 ADOPTED.
24. ORDINANCE approving and authorizing the City of Houston to submit an application for Community Development Block Grant Funds under the American Recovery and Reinvestment Act of 2009 ("CDBG-R") in the amount of \$8,093,613.00; to accept the aforementioned funds, if awarded; and to make a substantial amendment to the 2008 Consolidated Action Plan passed on April 30, 2008, pursuant to Ordinance No. 2008-385, as amended, to include the CDBG-R Funds – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-0457 ADOPTED.
25. ORDINANCE approving and authorizing agreement between the City of Houston and **HOUSTON SHIFA SERVICES FOUNDATION, INC** to provide \$3,100,000.00 Performance-Based Loan of Federal "HOME" Funds for costs to facilitate the land acquisition and construction of an 128-Unit Affordable Apartment Building for low-income person located at 7887 North Wayside, Houston, Texas - **DISTRICT B - JOHNSON** – was presented. Council Member Clutterbuck absent.

Council Member Jones stated that this item went through her committee at least initially and she voted no against it because at the time it was not in compliance with HUD regulations, that she said then she believed it was a good opportunity for the City to do affordable housing but she also wanted to be respectful of the very entities from which they got their money, that the Housing Department had submitted the documentation to HUD in order to get it approved, that she fully supported it, but it was really a good program and she was glad that Housing got in everything they needed in order to make it happened because they needed more affordable

housing in the City, that Sandra Warren the head of the Houston HUD office did send a letter showing they finally got in what they needed. Council Member Clutterbuck absent.

A vote was called on Item No. 25. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-0458 ADOPTED.

31. ORDINANCE de-appropriating \$1,875,774.78 from Fund 4034, Limited Use Roadway & Mobility Capital Fund; authorizing the transfer of the de-appropriated funds to the General Fund Fund Balance; appropriating \$806,725.00 from the General Improvement Consolidated Construction Fund, Fund No. 4509, for the Houston Amateur Sports Park Project, \$377,399.00 from the Park Consolidated Construction Fund, Fund No. 4502, for the Cullen Boulevard Beautification Project, and \$691,650.78 from the Street & Bridge Consolidated Construction Fund, Fund No. 4506, for the West Bellfort Road Extension between Stella Link Road and South Main Street (US Hwy 90A), Traffic Signal Management Program/Intelligent Transportation System Project, and the Morningside Reconstruction Project from Rice Boulevard to Sunset – was presented. Council Member Holm voting no, balance voting aye. Council Member Clutterbuck absent. ORDINANCE 2009-0459 ADOPTED.
33. ORDINANCE approving and authorizing contract between the City of Houston and **GIBBS & BRUNS LLP** for Legal Services relating to Cause No. 2008-68402, Southern Crushed Concrete v. City of Houston, in the 333rd Judicial District Court of Harris County, Texas; establishing a maximum contract amount - \$90,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-0460 ADOPTED.
34. ORDINANCE approving and authorizing first amendment to contract between the City and **AMERICAN TRAFFIC SOLUTIONS, INC** for Photo Traffic Signal Enforcement System for the Houston Police Department – was presented. Council Member Clutterbuck absent.

After discussion by Council Members Sullivan, Jones, Khan and Noriega, Council Member Sullivan stated that he would like to see a way, and still meet the deadlines, that they could work something into the contract to put more pressure on ATS to perform higher on the overdue collections on past dues, that he realized they had four or five contract amendments within the agenda item, but he noticed that improving collections was not one of them; and Mayor White stated that they had the same concerns and thought they had worked it out with the County that would assist in that regard, and Council Member Khan stated that so far the City had netted \$10.7 million and the State had taken \$8.3 million and did they know if the State had finally put the language to put that money in the trauma centers and had they given a fair share to the City of Houston, and Mayor White stated that he would find out the answer. Council Members Johnson, Clutterbuck and Brown absent.

A vote was called on Item No. 34. Council Members Sullivan and Jones voting no, balance voting aye. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0461 ADOPTED.

39. ORDINANCE approving and authorizing submission of an application for Non-Housing Grant Assistance to the **TEXAS OFFICE OF RURAL COMMUNITY AFFAIRS** and acceptance of the Texas Community Development Block Grant Program, 2008 Supplemental Disaster Recovery Fund: Hurricanes Dolly and Ike; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Director of Public Works and Engineering Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council

Members Clutterbuck and Brown absent. ORDINANCE 2009-0462 ADOPTED.

44. ORDINANCE approving and authorizing an amended and restated Professional Services Contract between the City of Houston and **BUFFALO BAYOU PARTNERSHIP, INC** for Development of Park System along Buffalo Bayou; providing a maximum contract amount 5 Years - \$180,000.00 - **DISTRICTS B - JOHNSON; D - ADAMS; G - HOLM; DISTRICT H and I – RODRIGUEZ** - was presented, and tagged by Council Member Johnson. Council Members Clutterbuck and Brown absent.
45. ORDINANCE appropriating \$794,160.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **JACOBS ENGINEERING GROUP, INC** for Design of Airline Drive from North Main to the North Loop (IH-610) (Approved by Ordinance No. 2001-0999); providing funding for contingencies relating to the construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H** - was presented, and tagged by Council Member Green. Council Members Clutterbuck and Brown absent.

**MATTERS HELD** - NUMBERS 61 through 65

61. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Director Finance Department to approve the Fiscal Year 2010-2014 Capital Improvement Plan and establish a charge of \$75.00 plus postage for the adopted CIP documents (\$5.00 plus postage for CD version) – **(This was Item 2 on Agenda of May 13, 2009, TAGGED BY COUNCIL MEMBERS SULLIVAN and RODRIGUEZ)** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. MOTION 2009-0304 ADOPTED.
62. ORDINANCE appropriating the transfer of an amount not to exceed \$25,000,000 from the Houston Airport System Airports Improvement Fund for certain Houston Airport System Capital Expenditures; declaring the Houston Airport System's intent to reimburse the Airports Improvement Fund with bond proceeds; making various findings and provisions related thereto; and declaring an emergency – **(This was Item 23 on Agenda of May 13, 2009, TAGGED BY COUNCIL MEMBER BROWN)** - was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0463 ADOPTED.
63. ORDINANCE amending Ordinance Number 2003-0529, as amended, which approved and authorized Professional Audit Services Agreement between the City of Houston and **DELOITTE & TOUCHE LLP**, to increase the maximum contract amount - \$220,000.00 - General Fund – **(This was item 25 on Agenda of May 13, 2009, TAGGED BY COUNCIL MEMBERS KHAN and GREEN)** - was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0464 ADOPTED.
64. ORDINANCE approving and authorizing contract between the City and **DELOITTE & TOUCHE LLP** for Professional Auditing Services for the Finance Department; providing a maximum contract amount - 3 Years with 2 one-year options - \$8,695,000.00 - General Fund – **(This was Item 26 on Agenda of May 13, 2009, TAGGED BY COUNCIL MEMBERS GREEN, JOHNSON, KHAN, ADAMS and JONES)** - was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. ORDINANCE 2009-0465 ADOPTED.
65. ORDINANCE amending Ordinance No. 2007-660 to increase the maximum contract amount; approving and authorizing second amendment to contract between the City of

Houston and **TIBH INDUSTRIES, INC** for Vehicle Car Wash Services for Houston Police Department - 1 Year \$250,000.00 - General Fund – **(This was Item 27 on Agenda of May 13, 2009, TAGGED BY COUNCIL MEMBER JOHNSON)** - was presented. Council Members Clutterbuck and Brown absent.

Council Member Johnson stated that he talked to the Police Department and he understood that there was an individual who came to the Police Department about a product that they were trying to get the Police Department to look at to see if they would be interested in using, that the product would help preserve the cars and cut down on the rust and wear and tear and also increase gas efficiency and would cut down on the number of times the car needed to be washed, that they were all studies that had been done, that the problem he had was the way the Police Department said they would take a look at it and never got back with him or never called the guy they met with, that he thought that was totally absurd and a total disregard, that if the Police Department was going to act in that regard when a Council Member asks if they would take a look at it and never get back with them then he did not think that contracts like this needed to be let, that they were trying to save money in the City of Houston and they were spending it without cause, that the company was a good company but he did not agree with the contract itself, that he thought they needed to start honoring their words, when they said they were going to meet with him and the contractor to help the City of Houston become more efficient in the manner in which it spends its money he thought they needed to be looking closely at these type of companies. Council Members Clutterbuck and Green absent.

A vote was called on Item No. 65. Council Member Johnson voting no, balance voting aye. Council Members Clutterbuck and Green absent. ORDINANCE 2009-0466 ADOPTED.

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

Council Member Adams stated that she would ask Mayor White to take a tour of the Houston Blood Center, a green building, that she wanted to commend Dr. Wanerty and all of the staff in the Medical Center for opening the new Houston Blood Center; that she did eleven miles in the bike ride and they had a great Tour de Hood, that she and Council Members Johnson and Brown participated by going through all the wards in the City of Houston, that it was a tremendous turnout; that she wanted to say Happy Birthday to Ms. Willie Bell Boone who was the President of the Southeast Precinct Judges Council; that she wanted to say congratulations to her niece Brittany who would be graduating from high school this week; that she wanted everyone to know that they had summer jobs available so any youth out there and their parents to please apply for the jobs; that on Friday they had the grand opening of the new Environmental Service Center; that she wanted to say thank you to her staff member Shavonda Johnson, that earlier they had a Houston employee who came forward to talk about her past history of employment, that Shavonda made the first call to the citizen and she wanted to thank her for taking the extra time out to make sure they researched her file and all of her staff for the great support of the District D office. Mayor White and Council Members Johnson, Clutterbuck, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that yesterday were the graduation ceremonies at Northwest Preparatory Academy, that a lot of those kids were at risk and it was a big deal and their parents were there supporting them; that her son, Giovanni, on Friday would officially be a senior in high school; that she wanted to commend Meredith Baker, an intern in her office, who was in Clear Lake High School and did marathons to raise money for charities, that she was accepted to a bunch of schools and Harvard was her choice; that the Houston Parks and Recreation Department, the Houston Housing Authority and the Mayor's office did a great job of beginning the repairs of the sidewalks around Kelly Village Community. Council Members Johnson, Clutterbuck, Khan, Holm, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he presented a proclamation from the Mayor's office to Strawbridge United Methodist Church in Kingwood to celebrate their 25th Anniversary; that Mayor White, last week, spoke to Humble Area Chamber of Commerce, that it was one of the better crowds that they had all year and after Mayor White left the comments were very positive about the City of Houston and the work that they were getting done in the Kingwood area; that on Memorial Day he was on Lake Houston with BWI, Boating While Intoxicated, Task Force and he wanted to thank the officers and their supervisor who worked with him, Sergeant Harding, at the Lake Houston Patrol Office, as well as Officer Grimes and a radar unit from town by the name of Broussard, that he wanted to recognize them for what they did; that he wanted to welcome back the astronauts who returned to Ellington Airport yesterday at 4:00 p.m., that they provided a major repair to the telescope Hubble. Council Members Johnson, Clutterbuck, Khan, Holm, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to congratulate VN Teamwork on the opening of the Golden Bamboo Village, a new apartment complex for low income seniors funded in part by the City of Houston Housing and Community Development Program, that she went to the ribbon cutting ceremony; that she wanted to say congratulations to Villa Arcos, that when it was her turn to provide breakfast to Council that was where they went for breakfast tacos, that it was recently spotlighted on CNN as a small business that was experiencing success even in these challenging times, that she wanted to say congratulations to the owner, her friend, Yolanda Black Navarro; that they were in the middle of the budget review week and it was a very demanding time for their Finance Department and it gave her great confidence in the staff of the Finance Department when they receive honors from organizations of their peers, that the Government Finance Officers Association of the United States and Canada recently presented an award of Distinguished Budget Presentation to the City of Houston for it's annual budget presentation for the fiscal year beginning July 1, 2009, that she wanted to congratulate Michele Mitchell, Finance Director, and her staff for a fine job; that at the beginning of tax season they had a press conference about people filing their taxes that did not normally get help to do so and how important it was and she wanted to say congratulations and thank you to Neighborhood Centers Tax Centers for a program which recently reported during the 2009 tax season that they prepared 16,821 tax returns through 17 centers, resulting in a gross refund of \$23,280,676.00, that was a lot of money for the City that probably would not have been in their economy so she wanted to congratulate Neighborhood Centers for their services. Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to say Happy Birthday to Joe Turner, Director, Parks and Recreation; that in the design manual, the new one coming out, where they had asked for critique, she had talked to a number of people today and thought she had spoken with the Mayor once before, Bingle was the biggest problem as far as esplanades, that they asked neighborhoods to help them put flowers, trim them and put in sprinkler systems and yet they could not design an esplanade because they were a non zoned City that a truck, when it did a sharp u-turn that, did not break off the end of the esplanade, that the excuse she was given was that it was the design manual of TxDOT, that when TxDOT redid the intersection a few blocks from the area that was a major problem they designed a different intersection esplanade ends, four different situations, at Bingle and Pinemont, so no it was not TxDOT motivated issue, it was that they, the City, just refused to change their design manual, that they do not go out and fix them, which they could fix very easy using the way TxDOT did it; that she wanted to thank the Legal Department, that they were going to bring something forward to change substitute judge to associate judge, that she knew it would mean a lot to the associate judges who continued to put in a lot of work; that Neighborhood Protection was important to her and right now, with the budget as it was, they were ten community inspectors short, that was unacceptable, that their budget was for the people of Houston and that meant businesses and

communities and when they were ten inspectors short of what they had last year that meant a lot of communities, that HPD needed to prioritize those neighborhood inspections because that was what the budget was about, their communities and business, that in her mind if Neighborhood Protection could not have those ten inspectors she could not approve the budget. Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he would ask Ms. Stein to follow up on that level of detail, that was why they had these hearings for and could not say in more ways how important that was, that they would take a look at exactly what that circumstance was, if there had been a reduction in head count year to year that did concern him. Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to congratulate Malcolm Decuire, his intern, who was a senior at Lamar High School and would be graduating on Sunday, May 31, 2009 at Reliant Stadium, that he did a wonderful job in his office and would be moving on to Emory University in Atlanta, Georgia; that the City of Baku, Azerbaijan would be having it's Independence Day on Thursday, May 28, 2009 and the celebration would be held in the Rotunda of City Hall, that it would be from 5:30 p.m. to 8:00 p.m. Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that as to Council Member Lawrence's concern about inspectors he thought there was some innovation that could help solve the problem, for example in a recent meeting with the Houston Apartment Association they suggested instead of having inspectors from Public Works and Fire Marshalls going out and looking at their apartment buildings they could give a little extra training to the Fire Marshalls and they could do the structural and fire life safety inspections, which were connected technically and then free up people to do the other inspections, that the same way in the Health Department and grease traps, they had one set of inspectors go out to restaurants and inspect for cleanliness, etc. and another go out to do the grease traps, why couldn't the health inspectors be trained to do the grease traps and free up some extra manpower; that he thought they had some opportunity in this last twilight days of the Texas Legislature to have some provisions for the City to be able to provide grants to homeowners and businesses that wanted to put solar panels on their buildings, that they could increase the need for coal generating plants; that on the issue of community health he wanted to put in a plug for the Mayor's Houston Wellness Council and the efforts they were doing to fight obesity, particularly in their children and their City, that they needed to become a more walkable City, and read an article from the newspaper about the design of their neighborhoods about needing neighborhood design that supported walking to school, parks, recreational facilities and walking just for the sake of exercise and to promote social interaction among neighbors, that the physical layout of their neighborhoods did much to promote or to discourage or limit healthy outdoor activities and he thought personally that they could have some very simple standards to encourage walkable neighborhoods. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she had the same article and sidewalks were not a side issue and that they ended up being very important when they were designing neighborhoods, and that neighborhood design that encouraged interaction and neighborhood watch groups and social activities reduced crime as well; that she had another article from Nation of Cities Weekly that talked about strong neighborhoods and public engagement; that they came to Council and listened to folks like today where they had 50 people talk about their issues, that when she went out about the City people asked how did she sit and listen to folks talk all day and it was interesting that they felt differently about it when they were responsible, so they appreciated the feedback from folks, but one of the things the article talked about was using those kind of issues

as opportunities to build leadership for their neighborhood, for example, with the absence of the Council Member in District H they had been working very hard with the Washington Avenue restaurants and bars, the neighborhood and super Neighborhood to put together a committee of the entertainment businesses to work on policing their own situation, they were talking about increasing security so that there were more officers in that area that they would pay for, having folks that picked up trash and self monitoring some of the parking issues and the folks that went out into neighborhoods and acted inappropriately, but what was important with that was not that they were going to do that, what was important was that they took an opportunity where there were a lot of folks that came and talked to them and there were concerns and they put together a process and they began to build leadership, they already had the super neighborhood group that was ready to go but they did not have the businesses organized and they put together a committee that she thought was going to allow them to address some of the entertainment issues, so the idea that they took things that came to them and build capacity and leadership in their neighborhoods, she thought, was an important point, the other thing that they did was create folks that took responsibility themselves, that as they listened to all the folks that came and talked to them just know that they worked at finding ways to be proactive and to increase capacity, they did not just listen to folks come and complain, that it was awfully important process with democracy to hear the people but she thought doing something constructive with it was something that all of them worked very hard at and they each did it in their own way; that she brought an article about fixing potholes in Louisville, Kentucky, that Kentucky Fried Chicken had a Fixing Potholes Program and they talked about fresh chicken and fresh streets, that they were freshening the asphalt and fixing potholes and were looking to expanding it, that it was an interesting idea of partnering with businesses; that several of the articles mentioned how important it was to partner with their institutions of higher education, both in looking at good research and pulling them into what it was they were doing and she thought it was something they needed to look at doing more of; that in the absence of Council Member Clutterbuck she wanted to remind everyone that they had a Budget and Fiscal Affairs Committee meeting at 3:00 p.m. to review the Human Resource Department and at 3:30 p.m. the Solid Waste Department and they invite all of them to review it and the Council Members to come back after lunch. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:53 p.m. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary