

City Council Chamber, City Hall, Tuesday, June 9, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 2, 2009, Mayor Bill White presiding and with Council Members Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Xavier Herrera Citizens Assistance Office; Ms. Marty Stein Agenda Director; Ms. Marta Crinejo, Assistant Agenda Director present. Council Member Toni Lawrence out of the city on personal business.

Note: Council Member, District H Position, vacant.

At 1:52 p.m. Mayor White called the meeting to order. Council Members Johnson, Holm, Rodriguez, Brown, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

At 2:40 p.m. Mayor White called on Council Member Green who led all in prayer and in the pledge of allegiance. Council Members Johnson, Holm, Brown, Lovell and Jones absent.

At 1:53 p.m. Mayor White requested the City Secretary call the roll. Council Member Lawrence out of the city on personal business. Council Members Johnson, Holm, Lovell and Jones absent.

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

Council Member Clutterbuck moved the rules be suspended for the purpose of calling the public hearing prior to Council presentations, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Johnson, Holm, Lovell and Jones absent. MOTION 2008-0316 ADOPTED.

### **HEARING - 1:30 P. M.**

**PUBLIC HEARING** on the City Budgets for the time period July 1, 2009 through June 30, 2010

Sections 102.006 (c) and 102.0065 (d) of the Texas Local Government Code require the following statement be included in this notice: "This budget will raise more total property taxes than last year's budget by \$31,229,000, or 3.55%, and of that amount \$18,060,000 is tax revenue to be raised from new property added to the tax roll this year." The growth in property tax revenue not related to new property is 1.49%, which is far less than the 4.99% growth in population and inflation, and is within the limits authorized by the voters at the charter elections held on November 2, 2004 and November 7, 2006 – was called. Council Member Lawrence out of the city on personal business. Council Members Johnson, Holm, Lovell and Jones absent.

Mr. Melvin Hughes, 7234 Cypresswood, Houston, Texas 77033 (281-213-7085) had reserved time to speak but was not present when his name was called. Council Members Johnson, Holm, Lovell and Jones absent.

Mr. Truman Cummings, 4299 San Felipe #200, Houston, Texas 77027 (713-403-8888) appeared and stated that he was an electrician at Hobby Airport and on the HOPE Executive Board; that the city was trying to develop a budget and HOPE and city employees would like their ideas heard in the process, it was not reinventing the wheel as it was done in other cities;

that best ideas came from employees and hundreds of surveys were received in a short time and could be easily implemented with huge savings; that they knew how to do their job and knew where inefficiencies were. Council Members Johnson, Holm and Jones absent.

Ms. Bobbie Jo Taylor, 4299 San Felipe #200, Houston, Texas 77027 (832-331-0936) appeared and stated that she was an employee at Intercontinental Airport and a HOPE executive for the Houston Airport System and present to discuss ways to make revenue for the City of Houston and shared two examples, one was enforcing dumpster permit fees which could generate about \$6 to \$10 million a year; and second was raising the current passenger facility fee which by the FAA could be \$4.50 as other airports and allow the city to generate additional millions of dollars and urged the city consider her ideas. Council Member Jones absent.

Mr. Daniel Box, 323 Moose Drive, Huffman, Texas 77532 (832-794-9896) appeared, presented information and stated that he was a city employee in the Public Works Department and member of HOPE and that employees knew best where systems, etc., could be made more efficient; that 73% of city employees lived in Houston and were concerned with city waste; that through the union survey it showed efficiencies were being overlooked and possible workers could be utilized in other departments when there was downtime, etc., in a department; that also many employees expressed a desire to be cross-trained, as a city building inspector he was called to inspect property along with other city agencies and a direct database to other departments would be helpful; that streamlining the current process could save the city money. Council Members Sullivan and Jones absent.

Mayor White stated that he would like Mr. Box to present his statement for viewing. Council Members Sullivan and Jones absent.

Council Member Clutterbuck stated that she would like all statements from HOPE members to be turned in for distribution to all Council Members. Council Members Sullivan and Jones absent.

Mr. Tony Davis, 4299 San Felipe #200, Houston, Texas 77027 (713-403-8888) had reserved time to speak but was not present when his name was called; and Mr. James Moore appeared and stated that he was a city employee and member of the HOPE Executive Board; that he believed the city needed to make improvements in contract processes, employees wanted to ensure the best services were delivered which did not always hold true for city contractors and the HOPE survey showed many times city employees had to fix what was done by contractors and they needed to ensure the city was getting their moneys worth and utilize the expertise of those in departments who had years of experience in streamlining processes and hoped the city would see what employees could do before contracting out. Council Members Sullivan, Holm and Jones absent.

Upon questions by Council Member Rodriguez, Mr. Moore stated that his name was James Moore. Council Members Sullivan and Jones absent.

Mr. Robert Joseph, 4299 San Felipe #200, Houston, Texas 77027 (713-403-8888) appeared and stated that he was present representing city employees and for weeks they were receiving ideas on how the city could operate more efficiently and it showed the deep commitment the employees had for the city, they cared about services they provided, many lived in Houston and they were asking permission to promote efficiencies and have their ideas heard; that business had done this for years and President Obama encouraged federal employees to do this from the bottom up; and today they were asking Council to include in the budget a commission on promoting efficiencies and a standard practice of collecting employee's ideas. Council Members Sullivan and Jones absent.

Mayor White stated that they were thinking in parallel, they had been working on this and something to allow the employee recognition for his or her idea. Council Members Sullivan and Jones absent.

Council Member Khan stated that this was a great idea to have employees participate, he thought tapping into city employee's would improve the city; and Mayor White stated that this had been done in other instances and they wanted to keep track, it was part of an employee's job to figure how to do their job better and they wanted to be sure there was a recognition. Council Members Sullivan and Jones absent.

Ms. Crystal Bermeno, 4299 San Felipe #200, Houston, Texas 77027 (713-403-8888) appeared, presented information and stated that she was happy to hear Mayor White as that was what they were working on; that in three works they generated over 100 surveys which could generate millions of dollars; that they expressed strong desire to be cross trained and they strongly believed the city should establish a commission which was similar to other cities where employees could be inspired and place ideas allowing the city to operate efficiently. Council Members Sullivan and Jones absent.

Council Member Rodriguez stated that they met three weeks ago and it was good they could do all this in three weeks; that maybe the Mobility Response Team could inspect buildings, etc., when not busy with traffic. Council Members Sullivan and Jones absent.

Council Member Adams asked all HOPE employees to stand to be recognized and thanked all for coming and stated that many ideas and creativity were with employees and she was proud to say she was once a city employee and HOPE member and they should send their findings to Council. Council Member Sullivan absent.

Council Member Brown thanked all for coming and for their ideas; that he thought Health Department inspectors who inspected restaurants could also inspect grease traps and who was best to say if it was a good idea than those doing the jobs. Council Member Sullivan absent.

Council Member Khan thanked all for coming and for their ideas and to include them in the process was a great idea. Council Member Sullivan absent.

Mayor White stated that he really liked this hearing and most, if not all, suggestions were at the heart of important city issues and he wanted to recognize the professionalism of city employees and they should be respected and hoped when they were moved up they would not lose their commonsense. Council Member Sullivan absent.

Council Member Jones thanked HOPE for coming and for their suggestions and stated that in reviewing them there were cost saving measures and she was supportive and would be happy to speak with them. Mayor White and Council Member Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Melvin Hughes, 7234 Cypresswood, Houston, Texas 77033 (281-213-7085) who was previously called was now present and appeared and stated that he was with Water Production and president of HOPE and he wanted to announce a historic landmark for their union, their board election was mandated by members and he introduced members and asked they stand to be recognized; that he thanked the Mayor and Council and looked forward to raising the standard of living for city employees and ensuring the quality of service for Houston. Mayor White and Council Members Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan moved to close the hearing, seconded by Council Member Green. All Voting aye. Nays none. Council Member Lawrence out of the city on personal business. Mayor White, Council Members Sullivan and Holm absent. MOTION 2009-0317 ADOPTED

At 2:29 p.m. Vice Mayor Pro Tem Lovell stated that presentations would begin with Council Member Noriega. Mayor White, Council Members Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Noriega invited Mr. Frank Rollins to the podium and stated that her family valued remembering where you came from and realizing on whose shoulders you stood and National Train Day was Held May 9th and a national day for African American men who served as porters for the rail line, they tended to needs of travelers from coast to coast and they worked hard under extreme conditions; that Mr. Rollins came to Houston in 1955 and never left and today they were honoring Mr. Rollins for the many trails he blazed and lives he touched; and presented him a Proclamation proclaiming today as "Frank Rollins Day" in Houston, Texas. Mr. Rollins thanked all for the recognition and stated that he appreciated them recognizing the long journey he had from Louisiana to Houston City Council. Mayor White, Council Members Johnson, Clutterbuck, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan stated that they were honored to have him present today and it was people like him who made this country what it was and he thanked him for what he had done. Mayor White, Council Members Johnson, Clutterbuck, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Rodriguez invited those with his proclamation to the podium and stated it was an honor to be before them celebrating history; that Emancipation Park for many was an institution, the site was acquired in 1918 and used to hold the Juneteenth Celebration and it had been the site for parades, movies, concerts, etc., and presented a Proclamation to the group proclaiming today as "Emancipation Park Day" in the City of Houston. Ms. Robinson stated that she was president of the Friends of Emancipation Park and they were delighted to do their work which they did from a historic standpoint; and invited all to the Juneteenth Celebration. Mayor White, Council Members Johnson, Sullivan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones thanked Council Member Rodriguez for recognizing the Friends of Emancipation Park, educated all on Emancipation Park being a place where Black people went when they could go no where else and stated she was thrilled the park would no longer be rejected. Mayor White, Council Members Johnson, Sullivan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Noriega on a point of order recognized 12 from the Teachers Externship Program and 2 assigned to the Library Foundation and they had over 200 teachers placed in 60 different work sites and asked all to stand to be recognized. Mayor White, Council Members Johnson, Sullivan, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams moved the rules be suspended for the purpose of adding speakers and hearing Mr. John Branard on Agenda Item 39 after Mr. David Mangum for three minutes and "Little J" Xavier after Mr. Sam Harris. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Mayor White, Council Members

Johnson, Sullivan, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0318 ADOPTED.

The City Secretary began calling the public speakers. Mayor White, Council Members Johnson, Sullivan, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Chris Avery, 1721 Spring, Houston, Texas 77007 (469-877-0291) appeared and stated that he was president of Sabine Gardens and representing a group of 9 homeowners; that they were against the proposed recycling center in their neighborhood; that the head of Solid Waste spoke with them at a meeting and claimed the area was heavily industrialized but it was changing with townhomes, etc., they were told this site would save the city money, but the recycling center would devalue homes and cause less tax dollars and the Hike and Bike Trail was just built there and streets were narrow; and urged a no vote on Agenda Item 39. Mayor White, Council Members Sullivan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Holm stated at the meeting last night it was explained how the site was determined and Neighborhood 22 wanted time to understand why information was not shared and she would ask for a delay. Mayor White, Council Members Clutterbuck, Sullivan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated to the Administration was there a reason this had to be moved on so quickly, the District would have a new Council Member as of Saturday after the election and Mr. Hayes was present and could give an overview. Mayor White, Council Members Clutterbuck, Sullivan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Noriega stated that Council Members were listening. Council Members Clutterbuck, Sullivan and Green absent.

Council Member Lovell stated that she would like to hear from Mr. Hayes on the due diligence before speakers continued. Council Members Clutterbuck, Sullivan and Green absent.

Mr. Ross Matthews, 1201 West Loop North, Houston, Texas 77055 (713-682-2292) appeared and stated that he was a market officer in a building at the corner of White and Spring by the proposed recycling center and one of their tenants also occupied the facility across the street from them and immediately abutting the site of the proposed relocation and their concern was the idea of a food processing plant adjacent to a recycling plant and that it may cause harm and affect their businesses and would suggest the proposed site not being conducive to the existing uses. Council Members Clutterbuck, Sullivan and Green absent.

Council Member Lovell stated that she would like to hear from Mr. Hayes at this time and clarify. Council Members Clutterbuck, Sullivan and Green absent.

Mayor White thanked Mr. Matthews for coming and expressing his concerns; and stated by unanimous consent if there were no objections they would hear from Mr. Hayes at this time. Council Members Clutterbuck, Sullivan and Green absent.

Mr. Hayes, Director of Solid Waste Management stated the Center Street property had been a part of the recycling for about 10 years and was one of the heaviest used facilities and they had improvements which would take place and realized for the space the use was limited and Admiral Linens was interested in using the site for parking and for a significant sum; that they worked with General Services in looking for another location for the city facility and one

which would benefit the entire solid waste system and improve recycling and they looked at five properties which he gave an overview of addresses, footage, etc., that this was a great deal for citizens of Houston. Council Members Clutterbuck, Sullivan and Green absent.

Council Member Jones stated was there time to give people who would use the facility time to be a part of the process; and Mayor White stated that was a good question and one he was trying to understand the answer to; that the city wanted to be good stewards of city assets and it was policy when they could dispose of something for a good price then they should be able to do something; that he understood it was a good offer and they did not want to lose it, but did not know how time sensitive it was; that a Council Member could make a motion to delay the issue, it should be fairly routine to manage real estate based on principles. Council Members Clutterbuck, Sullivan, Brown and Green absent.

Council Members thanked Mr. Hayes for coming and upon questions, Mr. Hayes stated that the new facility would be larger and recycling expanded with no garbage and no smells or odors; that the Super Neighborhood was not briefed, they did not go out for meetings; and Mayor White stated that the city wanted to be good stewards of the tax dollars and manage real estate as good stewards, sometimes in trying to protect taxpayers interests was to make sure cards were held close to the vest and now they were at the point they should be and he welcomed people helping them make the right decision, but in real estate you could wind up paying through the nose, but this process did not mean there was a conspiracy. Council Members Clutterbuck, Sullivan, Khan and Green absent.

Mr. David Stephenson, 9207 Barber Drive, Houston, Texas 77095 (281-855-7422) appeared and stated that he was treasurer and founder of the Greater Houston Athletic Association for the physically disabled and he was present expressing support to Parks and Recreation management of the Metropolitan Center; that by a survey the number one purpose of the facility was to have recreation enhanced and Parks and Recreation brought together the facility. Council Members Clutterbuck, Sullivan, Khan and Green absent.

Council Member Adams stated that in talking with Mr. Dadoush and the Parks Department found they were improving the programming; that a speaker last week said he had not been able to walk and through programming could now take steps and as Council Member of that district she would be watching closely and her staff would be attending meetings to make sure they stayed on top of things and she commended Mr. Dadoush and Mr. Turner. Council Members Clutterbuck, Sullivan, Khan, Rodriguez and Green absent.

Ms. Graciela Saenz, 600 Travis, Houston, Texas 77002 (713-650-2739) appeared, presented information and stated that she was attorney with Winstead Law firm representing the interests of Martin Preferred Foods and Mr. Mike Tapick regarding the concern over the relocation of the Heights Recycling Center, the location would be directly adjacent to Martin Preferred Foods; that yesterday they briefly heard from Mr. Hayes, Director of Solid Waste at the SN22 Council Meeting, he gave a brief presentation of the plan and reasons why it happened as it did, but there were concerns raised by constituencies on the proposed site and she understood the real estate side, but the area was in transition and not just industrial and they had a concern of traffic and the new nearby bike trail; that they were speaking of good neighbor policies and their ultimate goal would be to help find another location for a win/win for all; that Ms. Jane Cahill West president of the Washington Avenue Coalition-Memorial Park was not able to be present and sent a letter with her which she would like distributed to all; and they were to elect a new Council Member for District H Saturday and would like this postponed until their Council Member could take part. Council Members Clutterbuck, Sullivan, Khan, Rodriguez and Green absent.

Mr. Mike Minihan, 2011 Silver, Houston, Texas 77007 (281-381-2064) appeared and stated that he was operations officer for Martin Preferred Foods and speaking in opposition to the proposed relocation of the Heights Recycling Center to 1904 Spring Street as it was contiguous to their meat processing plant; that they were also disappointed there was no public notice regarding the relocation; that the city just completed a bike trail running along the property and the area surrounding the prospective recycling site continues to be revitalized by residential construction; that the site borders a USDA site inspection plant and they operated there over 50 years and they were afraid of safety hazards with the center's relocation. Council Members Clutterbuck, Sullivan, Khan and Green absent.

Council Member Jones stated that she would make a motion to send it back to the Administration, allowing time for citizens input and for their Council Member to be in place. Council Members Clutterbuck, Sullivan, Khan and Green absent.

Council Member Lovell stated that she would vote to refer this back because she thought citizens should have an opportunity; and upon questions, Mr. Minihan stated that they were concerned with potential hazards and primarily from rodents, pests, bacteria, etc., that traffic moved through their daily and anyone could place any hazardous waste there; that they were 50 yards away from the site; and Council Member Lovell stated that she felt there was much misinformation and she would like Mr. Hayes to take him to a plant and see how clean they were and possibly place his mind at ease as they valued his business in the neighborhood and rats running around, etc., it just did not happen. Council Members Clutterbuck, Sullivan, Khan, Green and Jones absent.

Mayor White stated that Grocers Supply was close to the current site and they may check and see if they had any concerns such as he expressed. Council Members Clutterbuck, Sullivan, Khan, Green and Jones absent.

Upon questions by Council Member Holm, Mr. Minihan stated that the USDA policy was that the company develop a process to control contamination procedures and they reviewed such procedures and being next to a recycling center could cause them to be completely reevaluated. Council Members Clutterbuck, Sullivan, Khan, Green, Lovell and Jones absent.

Mr. Mike Tapick, 2011 Silver, Houston, Texas 77007 (713-869-6191) appeared and stated that he was CEO and owner of Martin Foods and concerned that the whole issue of the recycling center was that the government would force them to relocate their facility because of potential hazards; that their facility was valued at millions and they paid much in taxes; that they just celebrated their 50th year there and would like to continue being a good neighbor. Council Members Clutterbuck, Sullivan, Khan, Green and Jones absent.

Council Member Brown thanked Mr. Tapick for coming and stated that he made a good point of regulatory impacts, but it was a neighborhood recycling center and not a solid waste transfer station; that he was rooting for Washington Avenue being a mixed use residential/commercial corridor which reflected the best the city could be; and Mr. Tapick stated recycling centers were needed, but at their location they had space to grow, his roots were there, it was a good location and they spent a lot of money to be there; and they had many people policing the cleanliness of the area and surrounding area; that they recycled on their property but it was managed. Council Members Clutterbuck, Sullivan, Khan, Rodriguez and Green absent.

Council Member Lovell requested the Legal Department get in touch with the USDA to see if they would be violating any FDA regulations and get a report; and Council Member Adams stated that Mr. Hayes already had a report on that; and Mr. Hayes stated that in speaking with the leading director's office in Dallas as well as the USDA regarding if there

were any violations having a recycling drop site next to a processing facility and the answer was no and he would make a copy available to the Administration; and Mayor White stated all this was a good discussion, this was democracy open and transparent; and thanked Mr. Tapick for coming. Council Members Clutterbuck, Sullivan, Khan, Green and Jones absent.

Mr. Chhay Mak, 7811 Janak, Houston, Texas 77055 (713-823-5782) appeared and stated that he was president of the GHAPD the Greater Houston Athletic for Physically Disabled and he was present regarding the recreation center on West Gray; that he understood there was concerns voiced, but cosmetic issues were upgraded and there was a positive atmosphere and support since Parks and Recreation had taken over. Council Members Clutterbuck, Sullivan, Khan, Green and Jones absent.

Council Member Noriega stated that they spoke about this before and she had opportunity to view the Para Olympics programs at the George R. Brown and they did appreciate his concern over the issues and thanked him for coming. Council Members Clutterbuck, Sullivan, Khan, Green and Jones absent.

Mr. David Mangum, 618 E. 15<sup>th</sup>, Okmulgee, Oklahoma 74447 appeared and stated that he was an employee of Gullet and Associates, a Houston based company and was present in support of Agenda Item 32, which was an extension of a project for Center Point. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Brown, Noriega, Green and Jones absent. (Vice Mayor Pro Tem Lovell presiding. NO QUORUM PRESENT)

Mr. John Bernard, who was previously added to the speakers list appeared and stated that he was a resident of the First Ward and had concerns over the recycling center; that the area was not just industrial they now had residential construction and the streets were narrow; that the hike and bike trail was there now; and urged more consideration. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Sam Harris, 4802 Martin Luther King Blvd., Houston, Texas 77021 (832-878-8535) appeared and stated that he was a pastor promoting Get On Tha Bus Tour which was to stamp out HIV/AIDS, STD's, Drugs, Violence, etc., and they had just come back from Beijing, China; that they were asking the City of Houston to stand with them and assist them. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Johnson thanked Mr. Harris for coming; and upon questions, Mr. Harris Stated that they were asking for city support; and Council Member Johnson stated that he should ask for specifics, but he did support and thank him as this was an important campaign. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she did commend them and his rap was never negative; and upon questions, Mr. Harris stated that they needed a positive message and positive result of testing and if they could set the template in Houston and get thousands of test results that was their goal. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Lil J Xavier, who was previously added to the speakers list appeared and stated that the Get On Tha Bus Tour was to bring awareness of HIV/AIDS, etc., and he thanked all for their support, it was a blessing to be able to touch lives. Mayor White, Council Members

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

Council Member Adams stated that she wanted to thank him so much for what he had done and his Mom and Dad who played a vital role in his life; that she thanked him for taking a compassion and moving forward and anything she could do he should continue to call on her and Council Members Johnson and Jones. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he appreciated him and his family and Ms. Hines for showing the way; that he appreciated the spirit by which they did this; that actions had consequences and with respect to their program they were showing and helping and youth would listen to them; that this was a sponsors packet and he hoped they would submit an educators packet and proposal and submit it to the City of Houston. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she lost a brother and friends to HIV and what he was doing was effective, young people would listen to him, he had much influence and he should take Council Member Johnson's advise and put together a packet and let them see if something could be done. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Branell Ayers-Anderson, P. O. Box 082892, Houston, Texas 77280 (832-894-0913) appeared and stated that it took three times to speak to Mayor White and the Council and she thanked God for being a volunteer for District 9 and the next meeting was June 20<sup>th</sup> and she hoped to have it outside; that she was disabled as of 2008 and had been in jail and was present on behalf of the Lord God Jesus; and continued expressing her personal opinions until her time expired. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Ray Hill, P. O. Box 3624, Houston, Texas 77253 (713-523-6969) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Ms. Delores Alexander, 6829 Almeda Genoa Road, Houston, Texas 77075 (713-991-5518) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Charles Smith, 820 Cora, Houston, Texas 77088 (281-238-1808) appeared and stated that he was present regarding the airport shoeshine; that they asked for an extension, but he was looking for the bid to come out so he would have a chance to bid; that the lady there now was there 20 years and every time the bid started to come out it would not and he would appreciate them looking into it, he had tried to get it 15 years. Mayor White, Council

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

Council Member Johnson thanked Mr. Smith for coming and addressing his concerns; and upon questions, Mr. Smith stated that they were trying to give the person a new extension most likely, it happened over and over; and Council Member Johnson stated that he would pull the contracts and see where they were in the bid process and he would be happy to let him know. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Mr. Ward was present with the Airport System in the back and could meet and speak with him at this time. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Moses Villalpando, 314 Lindale, Houston, Texas 77022 (281-238-1808) appeared and stated that April 18th he sent a letter to Public Works and Engineering asking they consider placing two stop signs on Hammers at Lindale and was told it did not meet requirements; that he asked for the signs because it seemed every two months or so there was an accident there and a few houses down from there was a school; that he was not asking for street lights or beautification only two stop signs, how expensive was that, would someone have to be killed first, he hoped he would never have to use this with something happening here. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Villalpando stated that he received a letter from Public Works stating the location did not meet specifications; and Council Member Jones stated that she would like a copy of his letter and try and figure this out. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she had a copy for her. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she would be available to help also; and Council Member Jones stated that what happened before was they went to do the survey and it was not at peak times and it had to be done over. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Mr. Drabek with Public Works was present and could speak with him at this time. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Bellfort, Houston, Texas 77071 (713-729-1153) appeared and stated that many people did not fill out census like they should and today he was encouraging everyone to participate because that was where the money came from. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that some Council Members were wanting the Mayor to fund a complete count and Council Member Rodriguez was heading the charge; that Houston's federal dollars depended on how many people were here. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that they had committees and she was happy to co chair for outreach; that meetings were coming up and she welcomed him to attend, they were trying to outreach to organizations. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he was President of the U. S. and was demanding more time; and mentioned Council Member Clutterbuck and Congressman Archer; and continued expressing his personnel opinions until his time expired. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

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

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was the Beautification and Restoration president and present regarding the YMCA funding. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 4:37 p.m. City Council recessed until 9:00 a.m., Wednesday, June 10, 2009. Council Member Lawrence out of the city on personal business. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, June 10, 2009, with Mayor Bill White presiding and with Council Members Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Toni Lawrence out of the city on personal business.

Note: Council Member, District H Position, vacant.

At 8:29 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:40 Mayor White called the meeting to order. Council Members Johnson, Sullivan,

Brown, Lovell and Green absent.

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 2 through 30A**

**ACCEPT WORK** - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,811,943.26 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in the Parkhurst Area - 6.66% under the original contract amount - **DISTRICT B – JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan, Brown, Lovell and Green absent. MOTION 2009-0319 ADOPTED.

**PROPERTY** - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering to Purchase Parcel QY9-014, located at 1014 Parker Road, owned by Lois J. Brown, a feme sole, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road** - \$118,000.00 - Street & Bridge Consolidated Construction Fund 4506 - **DISTRICT H** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan, Brown, Lovell and Green absent. MOTION 2009-0320 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 4 through 8

4. **INX, INC** for Cisco Network Equipment through the City's Master Agreement with the Texas Department of Information Resources for Houston Airport System - \$600,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan, Brown and Green absent. MOTION 2009-0321 ADOPTED.
5. **THERMO FISHER SCIENTIFIC, d/b/a FISHER SAFETY** for Mass Causality Triage Trailers through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Airport System - \$76,669.46 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan, Brown and Green absent. MOTION 2009-0322 ADOPTED.
6. **QIAGEN, INC** for Automated DNA Testing Machines for Houston Police Department - \$99,886.00 Police Special Services and Asset Forfeiture Funds – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan, Brown and Green absent. MOTION 2009-0323 ADOPTED.
7. **INFILCO DEGREMONT, INC** for Climber Screens Replacement Parts and Services for Department of Public Works & Engineering - \$116,674.32 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Lawrence out of the city on personal

business. Council Members Sullivan, Brown and Green absent. MOTION 2009-0324 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 11 through 29

11. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two (2) 10-foot-wide sanitary sewer easements (Parcels SY8-044A and SY8-044B) and two (2) 10-foot-wide water line easements (Parcels SY8-044E and SY8-044F); vacating and abandoning said parcels to CA New Plan Acquisition Fund, LLC, the abutting owner, in consideration of its conveyance to the City of a 5- to 20-foot-wide water line easement (Parcel KY8-212), all within Merchants Park Shopping Center, within Tract I, out of the John Austin Survey, A-1, Houston, Harris County, Texas, and its payment of \$38,142.00 and other consideration to the City - **DISTRICT H** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0495 ADOPTED.
12. ORDINANCE approving and authorizing Sublease Agreement between the City of Houston, Sublandlord, and **MOTOROLA, INC**, Subtenant, to Sublease Office Space for the Radio Communications Division of the Information Technology Department, at 523 North Sam Houston Parkway East, Suite 200 - Revenue - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0496 ADOPTED.
14. ORDINANCE appropriating \$22,000.00 out of HAS Consolidated 2000 AMT Construction Fund (8200); authorizing the purchase of land in Greenvue Manor Section Two Subdivision, Houston, Harris County, Texas, for George Bush Intercontinental Airport Houston (IAH), CIP A-0476.82; approving Purchase and Sale Agreement with the owners of the land (Jose Del C. Ramos, Jose D. Ramos, Marta C. Gomez and Ibis D. Ramos) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0497 ADOPTED.
15. ORDINANCE relating to the Retail Water & Sewer Rates of **NITSCH & SON UTILITY COMPANY, INC**; setting a hearing to determine just and reasonable rates to be observed within the City of Houston; containing findings and other provisions relating to the foregoing subject; providing for severability - **HEARING DATE - WEDNESDAY - 9:00 A.M. - JUNE 24, 2009** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0498 ADOPTED.
16. ORDINANCE approving and authorizing contract between the City and **TEXAS DENTAL PROFESSIONALS CORPORATION** for Elderly Services provided through the Harris County Area Agency on Aging; providing a maximum contract amount through September 30, 2009 with 3 one-year renewals - \$527,301.25 - Grant Fund – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0499 ADOPTED.
18. ORDINANCE appropriating \$37,119.40 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for payment to **TEXAS DEPARTMENT OF TRANSPORTATION** (Approved by Ordinance No. 1995-1290) for various Heritage Trail Projects - **DISTRICT B - JOHNSON and DISTRICT H** – was presented. All voting aye.

Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0500 ADOPTED.

20. ORDINANCE appropriating \$1,364,859.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **WALTER P. MOORE AND ASSOCIATES, INC** for Market Street Paving from McCarty to Wayside; providing funding for contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0501 ADOPTED.
21. ORDINANCE appropriating \$110,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **AECOM SERVICES, INC dba AECOM DESIGN fka DMJM H&N, INC** for Design of Wastewater Facilities Safety/Security Improvements (Approved by Ordinance No.06-0666); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0502 ADOPTED.
22. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management Inspection Services Contract between the City of Houston and **OMEGA ENGINEERS, INC** for Large Diameter Water Line Project - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0503 ADOPTED.
23. ORDINANCE appropriating \$495,100.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Safe Sidewalk Program D6 Project, 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 Street & Bridge Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0504 ADOPTED.
24. ORDINANCE appropriating \$1,495,400.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TJ & T ENTERPRISES, INC** for Safe Sidewalk Program D7 Project, 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 Street & Bridge Consolidated Construction Fund - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; E - SULLIVAN; F - KHAN; G - HOLM; DISTRICT H and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0505 ADOPTED.
25. ORDINANCE appropriating \$1,858,300.00 out of Water & Sewer System Consolidated

Construction Fund, awarding contract to **ALSAY INCORPORATED** for Rehabilitation of Existing Water Wells, 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 – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0506 ADOPTED.

26. ORDINANCE granting to **HUFF & MITCHELL, INC, A TEXAS CORPORATION**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0507 PASSED FIRST READING IN FULL.
27. ORDINANCE No. 2009-454, passed second reading June 2, 2009  
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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0454 ADOPTED THIRD AND FINAL READING IN FULL.

#### **FISCAL YEAR 2010 BUDGET MATTERS**

28. ORDINANCE providing for the continuation of appropriations for the support of the City Government pursuant to the requirements of Article VIa, Section 1 of the City Charter; making an appropriation from the Housing Special Revenue Fund; authorizing certain transfers; re-naming certain funds; making other provisions related to the subject; containing a severability clause; and amending the Sign Code – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0508 ADOPTED.
29. ORDINANCE appropriating the remaining available balance of the Limited Use Roadway and Mobility Capital Fund (Fund 4034) (approximately \$4,479,453) and authorizing the transfer of the appropriated funds to the General Fund Fund Balance; Closing Fund 4034 – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0509 ADOPTED.

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

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

8. **ITRON, INC** for Fixed Network/Advanced Meter Infrastructure System Software and Hardware Components for Department of Public Works & Engineering - \$173,100.00 -

Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. MOTION 2009-0325 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

9. RESOLUTION approving and authorizing submission of an application for a Challenge Grant for Water Marketing and Efficiency under the American Recovery and Reinvestment Act of 2009 to the United States Department of the Interior, Bureau of Reclamation; 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 Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. RESOLUTION 2009-0015 ADOPTED.
10. ORDINANCE amending Exhibits “A” and “B” of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2008-246), to amend the Master Classification Ordinance to revise the pay grade structure for certain classifications and increase pay grade minimums and maximums for certain pay grades; to add six (6) new job classifications; to revise four (4) job classifications; and to **AMEND CHAPTER 16 OF THE CITY OF HOUSTON CODE OF ORDINANCES** to conform to the revised job title of Associate Judge of Municipal Courts; providing a repealer; providing for severability – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0510 ADOPTED.
13. ORDINANCE appropriating \$37,075.00 out of Parks Special Fund (4012); authorizing purchase of vacant land being Lots One, Two, Three and Four, Block One, Hollinger Estates, Houston, Harris County, Texas (in the 1000 block of E. 40th Street) for the Expansion of McCullough Park, WBS F-000513-0004-2; approving Purchase and Sale Agreement with the owner of the land (Edward B. Lorenzo and Maria Elsa Lorenzo) - **DISTRICT H** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Sullivan and Green absent. ORDINANCE 2009-0511 ADOPTED.
17. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **FORT BEND COUNTY** for Design and Construction of Fondren Road, S. Post Oak, and Blue Ridge Road - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0512 ADOPTED.
19. ORDINANCE appropriating \$97,700.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **CHARLES D. GOODEN CONSULTING ENGINEERS, INC** for West White Oak Bayou Trail Extension Segment 3 & 5; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0513 ADOPTED.

Council Member Khan moved to consider Item No. 31 out of order, seconded by Council Member Green. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Johnson and Sullivan absent. MOTION 2009-0326 ADOPTED.

### **NON CONSENT AGENDA** - NUMBER 31

#### **MISCELLANEOUS**

31. MOTION to set a date not less than seven (7) days from June 10, 2009 to receive nominations for Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two-year term – was presented. Council Member Sullivan absent.

Council Member Khan moved to set Wednesday, June 17, 2009, to receive nominations for Position 3 on the Port of Houston Authority of Harris County, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. MOTION 2009-0327 ADOPTED.

Council Member Khan moved to consider Matters Held before Item Numbers 30 and 30a, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. MOTION 2009-0328 ADOPTED.

#### **MATTERS HELD** - NUMBERS 32 through 39

32. MOTION by Council Member Khan/Seconded by Council Member Clutterbuck to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from D. B. Mangum, Gullett & Associates, Inc., on behalf of Magellan Pipeline Company, L.P. [Magellan Pipeline GP, LLC (Larry J. Davied, Vice President) General Partner], for the sale of a 20-foot-wide subsurface pipeline easement within an existing CenterPoint Energy transmission easement, within the Battaglia Tract (Q45-001), out of the Reels and Trobough League, A-59, Parcel SY9-069 - **DISTRICT I – RODRIGUEZ – (This was Item 2 on Agenda of June 3, 2009, TAGGED BY COUNCIL MEMBER NORIEGA)** – was presented.

Council Member Noriega stated that she wanted to support the item but they did not have enough information on the pipelines in the City and know where those pipelines were located and having information about the products they were carrying and the potential hazards was an important public safety issue, that she thought that information about these lines should be in their GIS System and they should be sure their data was up to date and the Fire Department needed to have a analysis and review process in place to make sure they were adequately prepared as first responders, that she wanted to state that for the record, that as they moved forward on pipeline negotiations and transactions she did not think there was any reason why they could not have these things and Public Works and the folks that dealt with it needed to be able to get the information they needed from the folks that they sell the land and easement to, that she just wanted to make those points.

Council Member Brown stated that he wanted to support Council Member Noriega and thought that this was something that was actually being done in the Planning Department, it had been started, but was certainly something that needed to be carefully coordinated with the Public Works Department, that the Fire and Police Department might need to have this information as well.

A vote was called on Item No. 32. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. MOTION 2009-0329 ADOPTED.

33. ORDINANCE appropriating \$64,457,004.90 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial-Heights Zone), Reinvestment Zone Number Seven, City Of Houston, Texas (Old Spanish Trail/Alameda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City Of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas, (Memorial City Zone), Reinvestment Zone Number Eighteen, City Of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone), Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone), and Reinvestment Zone Number Twenty-Two, City of Houston Texas (Leland Woods Zone) for payment of affordable housing costs, payment of administrative expenses, payment of project costs, payment to **HOUSTON HOUSING FINANCE CORPORATION**, and payments to certain redevelopment authorities as provided herein – **(This was Item 22 on Agenda of June 3, 2009, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0514 ADOPTED.
34. ORDINANCE appropriating \$40,174,045.27 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial-Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Alameda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), and Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), for payment of affordable housing costs, payment of administrative expenses, payment of project costs, payments to **HOUSTON INDEPENDENT SCHOOL DISTRICT, ALDINE INDEPENDENT SCHOOL DISTRICT, HOUSTON HOUSING FINANCE CORPORATION**, and certain redevelopment authorities as provided herein – **(This was Item 23 on Agenda of June 3, 2009, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city

on personal business. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0515 ADOPTED.

35. ORDINANCE appropriating \$300,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to Contract between the City of Houston and **AMANI ENGINEERING, INC** for Professional Engineering Services (Project No. 638) - **DISTRICT B - JOHNSON – (This was Item 28 on Agenda of June 3, 2009, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0516 ADOPTED.
36. ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to Professional Services Contract between the City of Houston and **MCDONOUGH ENGINEERING CORPORATION** for Miscellaneous Civil Engineering Services with the Houston Airport System (Project No. 615D) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ – (This was Item 29 on Agenda of June 3, 2009, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0517 ADOPTED.
37. ORDINANCE approving and authorizing Amendment No. 2 to Contract between the City of Houston and **4B TECHNOLOGY GROUP, LLC** for Information Technology and Telecommunications Infrastructure Field Inspection Services for the Houston Airport System (Project No. 577) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ – (This was Item 30 on Agenda of June 3, 2009, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0518 ADOPTED.
38. ORDINANCE appropriating \$3,421,000.00 out of Drainage Improvement Commercial Paper Series F, Fund, awarding contract to **R J CONSTRUCTION COMPANY, INC** for Drainage Improvements at Grade Separations, Package III, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F, Fund - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; DISTRICT H and I – RODRIGUEZ – (This was Item 39 on Agenda of June 3, 2009, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0519 ADOPTED.
39. 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 – (This was Item 42 on Agenda of June 3, 2009, POSTPONED BY MOTION #2009-314)** – was presented, moved by Council Member Khan, seconded by Council Member Green.

Council Member Holm moved to postpone Item No. 39 for two weeks, seconded by Council Member Jones, and Mayor White stated that they supported the motion.

Council Members Adams asked if the new Council Member of District H would have time to visit the community regarding Item No. 39, and Mayor White stated that they would have a dialog with the new elected official.

Council Member Khan asked if contractually they were okay because they had signed a contract, and Mayor White stated that Mr. Christy was not present, but his assumption was that a two week delay would not prejudice the City, but an indefinite delay would run a risk. Council Member Johnson absent.

Council Member Jones stated that there were questions that she hoped to have answered, one, what was the time sensitivity of the price, two, the issue that there was a better site, three, about citizen input, four, the public health, was everything safe, and five, the newly elected Council Member, was he really going to have meaningful time to go out into the community. Council Member Johnson absent.

Council Member Lovell stated that she would like to request from the administration that according to Mr. Hayes they were not in any violation of any USDA regulations, that she would like to have that in writing and if they could send it to the businesses out there it would help; that number two, according to Mr. Hayes there had not been one complaint from the neighbors on the existing facility over there, that she would like to have that in writing so that when they hear about moving the facility might cause a lot of things to happen she would like to see why there would be no complaints one site but yet there would be on another; that the other thing she would like from Mr. Turner, at Houston Parks, was that there was concern about the hike and bike trail, that people walking past plastic, glass, aluminum and cardboard, that something might happen to them, that she would like a report from them as to would it be safe for people to hike and bike past this because it happened in other parts of the City but maybe it was very different over there; that some issue of trucks was brought up and she assumed that was just when they came and took away the recycled goods that were brought there, how they carried them away, a report from Harry as to the frequency of when the trucks come in and how they take away the recycled goods because the point of this was to have an expanded facility that allowed more recycling so she assumed there would be a little more truck traffic there, exactly what it would be so that they could assure the neighbors, that she did not think there would be trucks running in and out of there every day or hour picking up the recycled goods, but she thought it would be good information to give them, that she would like those four things before they voted on it in the next two weeks and be able to make it available to the people in the neighborhood. Council Members Johnson and Clutterbuck absent.

Mayor White stated that they had taken notes on comments made by Council Members and a vote was called on Council Member Holm's motion to postpone Item No. 39 for two weeks. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Members Johnson and Clutterbuck absent. MOTION 2009-0330 ADOPTED.

At 9:57 a.m. Council Member Khan moved to recess for five minutes, seconded by Council Member Green. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. MOTION 2009-0331 ADOPTED.

At 10:13 the City Council reconvened in the Council Chamber to complete the meeting and Mayor White stated that he would note that Council Member Clutterbuck and Ms. Stein had indicated that they would during the course of this week, as they reviewed various Council budget amendments, there would be a couple of activities in process, the first, communication between Council Members and also the administration concerning what might be done and incorporated as a matter of City policy within the powers granted to the administration or the

City Charter as opposed to a budget amendment determining those which the administration could or could not support so that would occur throughout the next week, that second, Ms. Stein would group the various Council amendments, as she had done in the past with objectivity, trying to group amendments dealing with the same topic and the same group so that their discussion could be focused as they got to the various Council amendments and they would provide a matrix before the next Council meeting, that they would go to Item No. 30 and recognize individual Council Members by the letter order of their districts and the number of the At Large Districts.

30. ORDINANCE related to the Fiscal Affairs of the City; approving the annual budgets of the City of Houston, Texas, for Fiscal Year 2010 including providing for future adjustment to certain fund balances; making various amendments to the proposed budgets; re-designating a cash reserve in the fund balance; authorizing various other transfers; establishing a cost for copies of the budget; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability – was presented.

Mayor White stated that the number of Council amendments were not any sort of measure of engagement of Council Members, that many Council Members, who had been extremely engaged and diligent with their budget ideas were incorporated within the administration's budget, so he did not want to give anybody the impression that the number of magnitude of budget amendments was a relative measure of the contribution or engagement of Members of City Council, that in at least the administration's view some of the most significant amendments were changes in the budget as occurred in the process of formulating the budget by the administration, which began earlier this year.

Council Member Johnson presented the following written motions to amend Item No. 30 and reviewed them:

- 7.01 Increase the General Fund's FY 10 appropriation to the City of Houston's After School Program from \$830,000 to a total of \$1M. The increased funding will be earmarked for programs in Houston Hope designated neighborhoods.
- 7.02 HPD shall appropriate 0.50% of its annual General Fund (\$667,651,619) budget to fund juvenile prevention programs. 0.25% of appropriated funds will be earmarked for programs in apartment complexes and/or city owned facilities in Houston Hope Neighborhoods. Programs shall include, but are not limited to, D.A.R.E. and HPD's Explorers and Mentor Programs. HPD will submit quarterly reports to the Human Service and Technology Access Committee to evaluate the effectiveness of each program.
- 7.03 Amend the City of Houston's Fiscal Year 2010 proposed General Fund budget for the Fire Department to allocate Cadet Training Funds \$80,000, as funds specifically allocated for diversity training.
- 7.04 The Neighborhood Protection Division of the Houston Police Department will allocate funds to ensure that the department will be able to catch up with the back log of homes that have been processed but have not been abated. This amount will be utilized to hire inspectors.
- 7.05 Increase the General Fund's FY 10 appropriation to the Health and Human Services Department by \$100,000. The increased funding will be

earmarked for the youth employment program with a focus on health and environment throughout the six service regions. That will fill in the gap for students after the summer programs stop.

Council Member Clutterbuck presented the following written motions to amend Item No. 30 and reviewed them:

- 8.01 Parks and Recreation - General Fund: The Director shall present a financial review of all City owned golf courses and deliver to the Mayor and Council with in 30 days a report of the financial viability of each course and recommendations for possible closures or other uses to maximize value to the City. If closure is recommended, then a stakeholder group consisting of neighborhood representatives and others as designated by the Mayor and the District Council Member, shall promptly meet to evaluate future uses of the property.
- 8.02 Neighborhood Protection - General Fund: Funding for Neighborhood Protection Inspectors shall remain at FY 2009 levels.
- 8.03 All Departments - General Fund: Department Directors shall review all contracts with more than 12 months remaining (including contract extension periods) to evaluate rebidding options with the goal of achieving cost savings
- 8.04 All Departments - General Fund: The Department of Finance shall monitor all budgeted civilian vacancy FTEs, including full-time, part-time, and over-time positions, and their corresponding annualized salaries, on a monthly basis and will adjust the department budgets accordingly. The adjustments shall be reflected in the Monthly Financial Operations Report to Council.
- 8.05 All Departments - General Fund: All civilian employee staffing levels – reflecting occupied FTE positions shall be funded at FY 2009 levels or lower if recommended by the individual department directors.
- 8.06 All Departments - General Fund: All attrition related vacancies and "new-hire" positions funded from the General Fund after June 30, 2009 shall require written justification and budgetary impact to be submitted to the Mayor or the Mayor's designee for approval.
- 8.07 Department of Finance - General Fund: The Administration and the Department of Finance shall perform a detailed civilian staffing analysis with the intent to develop a plan and implement suggested changes to achieve budgetary savings and efficiencies in civilian staffing for all departments.
- 8.08 Houston Police Department - General Fund: HPD shall examine and report to Council whether efficiencies could be gained by reducing the ratio of rank officers and senior officers to patrol officers.
- 8.09 IT - General Fund: Within 90 days, the Director shall perform a feasibility study to evaluate the need for staffing or the cost of outsourcing of a 24/7 Network Operations Center (NOC) to determine the best way to achieve the greatest efficiencies in the City owned network and data service centers and to achieve effective disaster recovery capabilities.
- 8.10 All Departments - General Fund: Any FTE position that has gone unfilled for

more than 12 months as of July 1, 2009 shall be eliminated. Reinstatement of the position will be made only with written justification and budgetary impact to be submitted to the Mayor or the Mayor's designee for approval.

- 8.11 Human Resources - General Fund: Within 6 months, the Director shall study and report to Council the long term costs of medical benefits provided to former COH employees who are not eligible for Medicare and who are not disabled. The study shall also examine and compare COH policy to the practices of other large public and private employers in the community.
- 8.12 The administration shall promptly solicit COH employee suggestions to produce budget efficiencies and shall establish a process for review and implementation of viable suggestions.

Council Member Adams presented the following written motion to amend Item No. 30 and reviewed them:

- 9.01 Amend the General Fund-Legal Department budget to review the cost and need for additional investigatory resources in support of the Legal Department Neighborhood Services Division's enforcement of deed restrictions, dangerous building demolition, alcoholic beverage license protests, SOB ordinance enforcement and prosecution of crime based nuisances. An additional investigator, if warranted, would require approximately \$50,600 in personnel costs

Council Member Sullivan presented the following written motions to amend Item No. 30 and reviewed them:

- 10.01 Increase funding for PW&E's Safe Sidewalks programs.
- 10.02 Increase funding for PW&E to maintain ditches, manholes, and culverts in the South Belt portion of District E.
- 10.03 Reduce the residential alarm permit renewal fee from \$50 to \$30.
- 10.04 Add a fifth Firefighter to engine 105
- 10.05 Assign one Incident Command Technician to District 102.
- 10.06 Increase funding to HFD for annual inspection of common attics at all multi-family projects.
- 10.07 Increase funding for dangerous buildings and dilapidated buildings so homes can be removed within 60 days of final decision by the City of Houston or the courts.
- 10.08 Install one ARC at both Kingwood and Ellington Field recycling centers.
- 10.09 Increase the number of Inspectors at NPC from 39 to 50.
- 10.10 Add five Compliance Officers at NPC
- 10.11 Provide funding for one ATV with a flatbed, and trailer to HFD District 102

- 10.12 Terminate funding for the Speed Hump Program
- 10.13 Restore HPD overtime funding at a cost of 14 million dollars.
- 10.14 Restore heavy trash ( junk waste) pickup to once a month.
- 10.15 Conduct financial audit of Houston Airport System Development Corporation.
- 10.16 Purchase and install thirty-one back-up power generators for Kingwood lift Stations
- 10.17 Purchase and install fourteen power generators for South-Belt portion of District E.
- 10.18 Increase quiet zone program 50% of approved and qualifying applications
- 10.19 Add one FTE to the Finance Department for the sole purpose of sales tax audit Compliance
- 10.20 Reduce HTV funding by \$600,000 and charge Council, and Controller's office for full production and associated cost of shows, PSAs, and promotional spots.
- 10.21 Fund 2 million dollars for road and intersection modifications and improvements in Clear Lake City portion of District E.
- 10.22 Install adequate outdoor lighting at Meadowcreek Park.
- 10.23 Upgrade and repair sidewalks at Meadowcreek Park.
- 10.24 Install covering over basketball pavillion at Oak Meadows Park.
- 10.25 Provide laptops for NPC Field Inspectors
- 10.26 Add one FTE to the Legal Department for the sole purpose of assisting community organizations with deed restrictions.
- 10.27 Provide adequate living quarters for HFD Stations 101 and 102.

Council Member Khan presented the following written motions to amend Item No. 30 and reviewed them:

- 11.01 Finance Department shall present to the Budget and Fiscal Affairs Committee a quarterly line item variance report (budgeted to actual expenditures).
- 11.02 The Finance Department shall undertake a vacancy analysis for all departments and report findings to the Budget and Fiscal Affairs Committee on a quarterly basis.
- 11.03 Continue to develop process re-engineering improvements aimed at efficiency gains, using both in-house resources and, where necessary, outside consultants.
- 11.04 All City departments shall review current policies to ensure that sufficient

corrective and/or disciplinary remedies are in place to minimize offensive or inappropriate workplace conduct.

- 11.05 PWE shall evaluate the potential use of Center Point Easements as tributaries to Bayous or tributaries to future flood water retention sites.
- 11.06 During FY 2010, the Administration shall engage various stakeholders in discussion regarding establishment of a regional crime lab.
- 11.07 Within 90 days, PWE shall develop a plan to minimize estimated water usage billing through technology improvements.
- 11.08 Require Neighborhood Protection to add 10 new inspectors to the department's staff. Revenue from increased inspections and subsequent fees can be allocated to salary base pay for additional employees.
- 11.09 Require HPD to add 3 new Cadet Classes for FY10.
- 11.10 If the Mayor's Census Complete Count Fundraising Subcommittee has not raised \$1M by November 30, 2009, the administration will allocate an additional \$1M for the Census Complete Count initiative by December 31, 2009.

Council Member Holm stated that she wanted to tell Mayor White how much she appreciated two years ago when he adopted and changed their process so that they met with him early and had a chance, all of them, to put in the things that they were concerned about and their priorities so as he and Chairman Clutterbuck, Ms. Mitchell, Marty and all the departments got together they could really have the full picture of their needs, that while she still had some questions she did not have any amendments to put forward at this time, however she wanted to presented the following written motions on behalf of her colleague, Council Member Lawrence, who shared with them last week her inability to be here this week, and presented the following written motions to amend Item No. 30:

- 6.01 Increase the number of Community Service Inspectors for the Neighborhood Protection Corps by 8
- 6.02 Reduce the FY 2010 budget for each City Council Office by 2% of the FY 2009 Budget (\$372,341)

Council Member Rodriguez presented the following written motions to amend Item No. 30 and reviewed them:

- 14.01 The administration will assist PWE in identifying and allocating funds (by September 30, 2009) to repair all damaged water meters city wide (by May 31, 2010).
- 14.02 The administration will identify and allocate funding for a Tree Trimming Contract for \$100,000. This contract will assist our Parks and Recreation Department's Forestry Division in reducing the turn around time for tree maintenance. Currently, the turn around time is two months.
- 14.03 If the Mayor's Census Complete Count Fundraising Subcommittee has not raised \$1M by November 30, 2009, the administration will allocate an additional \$1M for the Census Complete Count initiative by December 31, 2009

- 14.04 The administration will use funds from the Mobility Response Division budget to create a plan to cross train city inspectors on matters including, but not limited to building inspections, deed restriction inspections, and Neighborhood Protection inspections
- 14.05 The Legal Department will identify and allocate revenue to fund legal action against building permit application affidavit violators immediately.

Council Member Brown presented the following written motions to amend Item No. 30 and reviewed them:

- 1.01 That the Mayor appoint a stakeholder committee consisting of representatives from each employee union (police, fire and municipal), City Council, the Mayor's Office and citizens to consider options for managing the other post-employment benefit (OPEB) liability. Options other governments have chosen include establishment of Voluntary Employee Benefit Associations (VEBA's), IRC Section 401 (h) Qualified Health Accounts and IRC Section 115 Integral Trusts. **Source of Funding:** N/A
- 1.02 That a Productivity Investment Fund be established with a initial funding level of \$500,000. This fund would be overseen by an oversight panel that would regularly call for productivity investment requests from the departments. These would be evaluated based on criteria that evaluate return on investment and/or improvement in service delivery and funded for implementation **Source of Funding:** Termination of extra pay-for performance programs in ARA, MCA, SWD (ref. Page VI-11, Line Item 500210, Page III-25, Line Item 500210, and Page IV-45, Line Item 500210).
- 1.03 Human Resources, in conjunction with representatives of a limited number of General Fund departments, evaluate the establishment for FY 2011 of a "Vacant Job Fund" to centrally track and manage funds appropriated for vacant general fund civilian positions. **Source of Funding:** N/A
- 1.04 That HPD implement a technology plan for HPD's Real-Time Crime Center to upgrade the Center's Technology and the technology available to the officers in the field to ensure the utilization of the best-available technology so that the City of Houston can be a leader in "intelligence-led" policing. **Source of Funding:** N/A
- 1.05 HPD shall perform a cost/benefit study within the next 180 days to evaluate the costs and benefits of outsourcing its vehicles parts warehouses in a manner similar to how PW&E has outsourced its vehicle parts warehouses. **Source of Funding:** N/A
- 1.06 PW&E evaluate and report within 90 days on currently available Department of Homeland Security-approved real-time monitoring and reporting systems for potable water and the availability of Homeland Security Agency grant funding. **Source of Funding:** N/A
- 1.07 That the City re-authorize its tax abatement program and include in that program a tax abatement for the owner of a new LEED certified commercial facility and that the abatement be based upon the level of certification and the incremental investment associated with obtaining such certification. **Source of**

**Funding:** Property tax revenues.

- 1.08 That the City create a City of Houston Commission of Promoting Efficiency. This Commission would be composed of front-line city employee representatives from each department, representatives of the city's major employee unions, and representatives from the Mayor's Office, City Controller's Office and the Finance Department. The purpose of the Commission would be to identify and implement innovative ideas for improving efficiency, generating additional revenues and/or improving service delivery to the citizens of Houston. **Source of Funding:** N/A

Council Member Lovell stated that she wanted to compliment Mayor White on the process that he had put in place, that it was very effective and allowed them as Council Members to have a constructive conversation about what their priority issues were and what they wanted to do in the City, that for her it had been very effective and she thought she had been able to make a difference in the City on some of the issues that were important, that it also gave them an opportunity to discuss with their fellow Council Members what amendments they were going to offer on the budget, that she thought that was extremely helpful in the fact that they got to discuss with them what they were going to offer, not to do something that was competing or even something that was the same and maybe just a little different, that it cut down the time of the meeting, that she thought it allowed them to be collaborative and not confrontational, which she thought had been the best thing about this Council, that they were all willing to collaborate with each other, that in that spirit she thought her colleagues had done a tremendous job in offering amendments and she would be offering none.

Council Member Noriega presented the following written motions to amend Item No. 30 and reviewed them:

- 3.01 Within 90 days complete a management analysis of the Neighborhood Protection Division to as a minimum review mission, goals, organization, training, staffing, processes, salary, facilities, equipment and inter departmental resources and make recommendations for improvements. This will include study of the benefits of cross training inspectors for further efficiency, exploring the possibility of hand held devices with multiple protocols & access to data on property including citations and previous violations.
- 3.02 Within 60 days complete cost benefit analysis to create the position of City Grant Director. The Grant Director will work with government relations to increase grant funding to the city at the national and state level and from non-profit foundations. The Director will be in charge of coordinating grants among all City departments and finding additional ways to draw down federal funds and grant money. The Grant Director will also provide help to organizations providing City related services, such as Management Districts, to increase grant applications. The additional grant funding received by the city should be sufficient to cover the cost of the salary and benefits of a Grant Director.
- 3.03 Appoint a stakeholders committee including members of City Council, Department representatives, and outside experts to review the presentation of city budget, including as a minimum implementation of more detailed line-items, performance measures, and personnel data; consolidation of different

revenue types, separation of temporary funding streams and expenditures, incorporation of CIP and Debt Service, to improve transparency and provide for ease of monitoring and make recommendations. Make recommendations to City Council within 3 months for discussion and provide final recommendations to City Council for adoption by December 1, 2009.

- 3.04 Provide a quarterly report to a Council Committee on the new court case management system development and implementation

Council Member Green presented the following written motions to amend Item No. 30 and reviewed them:

- 4.01 Move \$2,551,019 from Affirmative Action (Fund #1000/5100), along with 37 FTEs, into Legal (Fund #1000/9000).
- 4.02 Transfer \$50,000 from the unreserved undesignated fund balance into Parks – Recreation and Wellness (Fund 1000/360009) for after-school enrichment programs for FY2010.
- 4.03 Transfer \$100,000 from the unreserved undesignated fund balance into the Health and Human Services Department (Fund 1000/380003) for HIV prevention for FY2010
- 4.04 Transfer \$100,000 from the unreserved undesignated fund balance into the Health and Human Services Department Neighborhood Services (Fund 1000/380005) for multi-service health centers for FY2010.
- 4.05 Require Legal Department and HPD - Neighborhood Protection to supply Council with quarterly reports on unspent dangerous building demolition funds.
- 4.06 The Administration shall, within a week of the adoption of the FY2010 budget, report on the year-to-year increase in proposed capital expenditures and total expenditures by each of the Tax Increment Reinvestment Zones, from FY2009 to FY2010. The Administration shall report these amounts also by Council District. The Administration shall report on the amount by which unrestricted cash balances within the General Fund would increase, or public services – including public safety – could increase, if the total increase in spending by TIRZ within any Council District was limited to no more than \$2 million from FY2009 to FY2010, with that limit being exclusive of grant funding, and the balance of funds available for requested or planned spending was allocated instead to an increase in the municipal services fee and used as an offset to planned General Fund spending for public safety – police and fire/EMS protection – within the police district and fire service area in which the TIRZ is located. The Administration shall also report before the submission of FY2010 TIRZs budgets, with respect to each TIRZs, concerning whether there are improvements to residential streets in any TIRZs and which would not qualify for City funding under the Neighborhood Street Reconstruction Program based on the age of the street, the existence of a resident petition, and the street pavement conditions.

Council Member Jones presented the following written motions to amend Item No. 30 and reviewed them:

- 5.01 Request that the Administration fully fund the Complete Count Committee from

the FY '09 budget surplus fund, or from funds identified by the Administration.

- 5.02 Request that the Administration fund a Review of Best Practices of Housing and Community Development Departments around the country from the FY '09 budget surplus fund, or from funds identified by the Administration.
- 5.03 Request that the Administration review and consider the cost to outsource, or financially collaborate with other governmental entities, i.e., the county, the duties of the Houston Police Department's crime labs (including, but not limited to, serology, DNA, fingerprinting and firearms) and City of Houston jails, from the FY '09 budget surplus fund, or from funds identified by the Administration.
- 5.04 Request that the Administration fund recycling marketing programs in underutilized and under served communities from the FY '09 budget surplus fund, or from funds identified by the Administration.
- 5.05 Request that the Administration fund the position of Compliance Officer in the Housing and Community Development Department, preferably an attorney, who knows HUD regulations and is responsible for vetting housing projects for compliance with said regulations.

Council Member Jones stated that Amendment 5.06 for the most part would be a request for the administration to fund the asphaltting of certain streets in the southeast part of Houston between Mykawa and MLK, and Mayor White asked if she was saying repaving and resurfacing and would suggest the following:

“That the Fiscal Year 2010 Budget include a program for repaving certain streets in southeast Houston and a report be made within 30 days after the adoption of the budget concerning the identities of those streets”.

Council Member Jones stated that she moved the language that Mayor White just stated, seconded by Council Member Khan. Council Members Johnson, Brown and Lovell absent.

Council Member Khan stated that at this time he would tag Item No. 30 and all of the amendments present to the Council regarding the budget, and Council Member Clutterbuck stated that she would like to add her tag to Item No. 30 and all the amendments. Council Members Johnson, Lovell and Brown absent.

Council Member Sullivan stated that his office was still typing his amendment, but had it if they were taking them orally. Council Members Johnson, Lovell and Brown absent.

Mayor White stated that they would have to remove the tag on the main item, and Council Members Khan and Clutterbuck removed their tags from the main item. Council Members Johnson, Lovell and Brown absent.

Council Member Sullivan moved “to assign additional FTE BARC officers to the HPD Central Station for the sole purpose of responding strictly to HPD calls for BARC assistance during all shifts”, tagged by Council Member Khan. Council Members Johnson, Lovell and Brown absent.

Council Members Khan and Clutterbuck tagged the main item. Council Members Johnson, Lovell and Brown absent.

Mayor White stated that although this was out of order he would make these comments, that he thought four principles, as he had gone through each of the budget amendments and would promptly respond to each Council Members on the budget amendments; that first, to remember that the City of Houston was not the only local government entity providing services to the public and he would need help in engaging other entities to see that they meet the common needs of the public when each of their budgets were limited, that he would give them an example, Harris County and each of the school districts had an interest in having a complete count of their citizens, that in fact school district funding formulas were based in part on the federal funds on what the census counts were, so when various people suggested that they increase the amount of funding that they to the complete count, if funding raising goals, to please keep in mind that if it was important to the community they were not the only governmental entity and it should not be necessarily flow that they should increase funds for infrastructure and police in order to fund these activities; second, there were quite a number of amendments that the purpose of which he as Mayor buys into a 100% in making sure that they improve the functions under the general heading of Neighborhood Protection, and that included the demolition of abandoned structures, the staffing and procedures within the Legal Department and they would attempt to sort of consolidate some of these amendments into something that had the sense of the Council, which he thought was probably unanimous to make sure that they improved processes and in some cases it may be their own processes and not necessarily the funding that was the problem and they identified the root causes for their dissatisfaction when they got to those root causes; that third, he would not speak of any Council District by name but it had been the administration's policy not to support, and urge Council Members not to support, District specific appropriation amendments to the budget; that finally they all knew that there were a number of different amendments that would require additional funding and that they did not want to be in a situation in which they left an incoming administration facing the consequences of a recession, which had already begun, with levels of spending that must be cut dramatically, and he knew they all appreciated that. Council Member Johnson absent.

Council Member Holm asked if they could anticipate this week further feedback, that she just wanted to know the timing and procedure, that a lot of times Marty put all of this in form for them by category and then they had comments from the administration, could they anticipate that this week, and Mayor White stated absolutely, and Council Member Holm asked if it was correct that the Mayor's desire was to possibly pass it next week, and Mayor White stated yes. Council Member Johnson absent.

Mayor White stated that because so many Council Members had such intensive input in the budget and based upon the notes that they exchanged before this meeting, the dialog with individual Council Members who shared with them some of their ideas prior to the meeting, there may be three categories, ones which the administration just agrees with; another, agrees with certain change in language; another they agree with the sentiment but there were a group of these amendments that might be consolidated and polished a little bit; and things that they simply disagreed with, generally because of cost or because they were district specific; that the fifth category was still analyzing, which was a small subset of the overall group, and asked Ms. Stein if she could get that to Council Members quickly.

Council Member Khan stated that he would tag Council Member Sullivan's 10.28 amendment and also the verbal amendment which he protested.

30a. MOTION, as required by Section 102.007(c) of the Texas Local Government Code, to ratify the projected increase in property tax revenue reflected in the budget (The growth in property tax revenue not related to new property is 1.49%, which is far less than the 4.99% growth in population and inflation, and is within the limits authorized by the voters at the charter elections held on November 2, 2004 and November 7, 2006) – was

presented, moved by Council Member Khan, seconded by Council Member Green and tagged by Council Member Khan.

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

Council Member Sullivan stated that he wanted to thank the Solid Waste Department for coming out to Kingwood last weekend and doing a BOPA event, (batteries, oil, paint and antifreeze), that they had another one scheduled for June 19, 2009; that he made some comments when Buddy Grantham spoke about veterans about the conditions at the George Bush Intercontinental Airport, that he toured the USO facility last Saturday and found everything in top notch shape, that he went back to the volunteer who passed the negative information to him and shared his thoughts; that he looked at the new area at Bush where the USO was going to be stationed and it was going to be a first class operation; that he would like to recognize Boy Scout Troop No. 8 on their twentieth anniversary, and in particular constituent resident Ronald Sunker for his twenty year service to that troop; that he wanted to recognize three Houston Police Officers who were going to be honored by the State of Texas, 2008 Law Enforcement Achievement Awards, Senior Police Officer Christopher Dunken, Homicide Division Crime Scene Unit; Officer Christopher Zamora, Central Patrol Division; Officer Christopher Zelters, Northeast Patrol Division. Council Members Rodriguez and Noriega absent.

Council Member Lovell stated that tomorrow the Quality of Life Committee would meet on Thursday, June 11, 2009 in the Council Chamber, that they would be discussing the proposed changes to Chapter 46, the Sign Code of the Houston Building Code; that she wanted to congratulate Paul David Van Atta, who had been honored by the Hilton Corporation as the Catering Director of the Year, that Paul was an active volunteer in the community; that on Friday she would be honored to speak at a townhall meeting of the Citizens with Disabilities Review Board, that they would discuss ways to better prepare Houstonians with disabilities and elderly for the hurricane season, that it would be held Friday, June 12, 2009 at 4:00 p.m. at the Metropolitan Multi Service Center, 1475 West Gray, that she wanted to urge all citizens who were disabled or who may need assistance with evacuation in case of a hurricane to register now with the United Way of Greater Houston Helpline at 2-1-1; that she wanted to say a special thanks to Captain Mark Curran with Neighborhood Protection, they had complaints in about an apartment complex that had been burned and had been sitting there for a while and presented a risk to the community at 6102 Tierwester, that she understood that this morning the power shovel was there knocking it down, that she wanted to congratulate Neighborhood Protection for their quick and efficient way of dealing with the blight on the neighborhood but also it was a danger to the children that lived there. Council Members Clutterbuck, Sullivan, Khan, Rodriguez and Noriega absent.

Council Member Johnson stated that he wanted to acknowledge Mr. Stephen Williams, Director, Health and Human Services, who had done a fabulous job, that he spoke at the Second Chance Re-Entry Program, that he was impressed with the program and the leadership that he (Mr. Williams) had given, that he spoke at the program for the senior citizens who were getting their continuing education on computers, that he was impressed with all of the activities that were going on at the Northeast Multi Service Center and wanted to congratulate Mr. Williams, that he had been very active and engaged; that on June 20, 2009, at Saint Monica's Church would be their Fifth Annual Juneteenth Sports Day and Barbeque Kickoff, that it would be from 9:00 a.m. to 4:00 p.m.; that this Saturday, June 13, 2009, would be the Fifth Annual Acres Homes Collaboration, that they would have a family fun day at De Soto Park from 11:00 a.m. to 2:00 p.m.; that Project Grad had provided scholarships for graduating seniors, that Wheatley, Yates, Davis and Reagan were all part of a \$2.6 million investment to over 650 students from those schools. Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that he thought they were making some progress on the issue of the recycling facility in the Washington area corridor, that he thought they needed to have a better procedure for involving the neighborhood interest, particularly the super neighborhoods and made a suggestion about having some kind of electronic notification procedure when a building permit or subdivision plat was filed that the super neighborhoods get notice of it; that he was pleased to be participating in Army Day on Thursday at 2:00 p.m. on the steps of City Hall celebrating the birthday of the United States Army of which he was a veteran; that on Monday, George Bush Intercontinental Airport celebrated their 40th birthday; that he had a follow up meeting with businessmen from Houston who were doing business in Kirkastan; that last weekend he represented the City at the 1940 Air Terminal Annual Pops and Props Gala in the historic, what he called the old Hobby Airport, which had been restored as a historic landmark, that he had the opportunity to honor veteran, Captain A. J. High, a bomber pilot during World War II. Council Members Sullivan, Khan, Rodriguez, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank Ms. Michele Mitchell, Marty Stein and the Mayor's administration for the hard work they did in helping with the budget hearings, that she wanted to thank each of the department directors and individuals who were instrumental in responding to Council Members questions in preparation for the budget, that she also wanted to thank her staff; that this weekend she finished the Danskin Triathlon in Austin, Texas. Council Members Sullivan, Khan, Rodriguez, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that in the exercise they went through today each of them should have pride when they looked at where Houston was and what they did today and what they would do next week he would like to share with them the following information which would be of interest to constituents, they were the fourth largest City in the Country, that they would see what was happening in a few other cities, that in New York, \$4 billion budget deficit, layoffs of 23,000 employees being considered in their budget including police, fire and children services and a projected \$900 million increase in sales tax; Los Angeles, \$530 million budget shortfall, 10% salary cuts, including cuts in public safety and reduction and privatization of services; Chicago, \$460 million budget deficits, layoffs of 400 employees and \$53 million in new taxes and fees; Philadelphia, \$108 million budget deficit, cut 200 vacant police positions and 800 positions total, including an instituted mandatory furloughs; Dallas, \$190 million budget deficits, spending cuts necessary and possible layoffs and spending cuts for City employees, reduction of police overtime with tax increases being considered; Phoenix, \$269 million budget deficit, eliminated 1,295 jobs, 250 police vacant jobs would remain vacant and reduction of services; that he was not saying that all budgets were complete, that these were all dry budgets, that they should be proud of their City. Council Members Sullivan, Khan, Rodriguez, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to thank Council Member Clutterbuck for a wonderful budget workshop during the last couple of weeks, that she wanted to thank Ms. Mitchell for coming to her office and updating and educating her on the budget process and of course Marty, such a wonderful person in making sure they did things the right way, and the administration for supporting what they did as Council Members; that the Lincoln Southern District Congress of Christian Education in Houston under the leadership of President Hilliard at the Saint Luke Baptist Church, they were celebrating this week, that the Lincoln District of Missionary Baptist Churches would be celebrating this week, that next week the National Convention of America would be in Houston and she would be doing the welcome at the George R. Brown Convention Center, that she thought they were bringing 20,000 plus people to the City of Houston, that they welcome these great conventions, that on Friday the National Sorority of Zeta Phi Beta Sorority 80th Southern Conference would be in Houston, that these

were the great events and conferences that were coming; that on Friday night there would be a citywide townhall meeting for citizens with disabilities, that the townhall, along with the review board, would take place at the Metropolitan Multi Purpose Center at 1475 West Gray; that last night she met with the Westmorland Civic Association near the Montrose Community and one of their biggest concerns was, and Westmoreland was over 102 years old, for someone to come out and look at their infrastructure because some of it was starting to fade in and cave in with so much sewer issues and she gave them her commitment that she would work with them to see what they could do along with Public Works and she asked that they contact someone from Public Works to go out and meet with the Westmorland Community to be proactive when it came to their infrastructure and sewer and drainage and flooding issues in their community; that she wanted to thank her staff for all they have done during the budget process; that every month they put out a newsletter and this month they would focus on celebrating life, that this was her birthday week and she was looking at celebrating, one of God's greatest gifts. Council Members Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:44 a.m. Council Member Lawrence out of the city on personal business. Council Members Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega 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