

City Council Chamber, City Hall, Tuesday, June 30, 2009

A Regular Meeting of the Houston City Council was held at 9:00 a.m., Tuesday, June 30, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Edward Gonzalez, 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, Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director, Citizens Assistance; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Office, present.

At 8:28 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:26 a.m. Mayor White called the meeting to order and called on Council Member Noriega for the prayer and pledge of allegiance. Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Brown, Green and Jones absent.

Mayor White stated that they would call the roll, adopt the minutes and then to go the report by the City Controller and Director of Finance. Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Brown, Green and Jones absent.

At 9:28 a.m. Mayor White requested the City Secretary to call the roll. Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Brown, Green and Jones absent.

Council Members Khan and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Brown, Green and Jones absent. MOTION ADOPTED.

Mayor White called on Ms. Annise Parker, City Controller and Ms. Michele Mitchell, Director, Finance Department, for the Monthly Operations and Financial Report. Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Brown, Green and Jones absent.

**REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Ms. Parker and Ms. Mitchell reviewed the Monthly Operations and Financial Report, a copy of which is in the City Secretary's office for review. Council Members Johnson, Adams and Sullivan absent.

Council Member Clutterbuck stated that Susan Bandy had been very responsive in helping to bring the Council up to speed on exactly what was going on with the Combined Utility System but many of them remained extremely concerned, especially in light of the Letters of Credit that were coming due next April through June of 2010 and were wondering if Mayor White could provide an overview for them at a designated time, whether part of the Mayor's Report or at the next Budget Affairs Committee meeting of the status of the consultant that had been brought in and understood that there may be an RFP to have a consultant going forward, as well as the financial status of it and why they could not seem to get their expenses in line, perhaps options for going forward, that they had been talking about it for the entire time she had been on Council and the bubble was quickly approaching, that was the expression of Council yesterday and she would like his comments on it. Council Members Adams, Sullivan and Gonzalez absent.

Mayor White stated that there had been ongoing work with McKenzie dealing with such issues as the billing and collection systems and also there was some work or observations they made about the whole way in which the waste water system was operated, about trying to remove or recycle organic materials, that it really had to do with the engineering design and traditional of what they do, instead of drying and disposing, how they could be able to remove organic materials; that in addition to that they did retain somebody to do a rate study because they wanted people to conserve water because none of them liked waste and yet the water growth had not been rising with the population, which was a good thing, for being able to save on the capital spending but a bad thing in terms of the revenue structure which was based on the volume used, that they did need to have a hearing and would talk to Director Marcotte and Ms. Bandy and the financial advisors to the water sewer system concerning the items that Council Member Clutterbuck spoke of and thought that it would be fit and appropriate and they would work with her to schedule a meeting of the Budget Finance Committee and she might want to make that jointly with infrastructure and the various committees because they were also dealing with some issues of where they go in the next 20 or 30 years in the water sewer system. Council Members Johnson, Adams, Sullivan, Lovell and Green absent.

After further discussion by Council Members Khan and Clutterbuck, Council Member Clutterbuck moved to accept the Monthly Operations and Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Members Holm, Gonzalez, Rodriguez and Jones absent. MOTION 2009-0479 ADOPTED.

At 9:50 a.m. Mayor White stated that they would moved to the public session. Council Members Holm, Gonzalez, Rodriguez and Jones absent.

At 9:50 a.m. the City Secretary began calling the public speakers. Council Members Lawrence, Clutterbuck, Sullivan, Rodriguez, Green and Jones absent.

Mr. Bill Goeke, 2600 Citadel, Houston, Texas 77008 (713-866-6098) appeared in favor of Agenda Item 14 and stated that he was with Weingarten Realty over property management and was an active member on the On Premise Sign Taskforce and today he was representing Weingarten Realty and he was vice president of the Legislative Arm for Real Estate Management's Houston Chapter and they all supported the proposed changes. Council Members Lawrence, Clutterbuck, Sullivan, Rodriguez, Green and Jones absent.

Mr. Joseph Mutter, 4808 Davis Boulevard, N. Richland Hills, Texas 76180 (817-605-8901) appeared in opposition to Agenda Item 14 and stated that he was present representing CVS Pharmacy and all retailers in the Houston District and they were against proposed changes specifically Section 15, Subparagraph 6a regarding no MB's not being for business on collector streets within 150 feet of property line or single family residences and it was too stringent and could cause a safety problem; that he also opposed Section 15, Subparagraph i2 which said any business with multitenant standards would be forced to put their signs on multitenant signs and signage was their branding and would restrict them; that Section 15 i6b would not allow electronic changing message boards. Council Members Lawrence, Sullivan, Rodriguez and Green absent.

Council Member Khan stated Mr. Mutter should continue; and Mr. Mutter stated that the electronic boards were advertisements; and upon questions, Mr. Mutter stated that he did not make a presentation to the taskforce. Council Members Adams, Sullivan and Green absent.

Council Member Holm stated she heard him say he was small business and opposed the changes and did not think he had representation; and Mr. Mutter stated that was correct; and upon questions, Mayor White stated that yes, there were a number of retailers were on the

taskforce; and upon questions, Mr. Mutter stated that he was a project manager on new stores for CVS. Council Members Johnson, Adams, Sullivan, Brown and Green absent.

Council Member Noriega moved that the rules be suspended for the purpose of hearing Ms. Rita Foretich at the top of the three minute Non-Agenda speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Sullivan, Adams, Brown and Green absent. MOTION 2009-0480 ADOPTED.

Mr. Kaliki Mendoza, 7208 S. W. White Road, San Antonio, Texas 78222 (210-757-9152) appeared in opposition to Agenda Item 14 and stated that he was present regarding goals and objectives of the taskforce which were not fully completed, specifically signage was a critical tool for businesses and to improve clutter in the city, he thought they went toward reducing square footage and height instead of imposing a mandatory setback which would help clear clutter and on sub standards for new technology, he believed focus was on changeable message boards and did not see that as new technology and thought that was focused on too much. Council Members Johnson, Sullivan, Adams, Brown and Green absent.

Upon questions by Mayor White, Mr. Mendoza stated there may be interest in regulating signs but objected to the direction taken. Council Members Lawrence, Johnson, Sullivan, Adams, Brown and Green absent.

Mr. Mario Ipinia Jacobs, 5995 Rogerdale Road, Houston, Texas 77072 (281-776-2162) appeared in opposition to Agenda Item 14 and stated that he was with project manager with Jacobs Engineering and was opposing the single message sign changes, he needed clarification, what was considered a changing message sign, typically there was a single face EMB installed back to back to catch traffic in both directions, was that considered one or two and also property in a corner at this time was allowed two, one sign per frontage, and they believed each frontage supported the validation of an EMB. Council Members Lawrence, Johnson, Sullivan, Adams, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Jacobs stated that he represented a variety of clients in commercial development such as banks, CVS, etc., he was a project lead with various clients and the businesses depended on signage. Council Members Lawrence, Johnson, Sullivan, Adams, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he brought up regarding the changeable signage and the one side and second side counting and that information would be placed in an orderly form to him. Council Members Lawrence, Johnson, Sullivan, Adams, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she was making eye contact with the chair of the Taskforce, Mr. Friedlander, and he would be able to address the question and clarify it for the record when he came up to speak. Council Members Adams, Brown, Lovell, Noriega and Jones absent.

Council Member Holm stated that she knew the intent was for one side, but would also like clarity. Council Members Adams, Brown, Lovell, Noriega and Jones absent.

Mr. Mike Harp, 222 Pennbright #109, Houston, Texas (281-877-4140) appeared in opposition to Agenda Item 14 and stated that he was with Cedar Wood Development and he could appreciate Houston looking at their signage ordinances, but there did not seem to be any variance process and some sites just would not work; that they negotiated contracts purchased sites and did ground leases and a big component was signage and viability and would like the

variance addressed. Council Members Adams, Brown, Noriega and Jones absent.

Council Member Lovell stated that was brought up at the committee meeting and it was taken seriously, right now there was an appeals board in place which they would be able to go to and if there were many request for variance they could readdress that as they had many issues. Council Members Adams, Gonzalez, Brown, Noriega and Jones absent.

Mr. Jon Lucas, 2711 N. Saddlebrook Drive, Katy, Texas 77494 (281-693-7646) had reserved time to speak but was not present when his name was called. Council Members Adams, Gonzalez, Brown, Noriega and Jones absent.

Mr. Joseph Funderburk, 2200 Discher Avenue, Charleston South Carolina 29405 (843-270-2632) appeared in opposition to Agenda Item 14 and stated that he was with Anchor Sign and opposing proposed amendments, specifically Section 16 regarding visibility for signs on frontage of local streets and the issue was a catchall, some could be considered local initially and then determined by Traffic as collector streets which would fall into another category and the restrictions were substantially different for the two categories and for heavier traveled streets signage did not allow the message to get across. Council Members Adams, Gonzalez, Brown, Lovell, Noriega and Jones absent.

Upon questions by Council Member Khan, Mr. Fundeburk stated that they manufactured and sold signs in the Houston area and were not a part of the local sign association, their representation here was based on their corporate retail clients. Council Members Adams, Brown, Noriega and Jones absent.

Mr. Jim Ward, 11000 Corporate Centre Drive, Houston, Texas 77041 (713-983-2006) appeared in opposition to Agenda Item 14 and stated that he was market vice president for the Walgreen Company and they were concerned with proposed changes, particularly prohibiting digital display of reader boards in stores; that specials were important and the LED reader boards were important, but it was not just for them, they partnered with law enforcement for Amber Alerts and disaster health information was also important. Council Members Adams, Holm, Brown, Lovell, Noriega and Jones absent.

Upon questions by Council Member Clutterbuck, Mr. Ward stated that he represented Walgreen drug stores and he was speaking of outside signage; and Council Member Clutterbuck thanked Mr. Ward for displaying the amber alerts and stated he raised a point; that on the freeway you can see wait times, etc., and they change much more rapidly than every 5 minutes and she would like clarification on the city's policy; and Mayor White stated that he understood some things changed such as red lights, but the more things changed within a driver's field of vision the more the individual had to assimilate. Council Members Adams, Holm, Brown, Lovell and Jones absent.

Council Member Khan stated that he understood under the new ordinance Houston facilities such as sports venues would not be subjected to the same, it was only small businesses subjected and he understood about distractions, but then people put on makeup, ate, talked on phones, etc., and there were many more distractions than signage and they were not considering banning any of that and his concern was the proposed ordinance would adversely affect small businesses. Council Members Adams, Holm, Rodriguez, Lovell and Jones absent.

Mr. Tommy Friedlander, 5333 Gulfton, Houston, Texas 77081 (713-662-7745) appeared in favor of Agenda Item 14 and stated that he was president of RPI Management Company and served as chairperson for the On Premise Sign Taskforce; that they included a very diverse group of business and civic representatives which included large and small shopping center

developers, office building developers and apartment developers; restaurant owners and neighborhood and civic representatives and sign industry representatives and they consulted with other groups including the Greater Houston Sign Association, Texas Retailers Association, a major automobile association and many others and this was one of the most publicized committees he ever worked on; and to highlight a few items, the current scenic standards on ground signs applied to 10% of the city streets and highways and the proposed taskforce changes would tighten standards on the remaining 90% of the city streets and highways and they created a level playing field for business whether large or small and all existing signs would be grandfathered and they proposed eliminating very large loopholes in the current ordinance which were extremely problematic; that some have said the taskforce went too far and some that it did not go far enough, but it represented a major compromise fair to all sides. Council Members Adams, Sullivan, Holm, Rodriguez, Lovell and Jones absent.

Mayor White thanked Mr. Friedlander for dedicating his time and effort. Council Members Adams, Sullivan, Holm, Rodriguez, Lovell and Jones absent.

Council Member Clutterbuck thanked Mr. Friedlander for his 20 years of volunteering to the City of Houston and stated that taking this massive change in the sign ordinance allowed Council Members to do what they did and allowed real change; and upon questions, Mr. Friedlander stated that regarding Walgreen and CVS he thought they would pretty much be able to do what they did now, they were a model they geared things after and in terms of five minute change, it was an existing rule they left alone, the issue of the two sides, that was one sign; that almost every ground sign had two sides and it was common and considered one sign; that there was a published list of collector streets and major thoroughfares on the city website and the gentleman on Digital Reader Boards, again they were allowed on all streets but local streets and those were protected as were mostly single residential homes. Council Members Adams, Sullivan, Gonzalez, Rodriguez, Lovell and Jones absent.

Council Member Khan thanked Mr. Friedlander and all those who served with him for their services and time; and upon questions, Mr. Friedlander stated that there was no one main reason to look at this, but it had been 15 years and there were major problems, aesthetic issues, some safety issues, and they had a great deal of individuals who cared about the City of Houston and he was a business man and they wanted messages to get out, but not everyone to do as they wanted. Council Members Johnson, Adams, Rodriguez, Lovell and Jones absent.

Upon questions by Council Member Green, Mr. Friedlander stated that the Ikea sign on I-10 had gotten many people upset, you could right now put something up a hundred feet into the air and call it a wall sign; that he did not work for the City of Houston but he was sure Andy Iken's office or Nancy Brewer, that group, dealt with issues. Council Members Johnson, Adams, Rodriguez, Lovell and Jones absent.

Council Member Holm thanked Mr. Friedlander for all his work and stated for many years she was a strong advocate for improved signage standards; that signage was important and one of her philosophies was the difference between an off premise and on premise sign was on premise was not so much for advertising as they were for location and identity, but she had questions, some signs were blinding and one was on Highway 59 at Greenbriar and the microcenter sign on San Felipe, but it seemed they were encouraging bigger signs with lights and wondered if that was the intent; and Mr. Friedlander stated that on that issue, they were trying to encourage what Walgreen and CVS was doing and they felt they could have a permanent name for their business, it would not change, and then have the changeable message board and it was to limit the changeable message portion of the sign. Council Members Johnson, Adams, Sullivan, Green and Jones absent.

Council Member Lawrence stated that she had tried to get a Scenic District on I-10 and

many people would like smaller signs and she appreciated all he did. Council Members Johnson, Adams and Green absent.

Mr. Al Ross, 2611 El Camino, Houston, Texas 77054 (713-306-9154) had reserved time to speak but was not present when his name was called. Council Members Johnson, Adams and Green absent.

Mr. Alan Atkinson, 6 Pinehill Lane, Houston, Texas 77019 (832-428-1141) appeared in favor of Agenda Item 14 and stated that he was present as a real estate developer and father and he worked with small businesses and tenants and it came down to what was wanted and needed and they needed good demographics and income and traffic and regarding signage they needed it; that he supported the proposed ordinance as the city needed quality of life, a city one could be proud of; that his daughter was moving because she wanted a higher quality of life and he needed that here to keep his children; that this was a product of much work and it should be kept as variance free as possible or you might as well add more money to Legal because of all the challenges; and encouraged Council to adopt. Council Members Johnson, Holm, Gonzalez, Lovell and Green absent.

Council Member Brown thanked Mr. Atkinson for his eloquence and the bike trails and stated that he and others did heavy lifting to improve the quality of life and it was appreciated and a level playing field had a business friendly approach. Council Members Lawrence, Johnson, Adams, Holm, Gonzalez and Noriega absent.

Mr. Percy Creuzot, 2025 McDuffie, Houston, Texas 77019 (713-569-9333) appeared in favor of Agenda Item 14 and stated that he served on the Sign Taskforce and from a small business perspective asked they support the changes suggested, he saw it as a level playing field; that they looked at beautification and clutter and how it looked to visitors. Council Members Lawrence, Johnson, Holm, Rodriguez and Noriega absent.

Council Member Adams thanked Mr. Creuzot for coming and serving on the taskforce and her concern was with local schools and they could communicate with parents with the sign and hoped the Administration would consider that issue. Council Members Lawrence, Johnson, Holm, Rodriguez and Noriega absent.

Mayor White thanked Mr. Creuzot for his services and stated he received many accolades from those on the taskforce and he would be called on again. Council Members Lawrence, Johnson, Rodriguez and Noriega absent.

Council Member Jones thanked Mr. Creuzot and all who worked on the taskforce and stated that she believed the proposed ordinance did level the playing field and did affect the quality of life and it still allowed for advertising. Council Members Lawrence, Johnson, Rodriguez and Noriega absent.

Mr. Max Watson, 3389 Inwood Drive, Houston, Texas 77019 (713-526-7511) appeared in favor of Agenda Item 14 and stated that he was on the On Premise Sign Taskforce and was on the executive committee of Scenic Houston and on the eight member steering committee for the Quality of Life Coalition; that many said the sports and theaters could do things, but he negotiated with all those entities in 2002 and early 2003 when the City of Houston was not covered by the sign code and they did not regulate the Harris County Sports Authority but they did negotiate and after six months they all agreed to do less than they were capable of doing and refined their plans and the city agreed to be bound by the city sign code, so in the interest of a more attractive city they would do less; and urged support of the amendment as written. Council Members Johnson, Rodriguez, Noriega and Jones absent.

Mayor White thanked Mr. Watson and others for their tireless efforts on behalf of the community. Council Members Johnson, Noriega and Jones absent.

Council Member Sullivan thanked Mr. Watson for all he did; and upon questions, Mr. Watson stated that the makeup of the sign taskforce was to make sure a representative sample of groups were represented and they came to a solution. Council Members Johnson and Noriega absent.

Council Member Lovell thanked Mr. Watson and the taskforce for their efforts and stated that with no zoning this would always be an agreement in what was better for the city and all had different ideas, but they had worked over a year and come up with something and felt a good job had been done in listening to all. Council Members Johnson, Adams, Khan and Noriega absent.

Council Member Holm thanked Mr. Watson for working toward better signage and for his commitment. Council Members Johnson, Adams, Khan and Noriega absent.

Mr. Gene Lacouture, 1111 NLW #600, Houston, Texas 77008 (713-819-9412) appeared and stated that he was with Jack In The Box and he needed a clarification on what happened to a sign in a storm; that they had to replace many signs, Sign Administration sent a letter out saying they had to go by code and many signs had to be reduced in size, etc., because they had been there 40 years, but now with the new sign code there was no provision stating if in 2008 he replaced a sign to meet the new code he would not have to replace it to meet it now after one year. Council Members Johnson, Adams and Noriega absent.

Council Member Lawrence stated that she too would like an answer, would it be as they were doing carports, would that situation be covered, be grandfathered, she would hate to see anyone in such a situation because of the expenses, would he be grandfathered if there was a hurricane; and Mayor White stated that he understood there was no change in existing law on that issue and if he was incorrect someone should let him know; and Council Member Lawrence stated that was her understanding also, but wanted him to get a direct answer. Council Members Adams and Noriega absent.

Mr. Bill DeArman, 8723 Fallbrook, Houston, Texas 77064 (832-678-3017) appeared in opposition to the ordinance and stated that he was representing Bubbles Carwash and in his opinion the current sign code was not broken, it may lack enforcement, but was not broken and the proposed amendment went too far especially on local or collector streets; that they relied on signage to collect new customers and 10 of their 13 locations had LED digital reader boards, signage proved to be the main reason one business was chosen over another, a recent survey showed most stopped because they saw the sign; the LED reader boards allowed them to communicate special offers and incentives to do business with them and proposed changed would impact their willingness to do future business in the Houston area; that their worst performing store was where they had a minimum size sign when others around them were grandfathered with larger signs. Council Members Lawrence, Clutterbuck, Lovell and Noriega absent.

Council Member Khan stated Mr. DeAman should continue; and Mr. DeAman stated the most important thing was their concern of selling a carwash in the future as they thought they would not be able to use current signs and the buyer would have to consider cost of a new sign and it would be less than what currently existed and felt there would be a substantial devaluation with the sale; and upon questions, Mr. DeAman stated that they had 13 car washes in Houston and their company decided to not go into certain municipalities with very strict signage as signage was critical; that if all businesses had to live with small signs it was detrimental because of visibility. Council Members Lawrence, Clutterbuck, Lovell and Brown

absent.

Council Member Green moved that the rules be suspended for the purpose of considering Item one out of order at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Clutterbuck, Lovell and Brown absent. MOTION 2009-0481 ADOPTED.

1. REQUEST from Mayor for confirmation of the appointment of **MR. TERENCE FONTAINE**, to Position 3 of the **BOARD OF THE METROPOLITAN TRANSIT AUTHORITY**, for a term to expire May 1, 2010 – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0482 ADOPTED.

Council Members congratulated Mr. Fontaine on his appointment; and Council Members Khan and Jones stated that many said METRO did not listen to them, but he was their representative and they were counting on his representation on the board to do a lot of good. Council Member Holm absent.

Council Member Gonzalez moved that the rules be suspended for the purpose of adding Mr. Lawrence Spence, Mr. Christian Vanness and Miss Ashley Vital to the speakers list and move Miss Miranda Hyder to follow those speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Members Adams, Holm and Jones absent. MOTION 2009-0483 ADOPTED.

Mr. Dorian Hicks, 2514 Wichita, Houston, Texas 77004 (713-444-3230) had reserved time to speak but was not present when his name was called. Council Members Adams, Holm and Jones absent.

Ms. Jeanette Harris, 69 Heights Boulevard, Houston, Texas 77007 (713-298-9364) appeared and stated that she owned the Porch Swing Pub off the Washington Corridor and two weeks ago they were visited by officers who wrote citations for such things as not maintaining the address because they were the wrong color, the TABC was with them and they could find no alcohol violations so they wrote an Administrative citation and said they were on a list and they had to cite them for something, apparently it was represented City Hall was having officials go out and write violations to any bar on the Washington Corridor in response to complaints from those living in the area which including complaints on parking, noise and drunken behavior; that she purchased the business before the residential properties were built and there were no residential properties adjacent to her block and she did not have live music or DJ's and she could accommodate 120 vehicles with her lot, etc., patrons were not those parking outside residential areas and hooting and hollering and urinating in yards, they offered no dollar beer specials and had a full kitchen open until 1:00 a.m. and she had cab vouchers when needed; that there may be a few places on the corridor pushing the limit but it was not fair to assume they contributed to the problem, she had never received a citation of any sort. Council Members Adams, Holm and Jones absent.

Council Member Noriega stated that she appreciated all she mentioned including the cab vouchers, but she would beg to differ that City Hall had sent anyone out with a blanket order to ticket; that they had met quite a bit with Washington Avenue businesses and it started with a meeting where many were concerned about bar activities so it may be possible police stepped up enforcement, but would suggest she was not aware of anyone going out to harass establishments; and Ms. Harris stated that HPD officers came out and TABC and the Fire Marshall and it was represented a list was out; that Council Member Gonzalez was at a meeting last week and she looked forward to speaking with him and she did not want special treatment and tried to be in compliance but felt she was being placed with places which encouraged losers to slam beers, dollar drinks, etc. Council Members Khan, Holm, Lovell and Jones absent.

Mayor White stated that he learned from 5-1/2 years from the Montrose Area, Rice Village, etc., they had a growing area with a number of businesses and there was tension between residences and businesses and it seemed the challenge for business owners was to help the city craft rules and criteria because they did allocate more public resources for enforcement based in part on responsiveness to the public and if there were practices which were lightening rods then they needed to help identify them and help find ways to address them. Council Members Holm and Jones absent.

Council Member Gonzalez thanked Ms. Harris for coming and sharing her thoughts and stated that he had started looking into the issue and meeting with business owners and constituents to get a better handle on the issue and looked forward to speaking with her. Council Members Holm and Jones absent.

Ms. Rita Foretich, 12751 Zavalla, Houston, Texas 77085 (713-729-9826) appeared, presented information and stated that she was president of Super Neighborhood 39 and Fondren Civic Club and was present regarding a Zavalla Street, it was a neighborhood street, an emergency street from south Main to Beltway 8, the Fire Department declared it an emergency street, a brick company tore down their walls and they put in a triple driveway at the edge of the lot and another one was on the lot and she was concerned about the structure of the street, it was shell and asphalt and it had two curbs; that across the street were 20 homes with children and she was concerned for such a little neighborhood and small street they needed a better one, one with concrete and steel and the curbs needed to come out and they needed warning lights; that at the driveway of the brick company they needed lights for warning when they were coming in and out, the pictures showed when parking was on both sides of the street the street was only about 12 feet wide and if it was an emergency street it needed to be better for them and the children, there were also no sidewalks. Mayor White, Council Members Johnson, Holm, Gonzalez and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams thanked Ms. Foretich for all her public service and stated that Zavalla was very narrow, only one car could fit at a time; and upon questions, Ms. Foretich stated that they did not want curbs, ditches were good, but they wanted the street a little stronger, their drainage was fine, they never had flooded, but after Hurricane Ike the equipment which came out tore up all the sod on their ditches and now it was eroding and she wondered if they could have a special team of solid waste businesses get together and next time there was a disaster they would pull from them for contract labor, the people that came out had no supervision and did not know what they were doing; that they were not rich but deserved better; and Council Member Adams stated that they were rich, because of her (Ms. Foretich) they had a community center and all the maintenance which took place around vacant lots, homes and dangerous buildings was because of her, she had cars removed; that they were strong because of her leadership and Mr. Drabek was present and she would ask him and the Administration to work with her, she was correct about Zavalla Street and the safety of those there; and Ms. Foretich stated that 400 trucks were coming out of there, but they did not use Zavalla, Mayor White stated to Mr. Drabek and Council Member Adams and others he learned of other neighborhoods in her category where other entrances and exits were located and it became a magnet which took traffic through residential neighborhoods and it was a hole in the process and they needed to give priorities and more emphasis to traffic calming tools within some neighborhoods though this did take judgment, traffic was not vaporized, it did go somewhere and what reduced it on one street may force it to another and asked Mr. Drabek to see how to prevent cut through traffic to the Beltway and he would ask Public Works to work with him and Council Member Adams on the particular issue. Council Members Johnson, Sullivan, Khan, Lovell and Jones absent.

Council Member Brown thanked Ms. Foretich for coming and stated that he thought

Zavalla was a 60 feet right of way, but they needed to recognize in street standards that a 60 feet right-of-way with open ditches did not function like a collector which had curb and gutter and he did not think the distinction was correctly made and this should be addressed in other parts of the city as well; that smart traffic calming devices could be used here to discourage traffic but still give emergency vehicles access and egress and that could happen. Council Members Johnson, Sullivan, Khan, Lovell, Green and Jones absent.

Mr. Lawrence Spence, who was previously added to the speakers list appeared and stated that he was a teacher and program coordinator at Crockett Elementary and for the Eco Teacho Program and he wanted to introduce Council today to inspiring students in a civic program at the school; that they participated in the extended year program and also volunteered to attend the Council Meeting today, meet some Council Members and a couple of students had presentations; that their Eco Program was an environmental program and it included community service, restoration, etc.; that they were present last Summer and since then they helped organize and participate in the first annual First Ward Cleanup and collected 90 bags of trash in the First Ward, they participated in the yearly Trash Bash cleaning waterways and in Marsh Mania which was a marsh grass restoration program; that with the partnership of the District H office they would like to organize the Second Annual First Ward Cleanup in October; that they were about to break ground on a LEED Silver expansion, probably the first at HISD and possibly in the State of Texas. Council Members Johnson, Sullivan, Khan, Lovell, Green and Jones absent.

Council Member Gonzalez stated that Mr. Spence should continue; and Mr. Spence stated that part of what they were doing was a garden, school yard ponds and much more; and Council Member Gonzalez commended Mr. Spence on all that was going on at Crockett Elementary School. Council Members Johnson, Sullivan, Khan, Holm, Lovell and Green absent.

Mr. Christian Vaness, who was previously added to the speakers list appeared and stated that he was a student at Westbriar Middle School in HISD and today was present regarding water pollution, which was one of the worst problems; that human waste was one of those pollutions, people were dumping car seats, paint and even human bodies into the bayou and the trash was one of the worst in the bayou with Styrofoam cups, plastic bottles and gasoline were examples and it caused animals to die from poisoning the water; that people must stop and it could be done. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent.

Council Member Brown thanked all for coming and stated that this was a fantastic program, he had been out to visit and they had a great teacher committed to environmental stewardship and what was needed was more "Kid Power" in this city; and asked all to stand to be recognized. Mayor White, Council Members Johnson, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding.

Miss Ashley Vatillie, who was previously added to the speakers list appeared and stated that she was an honor role student at Crockett Elementary School in the First Ward area and next year she would be in fourth grade; that she was present to share how much she loved her school, it gave her the chance to learn to play a piano and guitar and she learned to sing and make good friends; that next year it would be a bigger school and that was why she came to share dangerous problems in the neighborhood; that she lived right by the school but could not walk home because cars went too fast on Spring and Shearn Streets, they had no speed bumps and sometimes parked cars had been hit; that some friends had to walk because their parents worked and she was afraid for their safety and safety of others having to walk and a solution could be speed bumps on those two streets and they would have to drive slower, all would be safer and parents would worry less; and urged her request be considered. Mayor White, Council Members Johnson, Sullivan, Holm and Green absent. Vice Mayor Pro Tem Lovell

presiding.

Council Member Jones thanked all for coming to Council and for paying attention to their neighborhood; that they all spoke wonderfully and she wanted to congratulate Mr. Spence, she remembered him being present before, and she wanted to thank him for teaching children at their age, they would keep what they learned forever, pass it on to their parents and be good stewards of the environment and care about quality of life. Mayor White, Council Members Johnson, Sullivan, Holm, and Green absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that all were very articulate and she understood they met with Council Member Gonzalez earlier and asked many hard questions; that one thing a Council Member did was help with problems such as speed bumps and suggested they meet with Council Member Gonzalez or send a request to his office or call his office and he could explain how to get speed bumps and that would be a good school project. Mayor White, Council Members Johnson, Sullivan, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Miss Miranda Hyder, 4126 Inkberry Valley Lane, Houston, Texas 77045 (832-465-7747) appeared, presented calendars and stated that she would be in ninth grade in the Fall and was with the Downtown YMCA of Greater Houston; that she and those with her today were present to share their recycling experience, through the City of Houston Solid Waste and Management Department's partnership with nonprofit organizations like the Honey Brown Hope Foundation young people were able to learn about the many benefits of recycling and they shared those benefits with citizens of Houston through the "We Love America-Healthy, Clean and Green" initiative and their objectives were to instill in others what stood to be lost if they were not responsible caretakers of this planet and the focus was the recycling; that they all participated in the photography workshop which taught the importance of a health clean and green America and today she provided all at the Council Table with a "We Love America Healthy, Clean and Green" Calendar. Mayor White, Council Members Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell thanked Miss Hyder for the calendars and stated she saw Miss Hyder was in the March photo; and thanked all for coming. Mayor White, Council Members Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams stated Ms. Tammie Campbell was the brainchild behind the foundation and she put much hard work into making sure all were educated on environmental issues and asked she stand to be recognized. Mayor White, Council Members Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Timothy Williams, 4627 Charriton Drive, Houston, Texas 77039 (832-971-2210) appeared and stated that he was head of security and personal body guard for celebrities and today was representing registered nurses who had been employed for 20 to 30 years in the Harris County District, it was now mandatory that the nurses work 12 hour shifts as opposed to 8 hour shifts and it caused a mental and emotional hardship, it took a toll on the body with such a career; that he felt it unfair and would like Council to be able to step in and overturn it back as it was. Mayor White, Council Members Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell thanked Mr. Williams for coming and stated that what he was speaking of was nurses in the private sector and Council had no authority over that, but they could go to a labor relations board at the EEOC, but did appreciate him raising the issue. Mayor White, Council Members Sullivan, Rodriguez, Lovell and Green absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Lois Myers, 9701 Westview Drive, Houston, Texas 77055 (713-461-7447) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Sullivan, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Nancy Maranito, 1926 Triway Lane, Houston, Texas 77043 (713-464-9702) appeared, presented information, passed cool ties to be touched and stated that she was present regarding "cool ties" which kept someone cool for up to eight hours; that thousands had been made and sent over seas to service people in Iraq; that today there was much talk on quality of life and in Summer it was very hot here and many needy people, some did not have air and some died and this was a simple and inexpensive thing which could bring relief to many; that she belonged to the American Sewing Guild and they were committed to be an part and sew them, they were filled with two teaspoons of a polymer crystal and when saturated in water they soaked up and stayed wet and you could keep them in the refrigerator; that her proposal was to provide two to every needy person in Houston; that she used hers after Hurricane Ike and had it for eight years; that they cost only 10¢ a piece to make and she was present for media coverage; that the Guild could do most of the sewing with some volunteers. Mayor White, Council Members Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan stated she should give her phone number, website, etc., and Ms. Maranito stated that her phone number was 713-464-9702 and she would like to get a contact person with the City of Houston to help direct them on how to distribute to citizens once they were ready; and Council Member Khan suggested calling the Greater Houston Partnership as they could help small business entrepreneurs; and Ms. Maranito stated that she was not selling, they were giving them away and she was hoping Lowes, etc., would help by donating the crystals. Mayor White, Council Members Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Clutterbuck thanked Ms. Maranito for coming with such an exciting community service and perhaps the Houston Municipal Channel may be able to put together a quick public service announcement and another idea may be to distribute through the Public Library System and Parks and Recreation Department; that her husband had one and they worked and were amazingly cold; and Ms. Maranito stated that she tried getting this off the ground four years now and when she called the suggested places she always hit a brick wall, no one seemed to understand and it would be ashamed to be able to really help and not be able to. Mayor White, Council Members Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that she should meet with Ms. Vasquez in Citizens Assistance and she may be able to help get her connected to those who could be helpful. Mayor White, Council Members Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Johnson thanked Ms. Maranito for coming and stated that it was a wonderful idea and gesture and he would make his commitment to the \$250.00 for crystals to help; and upon questions, Ms. Maranito stated they were for the Houston needy; and Council Member Johnson stated that he had a senior citizen coordinator in his office and he would like to meet with her and help distribute them along with Mr. Anthony Love who was a part of the Homeless Coalition. Mayor White, Council Members Lawrence, Holm, Gonzalez, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Ms. Maranito stated that 2,500 would cost \$250.00 and she spoke with Lowes and they were trying to get the manager to donate; and Council Member Brown stated she should be expecting a call from him. Mayor White, Council

Members Lawrence, Holm, Gonzalez, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated to Ms. Maranito to speak with Ms. Vasquez before leaving and she was sure she would be hearing from many Council Members with suggestions and Little League had many children out in the heat now and it would be wonderful for them. Mayor White, Council Members Lawrence, Holm, Gonzalez, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Khan moved the rules be suspended for the purpose of remaining in session beyond the scheduled noon recess for two hours to complete the Agenda, seconded by Council Member Clutterbuck. All voting aye. Nays none. Mayor White, Council Members Holm, Gonzalez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0484 ADOPTED.

Mr. Chris Passmore, 2425 Sage Road #11, Houston, Texas 77056 (832-443-4024) appeared and stated that he was present regarding recycling and transportation; that the city was going to perhaps mandate recycling for every household in the City of Houston and trash should not be picked up if it was not; that the City of Houston could make money on food waste by sending it to California, they used it to grow things; that plastics could be recycled here; and he wondered what the city planned to do regarding transportation for the masses, the light rail was at the Medical Center, but he would like to work with Mr. Fontaine as for as influencing a heavy rail system because of Houston's size; that METRO did a good job, but a heavy rail system would work better. Mayor White, Council Members Gonzalez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that they did already have a recycling program in place and they were starting to expand the program and hopefully in the near future all households would participate; that on transportation he could take his ideas to METRO, they were building light rail and expanding route service. Mayor White, Council Members Holm, Gonzalez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that on transportation there was a referendum in 2001 and citizens did have to vote on it; that as Vice Mayor Pro Tem Lovell explained METRO did control it and he would need to speak with them. Mayor White, Council Members Gonzalez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding.

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 Gonzalez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Janet Thomas, 19335 Cypress Canyon Drive, Katy, Texas 77449 (713-291-6408) appeared and stated that she was present three months ago when an officer was shot by an illegal immigrant and had seen nothing change and now was present with another officer having been shot and killed by an illegal immigrant and heard nothing about this in the meeting prayer, no one was doing anything about illegal immigration and two weeks ago a lady was set on fire by her illegal immigrant boyfriend who had not left; that yesterday was a memorial for an officer who had been dead a year now and she heard Chief Hurtt said he would not change any policy with HPD relating to illegal immigration and she was very concerned and expected to be present again on the same issue; that Harold Hurtt was a disgrace and should be forced to resign. Mayor White, Council Members Holm, Gonzalez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Sullivan stated that Mayor White had spent a lot of time speaking last week in Council asking citizens to keep the officer's family in prayer so what she did not hear today was not a lack of support for the family or anyone involved; that this Mayor and Council...; you could have heard a pin drop last week when they paid their respects and almost every Council Member spent time at the funeral showing respect and spent time with the family, they did care. Mayor White, Council Members Holm, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Clutterbuck thanked Ms. Thomas for coming and stated that she felt she was expressing extreme frustration that all shared and was acting as a voice for a large community of individuals who were frustrated with the situation of people who were found to be criminals, were deported and somehow made it back; that they had lost too many officers from people previously deported and it was time to have a serious conversation on what was to happen and in her opinion a taskforce decision was needed on what should happen at the federal level and state and local level as it was a multi dimensional issue and problem; that one thing may be to have a different way of issuing drivers licenses in the State of Texas, she long wondered why they were issued to anyone who applied, in other countries there was a license issued to a person who was a resident of the state and then an international drivers license and in her opinion that would be a tool, but some policies have changed and when someone was arrested with a Class B misdemeanor or above their citizenship was checked. Mayor White, Council Members Adams, Holm, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Robert Price, 1585 W. Sam Houston Parkway North 77043 (832-721-0797) appeared and stated that he came three months ago supporting HPD officers after an officer was shot and permanently injured and now once again he attended an officer's funeral yesterday; that individuals who committed this crime did not go out to kill a Houston police officer they went out to commit a robbery, to kill another Hispanic individual, Hispanic on Hispanic crime, the fact a Houston police officer was the victim gave the crime much more attention than it would have otherwise received and if it had not been Officer Canales it would have been a 15 second blip on the morning news and then gone; that this type of crime happened weekly in this city and he did not doubt they cared what happened to people, but what was to be done; that Chief Hurtt said he would make no changes to policy as a result of the shooting and as a former commander he understood when something went wrong you evaluated and made changes and implemented new policies; that five times in the last few years officers were buried at the hands of illegal immigrants and Mayor White pointed his finger at the federal government, but they had not elected the federal government to do this city's job, they elected him and the City Council Members and they expected them to keep this city safe; and asked they meet with groups such as U. S. Border Watch, which he represented, and start finding alternatives to enforcing laws. Mayor White, Council Members Adams, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Clutterbuck, Mr. Price stated that officers told him they were under pressure to not take action on those who may be illegal immigrants committing crimes such as trespassing, etc., their hands were tied because of city policies; that Home Depot spent much money hiring off duty officers to try and keep such people off their property because the city would not enforce laws; that this was not an immigration issue or racial issue, it was a matter of property rights and if they did not want people loitering and causing a security risk the city should respect it and back them up; and his group would like an equal seat at the table and speak with the Mayor and HPD and make this a safer city. Council Members Adams, Green and Jones absent.

Mayor White thanked Mr. Price and Ms. Maranito, he had been listening to their comments and thanked them for coming. Council Members Adams, Green and Jones absent.

Ms. Louise Whiteford, 2431 Nantucket Drive, Houston, Texas 77057 (713-706-3546) had reserved time to speak but was not present when her name was called. Council Members Adams, Green and Jones absent.

Mr. Bill Smith, did not give address (281-570-7039) appeared and stated that Officer Canales was buried yesterday having given the ultimate sacrifice and left behind family and friends, he truly did protect and serve the Houston community many years; that he was murdered by a man who entered the country and state illegally and it was critical this issue be addressed quickly and decisively, it should not matter which color anyone was, they should be welcomed as long as they were here legally; that the goal of protection should be set and reasonable decisions made; that he heard someone was wanted, but illegal, and kept using different names and even though he had been in the system he was not discovered and still walking about. Council Members Lawrence and Adams absent.

Mayor White thanked Mr. Smith for coming and expressing his views. Council Members Lawrence and Adams absent.

Council Member Clutterbuck stated that she too wanted to thank him for coming and for so well stating the complexities of the issue and regardless of who the criminal was if they used multiple aliases it was difficult to combat and she believed there needed to be a comprehensive address of this critical issue; and upon questions, Mayor White stated that this was an important topic for public debate and his focus was relying on police officers and officials here and nationwide and focusing police resources on those committing criminal acts, officers in question who reported up through the command staff in this governing body were in the process of investigating and arresting individuals with the purpose of incarcerating those individuals and putting them in jail and the shooter was now deceased, it was the policy to arrest those involved in criminal activity whether citizens or noncitizens, they should be prosecuted under law, convicted and incarcerated if sentenced to be and if non citizens whether in the country legally or illegally had committed a serious crime they should have a deportation hearing, required by federal law, and deported immediately once released from custody of jail; that was the policy of this Administration, period; that he shared the concern that databases available to law enforcement, federal, state and local, were inadequate for the task they confronted, gave examples of frustrations and stated that his passion was cemented by time he spent with families of officers made him resolve to try and assist in various ways those people who wanted a system which tried to separate the one in a hundred out who were here without a meaningful means of support and who preyed on others. Council Members Adams, Sullivan and Lovell absent.

Ms. Juanita Harris, 2419 Wichita, Houston, Texas 77004 (713-522-3452) had reserved time to speak but was not present when her name was called. Council Members Adams, Sullivan and Lovell absent.

Ms. Phyllis Moss, 2520 Wichita, Houston, Texas 77004 (713-524-7074) appeared and stated that she was a resident of Riverside Terrace, she and her neighbors were requesting assistance from the City of Houston to enforce Ordinance 2006-95, Section 42-163 which authorized the establishment of a special building line requirement area to preserve the character of existing block faces in residential neighborhoods in urban areas which did not have building lines established by deed restrictions and they were asking for enforcement as a piece of property was moved to a lot located at 2528 Wichita and it was not in compliance to what they believed the intent of what that section was; that all their homes were two story and brick and this property was one story with wood siding and placed on concrete pillars; that Kevin Hale was owner of the property and he owned six other pieces of property in the Third Ward area, she drove by each one and was not surprised to see the dilapidated conditions of each,

however, he owned a \$400,000 home and her handout included pictures of the house on Wichita and other homes in the block; that he even changed the address from 2528 Wichita to 5710 Live Oak and they believed he did it to bypass the ordinance in place which stated any structure must be of the same appearance of the current homes on the block and it was obvious he did not care about them or their block and they would like this halted until determined how to get him to move the property; that they were not sure if it was a manufactured home, but the ordinance was to preserve the character. Council Members Lawrence, Sullivan, Holm and Rodriguez absent.

Council Member Jones stated that she lived in the area and they were just getting the neighborhood back with enough homeowners as opposed to slumlords there to get something done; that she too believed the address was changed to avoid not getting the block face changed; that they sent letters certified mail to slum lords who still owned property and they were waiting to hear from them; that it was flat out junk they put there and they were trying to hurriedly put a drive there and he was a slum lord if you just looked at his other properties and it was unfortunate someone could do that. Council Members Khan, Holm and Rodriguez absent.

Council Member Lovell stated that the Moss family was very active; that she had raised important issues and they did want to make sure the character of the neighborhood was kept. Council Members Khan, Holm and Rodriguez absent.

Mayor White stated to give an overview on things being investigated the first was the pictures were clear and when he saw the residence at Tuam you could see building code violations; that in the absence of deed restrictions there were ways individuals could restrict their own policy on properties, but in the absence of deed restrictions there were many things they did under Chapter 42 and other ordinances to deal with lot size and set back requirements; that they did not say a house had to be as big or fancy as another, they did not want discrimination of basis of income, but in this particular case it did seem..., they were trying to figure out if the house met the definition of manufactured housing under state law and they would get back to her and members of the civic club; that the other issue was driveways, separate and apart from whatever the house would look like was something he wanted Council Members to be sensitive to, he learned about traffic while being Mayor and one thing was when you had driveways, curb cuts, in front of that was city property and he believed in property rights and the city had property rights too and the sidewalk and street was the city's property and when someone was putting a curb cut on a turn or bend it was an invitation to traffic accidents or traffic clogging; that he would say to those on the Planning Commission and in Public Works Permitting to first beware of the law of unintended consequences because if someone was allowed to build a residence and park cars on the street that was another issue and the second was what rules and interpretation they made with respect to one neighborhood they ought to make in fairness on a nondiscriminatory basis in all neighborhoods. Council Members Clutterbuck, Rodriguez and Green absent.

Council Member Brown stated that he was a former resident of Riverside Terrace and this picture of the house was offensive and detrimental to the character and property values in the neighborhood; and upon questions, Ms. Moss stated that there was no garage, he poured concrete and it stopped at the house; that this did seem to fall in the category of manufactured housing and they should have a permit to cut curbs; and in going forward if there was an ordinance intending to preserve character and neighborhood integrity perhaps it could have a broader scope to discourage anyone at the offset; and encouraged keeping up the pressure; and upon questions, Mayor White stated that because there was Planning, Neighborhood Protection and Public Works he was conferring with the City Attorney and he and Mr. Icken would look at this; that he would say he was very interested in the following, when it came to HUD home repair, one issue was they had to repair houses up to the current Building Code and over time they had gotten tighter and tighter and when it came to housing and home repair they

found that sometimes they had to replace almost an entire house and in looking at the pictures a question to him was whether the house was up to code and they would explore those issues. Council Members Lawrence, Johnson, Clutterbuck, Khan, Gonzalez, Rodriguez and Green absent. (NO QUORUM PRESENT)

Council Member Adams thanked all for coming and stated that she knew they had been working on this issue a longtime; that this was why deed restrictions were so important, it was a way to protect your community and she supported their fight and would work with the Administration, in the back now there were many talking about how to move forward in helping this situation and she wanted to thank Bobby Oates for taking it further and going out to reexamine the house to make sure whether it was modular and unfortunately he called back and said it fell under the guidelines of a regular home, but as the Mayor said now it would be to make sure of the standards and quality of the home; and as a Council Member how could they fight on behalf of communities when you wanted to protect the quality of life and keep someone from just coming in, she understood they could find no permit of record at this time and they had looked under both addresses, but they were checking to see how they were able to move there; and Ms. Moss stated that initial permits were pulled under 2528 Wichita and then through the process at some point documents were submitted to change the address to 5710 Live Oak; and Council Member Adams stated that on record they could find no permit pulled; and Mayor White stated that he could not ignore the impact seen in neighborhoods continuing engagement, particularly without deed restrictions, because he saw neighborhoods really work together and this was a very active neighborhood and this was not intended as criticism; and when properties were to be sold neighbors should speak to the property owners. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Gonzalez, Rodriguez, Brown and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones stated that behind this house was an alley and her concern was the speed with which the property owner was trying to put something down and maybe to say they had relied on something, but apart from that the house did look really old and may not be up to code and when he said ask your neighbors, she asked one of her neighbors what they were going to do when they were buying and they said they were going to live there and they bought it and ended up moving to Africa and the renters partied all night and parked in her driveway, so you could ask and try and be proactive and at some point they hoped to have all be homeowners and maintain their property; and she thought the city should be able to regulate this property owner because they were trying to curb cut. Council Members Johnson, Sullivan, Holm, Gonzalez, Rodriguez, Brown and Noriega absent. (NO QUORUM PRESENT)

Ms. Carolyn Jennings, 2524 Wichita, Houston, Texas 77004 (713-524-2257) appeared and stated that she was an existing residential neighbor in Riverside Terrace and was next door to the property of concern; that in talking of quality of life and characteristic of neighborhood the structure now next to her did not comply and she dittoed all Ms. Moss had said and was also deeply concerned and passionate on how they could provide characteristics of their area and this house's driveway would be on the street perpendicular and not Wichita. Council Members Johnson, Sullivan, Holm, Gonzalez, Rodriguez Noriega Brown and Jones absent. (NO QUORUM PRESENT)

Upon questions by Council Member Green, Ms. Jennings stated that she lived there over 30 years; and Council Member Green stated that Council Member Adams was Council Member for that area and he lived near there on the other side of the bayou and anyone living there or near there knew this was out of the ordinary and clearly the intent of moving the house so quickly and in the dark of night let all know what the intent was and he supported the city departments working on it and the District Council Member. Council Members Johnson, Adams, Sullivan, Holm, Gonzalez, Rodriguez Noriega and Brown absent. (NO QUORUM PRESENT)

Mr. Lawrence White, 2520 Rosedale, Houston, Texas 77004 (713-522-5986) appeared and stated that his family was the oldest residents in the area, his parents moved there in 1952 and they loved the area; that those who lived there kept a beautiful neighborhood with beautiful kids and schools and St. Mary's Catholic Church was beautiful; that the community was as in the past where everyone fostered everyone, if someone did something, everyone did something; and this home was a blight on the community, it was a piece of trash and a travesty and they were all very upset. Council Members Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez Noriega, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Noriega stated that the truth was Council Members were all taking turns in speaking to let all know they were trying to be as responsive as they could be and her staffer was at the meeting the other night and was very concerned and brought it to her attention; that Council Member Adams was Council Member for the area and very concerned and they were all listening and concerned and also concerned they may not have all the tools necessary to do what needed to be done, but she would assure him all were very focused on this to do what was necessary. Council Members Johnson, Sullivan, Holm, Gonzalez, Rodriguez Noriega and Brown absent. (NO QUORUM PRESENT)

Ms. Jeri Flenoy, 2520 Arbor, Houston, Texas 77004 (713-724-4796) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Holm, Gonzalez, Rodriguez and Brown absent.

Mr. Ronald Moss, 2520 Wichita, Houston, Texas 77004 (713-822-4247) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm, Gonzalez, Rodriguez and Brown absent.

Mr. Verdán stated that Mr. Moss was not present and could he speak in his place. Council Members Sullivan, Holm, Gonzalez, Rodriguez and Brown absent.

Council Member Adams moved the rules be suspended for the purpose of hearing Mr. David Verdán in place of Mr. Ronald Moss, seconded by Council Member Jones. All voting aye. Nays none. Council Members Sullivan, Holm, Gonzalez, Rodriguez and Brown absent. MOTION 2009-0485 ADOPTED.

Mr. David Verdán, who was added to the speakers list, appeared and stated that he was present speaking with his neighbors as their neighborhood was under siege, they had been battling different issues and the latest was the house on Wichita; that Ms. Moss and others eloquently stated their problems and they were trying to protect their quality of life, they were trying to buy time to get deed restrictions established and already submitted paperwork to the state and were actively involved in gathering signatures in support of the petition and they had a proven track record, documentation filed with the city, of what they were trying to do. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated Mr. Verdán should continue; and Mr. Verdán stated that a developer went before the Planning Commission and stated their neighborhood was a blighted area and they did not pay taxes and he had a copy of that recorded session from August 2007, he lied about them and did not care; and Council Member Jones stated that what was happening in Riverside Terrace was happening all over the city and not specific to them; that their civic club met for the express purpose of getting people to sign for the minimum lot size, they were actively participating and had much ground to cover. Council Members Johnson, Clutterbuck, Sullivan, Holm, Gonzalez, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that they were urban pioneers, smart enough to find a good area in town and be able to buy when it was affordable and now it was discovered by others; that she lived in Montrose which had a character of its own; that while they were going along for deed restrictions and lot size if they would sign up for a historic neighborhood they could set their own boundaries and there were advantages for people to come in and buy them and get tax advantages and fix them up, a historic advantage was to their advantage. Council Members Johnson, Clutterbuck, Holm, Gonzalez, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Rhonda Hicks, 2514 Wichita, Houston, Texas 77004 (281-798-7741) appeared and stated that she was a resident of Riverside Terrace and on February 26, 2006, an ordinance was established for their block, establishing the north and south sides of the 2400 and 2500 blocks of Wichita and it authorized it to a special establishment of a building line requirement to preserve the character of existing block faces in residential neighborhoods without deed restrictions and they believed the intent of this was to protect their neighborhood from the types of property which they were discussing today and she was concerned as it was an economic burden and safety risk and encroachment upon the character and integrity of their neighborhood; and they wished to enforce land use ordinances which was to protect them from ill effects and determine what was necessary to remove this. Council Members Johnson, Clutterbuck, Holm, Gonzalez, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Khan thanked Ms. Hicks for coming and stated that her presentation was impressive; and upon questions, Mayor White stated that lawyers were looking at his request whether this would meet the classification under state law on manufactured housing, it might not be the state's definition, but they invited this citizen and others to look at it; and Council Member Khan stated that even if it was not there still needed to be inspections, etc., in place; and Mayor White stated he thought it was fair to say it needed to meet all current building codes, but there were not many tools they had to keep something with a smaller floor plan from coming, but inspectors would look with a fine tooth comb on whether it met all code standards; that people also needed to talk to the owner of the property itself, generally the highest and best use of property was to sell to a home builder and he had seen where citizens passed the plate and purchased property; and Mr. Michel, Planning and Public Works, Ms. Gafrick and Mr. Icken would help to answer questions. Council Members Johnson, Clutterbuck, Holm, Gonzalez, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that ordinarily what he said was true and property was sold to builders, but this house came from 5212 Sue Marie and was relocated from Acres Homes and it came in two pieces, but they were looking at all avenues. Council Members Johnson, Clutterbuck, Holm, Gonzalez, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Tommy Hicks, 2514 Wichita, Houston, Texas 77004 (713-526-7341) had reserved time to speak but was not present when his name was called. Council Members Johnson, Clutterbuck, Holm, Gonzalez, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Charles Perry, 3900 Almeda, Houston, Texas 77004 (281-435-5903) had reserved time to speak but was not present when his name was called. Council Members Holm, Gonzalez, Rodriguez, Brown, Lovell and Green absent.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he wanted to see if the city had any control over SWE Homes, there had been a

map of properties behind in taxes and a few people had opportunity to look at the property; that when the property was put up for sale, SWE Homes got a great amount of it and so did a company called Blue Moon, but he wanted to know if the city actually sold the property to SWE Homes or was it on consignment; that he bought property and knew it was behind in taxes when he bought it, but SWE Homes tax rescue operation wrote him a letter and he decided take them up on it and paid them four years on the \$7,000 worth of taxes and he demanded a payoff, they gave him nothing on what he paid; that the Council Member's office did not even know who they were; and he wondered if the city had any control to make them deal with people whose money they were taking. Council Members Holm, Gonzalez, Rodriguez, Brown, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Johnson stated one address was 6703 Apollo, it was north of Wilberforce; that he did not bring other addresses, but could supply numerous addresses they acquired; that as a tax rescue operation they wrote him a letter that they would pay his taxes off and he could pay them monthly; that taxes were \$7,000 behind and they had assured him not to even worry if paperwork was late as they were a large operation and city lawyers knew them and would bypass them; and he wanted the city to ask them to act fairly, after paying them four years he still owed them \$7,000; and Mayor White stated that he would like Ms. Vasquez, perhaps with the Lineburger Firm or someone, a report; that there was an outfit called SWE Home which was an online broker of real estate and he was interested in the story and background because on his street many houses had gone up and he wanted them built to make the neighborhood safer and it helped property values, but he did not want someone buying land and just sitting on it when a house could be built there; and Mr. Johnson stated that he had property all over Acres Home and was developing it as fast as he could; and Mayor White stated that they were asking people if they wanted to sale, but no one was forcing anyone, but thought the neighborhood would be better with new construction and to Ms. Vasquez he would like a report and relay this to the collection firm, he wanted a report on land accumulated by SWE, etc. Council Members Lawrence, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell moved to add Ms. Alice Valdez to the end of the three minute speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Rodriguez, Brown and Jones absent. MOTION 2009-0486 ADOPTED.

Mr. Isiaka Owolabi, 7447 Neal Ridge, Missouri City, Texas 77489(832-880-0512) appeared and stated that he was a taxicab driver and present as there had been no increase in fees except about four years ago; that they felt it was about time to consider a fare increase; that they get no medical, no insurance, no retirement and was appealing to Council for help. Council Members Sullivan, Holm, Brown and Jones absent.

Council Member Adams thanked Mr. Owolabi for coming and working so hard and providing transportation to those coming in and out of the City of Houston; and upon questions, Mayor White stated that it occurred by recommendations which went through the Administration and regulatory Affairs Department and they looked at fares once or twice and he favored them because of increase of fuel prices and in 2006 they increased a fuel surcharge when gas was \$3.00 and over and they could request an examination of it today; that there was less business because of the decline in travel, but he did not know when there was a drop in demand how to better address it and still keep the capacity; that he was not familiar with the credit card usage for them and she may ask for a report on that; and Council Member Adams stated that her office would stay in communication with them and thanked Mayor White for that suggestion. Council Members Johnson, Sullivan, Holm, Gonzalez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Owolabi stated that he drove a cab for 16

years and was an independent driver; and Council Member Khan stated that he appreciated Council Member Adams asking the question and thought it was appropriate to review; that the cab business suffered greatly as travel was down and he did see some merit in extending the life of the vehicle. Council Members Johnson, Clutterbuck, Sullivan, Holm, Gonzalez, Noriega and Jones absent. (NO QUORUM PRESENT)

Mr. Brandt Mannchen, 5431 Carew, Houston, Texas 77096 (713-664-5962) appeared and stated that he lived in District D in the Maplewood Area and wanted to encourage the City of Houston to investigate and implement a new sidewalk program as opposed to the three current they had as many things fell through the cracks, in his neighborhood between Beechnut and North Braeswood on Braesmont they had sidewalks everywhere except one block which was surrounded by apartment complexes and a strip center; that he spoke with Public Works and Engineering and Council Member Clutterbuck's office and it did not meet the criteria, but there was much foot traffic in the area and he would encourage them as sidewalks were just as much of a transportation system as METRO's rail and they should be thought of in that way. Council Members Johnson, Clutterbuck, Sullivan, Holm, Gonzalez, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Brown thanked Mr. Mannchen for coming and stated that they did have federal funding for safe sidewalks but that limited geographic areas where it could occur; that he would pitch again for a Sidewalk SWAT Team, it could be a construction crew in the General Services Department and where there were missing links they could make neighborhoods more walk able and safer; that last week Center Point had pulled up a huge tree and destroyed the sidewalk where a lot of senior lived and he had his own little SWAT Team and they went out and replaced a section of sidewalk. Council Members Johnson, Sullivan, Holm, Gonzalez, Rodriguez and Jones absent.

Mr. Tino Bekardi, 6006 Fairdale, Houston, Texas 77057 (713-977-1118) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Holm, Gonzalez and Rodriguez absent.

Mr. Dan Norris, 24003 Rolling Timber, Houston, Texas 77028 (281-638-5153) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm, Gonzalez and Rodriguez absent.

Mr. Curtis Collier, 7803 Oak Castle, Spring, Texas 77389 (281-787-4637) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm and Gonzalez absent.

Mr. Anthony Jefferson, 7200 Pinemont #2111, Houston, Texas 77040 (281-506-8161) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm and Gonzalez absent.

Mr. Marvin Ansley, 132 Carson Court, Houston, Texas 77004 (832-881-6646) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm and Gonzalez absent.

Ms. Alice Valdez, who was previously added to the speakers list, appeared and stated that she was the executive director of MECA which stood for Multicultural Education Counseling for the Arts and she was present in support of the Houston Arts Alliance, she knew their contract was being considered; that they were a 32 year organization and had been a member of the Houston Arts Alliance for 30 years; that the funds helped to establish MECA and many other small arts organizations and if it was not for them they would not be in existence today; that they did art pieces for many communities and were responsible for keeping them in good condition,

the Arts Alliance provided funding for over 250 arts organizations all sizes and they were an important agency. Council Members Holm and Gonzalez absent.

Mayor White thanked Ms. Valdez for what she did for the community. Council Members Holm and Gonzalez absent.

Mr. Johnny Robinson, 7926 Shotwell, Houston, Texas 77016 (713-205-4995) had reserved time to speak but was not present when his name was called. Council Members Holm and Gonzalez absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-663-0126) had reserved time to speak but was not present when his name was called. Council Members Holm and Gonzalez absent.

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

Ms. Jeanette Rash, 2104 Lyons Avenue, Houston, Texas 77020 (713-228-8872) appeared and stated that she was present today supporting Agenda Item 15 and they had a letter from their management group and they all supported it; that she was thrilled the City of Houston was taking lead on an important issue of being able to track a persons vehicle once it was towed and she hoped they utilized the information to its fullest extent

At 1:59 p.m. Mayor White stated that they would move to the consent agenda. Council Member Holm absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 49**

#### **MISCELLANEOUS** - NUMBERS 2 and 3

2. RECOMMENDATION from Director Department of Finance for approval of the Equipment Acquisition Plan for FY2010 – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Clutterbuck and Gonzalez absent. MOTION 2009-0487 ADOPTED.
3. RECOMMENDATION from Director General Services Department for Council to determine that the Construction Manager at Risk Alternative Delivery Method offers the best value for the City for the Central Permitting Center for the Department of Public Works & Engineering - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Clutterbuck and Gonzalez absent. MOTION 2009-0488 ADOPTED.

Council Member Sullivan moved to suspend the rules to consider Item Numbers 54 and 55 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Gonzalez absent. MOTION 2009-0489 ADOPTED.

Council Member Lawrence moved to suspend the rules to consider Item Numbers 14 and 27 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Gonzalez absent. MOTION 2009-0490 ADOPTED.

54. ORDINANCE approving and authorizing Contract between the City and the **HOUSTON**

**ARTS ALLIANCE (Formerly known as the CULTURAL ARTS COUNCIL OF HOUSTON/HARRIS COUNTY)** for the Support of the Arts Community - \$11,194,000.00 - Enterprise Fund – (This was Item 28 on Agenda of June 24, 2009, TAGGED BY COUNCIL MEMBERS JOHNSON, HOLM, KHAN, GREEN, CLUTTERBUCK and LAWRENCE) – was presented. Council Member Gonzalez absent.

Council Member Khan stated that he appreciated Jonathan Gloss and everyone visiting with him and answering some of the questions he had and understood that some of the issues raised were before Mayor White and Jonathan took over and there was an effort to correct some of the things they talked about in terms of proper accounting and things like that, that hopefully he and Jonathan would be working together and thought there were a lot of areas in terms of encouraging their local artists to participate through this program and Mayor White's willingness to reach out was very commendable.

Council Member Holm stated that she, one more time, could not emphasize how she thought the Council and the people of Houston deserved when contracts came up to have appropriate information, that for them to receive at the end of the contract one paragraph asking them to approve contracts really seemed unfair and a little disrespectful and would like to see that they pass the contract and thought that there may be some questions and some issues with HAA, that they had total restructuring of that over the past few years and she thought it would be wise if Council Member Clutterbuck's finance committee could regularly address these issues so that there was some accountability and people understood, particularly those of them who were voting on it, exactly how these funds were administered, what the best and most efficient way was for them to make sure that they capitalized on the great programs of both the small organizations and those large that the City supported, that she was going to support it but really wanted to see it come before committee and wanted to know more about it as time went on and wanted a good evaluation of HAA coming forward.

Council Member Johnson stated that he wanted to thank Minnette and Jonathan coming by, that he thought they did their due diligence to make sure they got around to answer the questions of Council Members, that he had an opportunity of speaking with Jonathan in the past and while he agreed and thought they all had agreed to a certain extent that improvements could be made and certainly they needed to improve their processes when it came to this particular grant and contracting opportunities, that his concern was around the 39% of the total grant, which was \$.4.4 million which could be used for outreach and grants and education outreach, that one of the things that he thought the grant should do was to open the door to the entire City of Houston to enjoy the arts, that he did not understand the abstract but did understand its value to a community and neighborhood, that he wanted to make sure they were being more diverse in where the grants were being placed and wanted to be sure they were being diverse in ethnicity and making sure that all over the City everyone could enjoy the arts, that unfortunately District B was not getting its own share of dollars, that he did not know if that was because they were not asking for those dollars but he certainly believed if they were not that it was the responsibility of HAA to find ways of creating programs and bringing those type of dollars into those communities to help young people understand the arts so that they could be more appreciative of it because he believed arts were going to make their communities better, and more attractive for the development community to want to come in and develop in areas like that.

Council Member Jones stated that on this item one of the things that concerned her initially was that she had read an article in the Houston Chronicle and it certainly it scared her when people made allegations that they were not spending money in a prudent manner, that they received something from Marty speaking specifically about the Controller's office addressing the concerns about the lack of basic financial data on expenditures of civic art dollars, so they had implemented a system to fix where it fell short; that when she was looking

at the grantees of the Houston Arts Alliance it was not diverse and would agree with Council Member Johnson, she did not see anything in District B so that worried her, that it was pleasing to see that they were really diverse but would like to see equity within the districts because the closer arts were to neighborhoods the more access those people had to it, that she was going to support the item and was glad they had implemented a system to correct for any places that they fell short, but please make sure that they looked at all the districts and not just some.

Council Member Brown stated that he was very supportive of the Houston Arts Alliance and the people that were leading it, that he wanted to recognize the board who worked hard, they were volunteers and respected the diversity of the City and the recognized the role of art in making Houston a great world City, that it was a great thing for Houston and he looked forward to the next years major accomplishments of the Houston Arts Alliance.

Mayor White stated the he appreciated the discussion and interest in this and he and Members of the Board, through it's Executive Director, would convey to the Houston Arts Alliance some of the concerns; that HAA was a grant making organization and they did not want HAA to be a competing non-profit organization with other non-profits, so one of the first things, that the more people with some background I the arts apply for grants then the more likely they were to obtain grants, that he would mention that to everybody around the table, they were not going to be setting up non-profit organizations that did not exist.

A vote was called on Item No. 54. Council Member Sullivan voting no, balance voting aye. ORDINANCE 2009-0605 ADOPTED.

55. ORDINANCE approving and authorizing Contract between the City and **LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP** to provide Delinquent Collection Services for Municipal Courts Administration Department - 3 Years with two one-year options - Revenue – **(This was Item 46 on Agenda of June 24, 2009, TAGGED BY COUNCIL MEMBERS JOHNSON, BROWN and CLUTTERBUCK)** – was presented.

Council Member Green asked what was the process, for every City department, when it came to them dealing with an option period, when did they put out an RFP if it was a contract that they wanted to put in place again, whose responsibility was it to put it in place or was it their process to put these contracts out less then 60 days before the contract expires.

Mayor White stated that it should be the responsibility of individual departments administering the contract, that there were judgments made from time to time and he frankly was not familiar with the circumstances of this particular contract, but it was generally the responsibility of the relevant department.

After further discussion by Council Members, Council Member Jones moved to postpone Item No. 54 for two weeks. MOTION 2009-0491 DIED FOR LACK OF A SECOND.

After further discussion by Council Members, Council Member Lovell asked if the contract expired and today they voted not to accept the recommendation on Linebarger, who was already doing it, what happens with the collections, did delinquent collections just stop, and could they go for two years without delinquent collections, and asked that someone explain this to her, and Mayor White stated that it depended in part on how long there was some hiatus, and he had not looked at what they would do if it was longer than a couple of weeks, what they would do under the terms of the contract or with Council concerning those amounts, that the past due accounts would not cease to exist, obviously it did affect cash flow if there was some extended amount of time if there were no collections, and asked Mr. Michel in the event of expiration was it a hard expiration, and Mr. Michel stated that it was, but did not know what it was, that he thought that Mayor White was right, that was the issue, if there was a period where

they could not collect, that the issue of an RFP, of whether they went out, fell under professional services, which meant that it did not fall within the statutes, it was the process that they came up with that they thought did the best job of selecting the best company, that the other thing that they had to look at was if the error seen here was simply the delay in getting to Council, they could just simply always go back and go to the existing companies they had right now and take a look to see whether they were satisfied that they had the best deal, or ask for additional information, in other words, he thought they would need to restart the process again.

After further discussion by Council Members, Council Member Lawrence moved to call the question, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0492 ADOPTED.

A roll call vote was called on Item No. 55.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Gonzalez voting aye
Council Member Lawrence voting aye	Council Member Rodriguez voting aye
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Adams voting no	Council Member Noriega voting aye
Council Member Sullivan voting no	Council Member Green voting no
Council Member Khan voting no	Council Member Jones voting no
Council Member Holm voting aye	ORDINANCE 2009-0606 ADOPTED.

14. **ORDINANCE AMENDING VARIOUS PROVISIONS OF THE HOUSTON SIGN CODE** – was presented. Council Members Adams and Brown absent.

After discussion Council Member Holm offered the following written motion to amend Item No. 14:

“In Section 16 of the proposed ordinance, by amending subitem e of Item (6) of Subsection (i) of Section 4611 to read as follows:

- e. That portion of the face of a changeable message sign devoted to changing the message shall be limited in area to fifty percent of the area of the sign face allowable under Table 4611, not to exceed 100 square feet.”

After discussion Council Member Noriega offered the following written motion to amend Item No. 14:

“ 1. In Section 16 of the proposed ordinance, by adding a new Subitem c to Item (1) of Subsection (i) of Section 4611 to read as follows:

- c. SCHOOL shall mean a public or private elementary, secondary, or high school.

2. In Section 16 of the proposed ordinance, by amending subitems b and c of Item (6) of Subsection (i) of Section 4611 to read as follows:

- b. Save and except for a changeable message sign located at a school, no changeable message sign shall be located on a local street.
- c. Save and except for a changeable message sign located at a school, no changeable message sign located on or facing a collector street shall be permitted within 150 feet of the property line of a single family residence.”

Council Members Khan and Green stated that they wanted to tag the amendments and the main item. Council Members Adams and Brown absent.

After further discussion Council Members Khan and Green released their tags on Item No. 14 and the amendments for the purpose of voting on the motions to amend. Council Members Adams and Brown absent.

A vote was called on Council Member Holm's motion to amend Item No. 14. All voting aye. Nays none. Council Members Adams and Brown absent. MOTION 2009-0493 ADOPTED.

A vote was called on Council Member Noriega's motion to amend Item No. 14. All voting aye. Nays none. Council Members Adams and Brown absent. MOTION 2009-0494 ADOPTED.

Council Members Green and Khan stated that they would tag Item No. 14 as amended. Council Members Adams and Brown absent.

27. ORDINANCE relating to the fiscal affairs of the City Park Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority - **DISTRICTS A - LAWRENCE and B - JOHNSON** - was presented. Council Members Adams and Brown absent.

Council Member Lawrence stated that this particular TIRZ was not a real active one and there were a lot of problems with the board that was in existence, that there was a project that needed to happen, the City was building a bridge, the area between the current road and that bridge needed to come forward on the TIRZ and she was going to tag the item, that there were some things that she questioned on that, the way it was not being brought forward and things that the TIRZ could do. Council Member Adams absent.

**ACCEPT WORK** - NUMBERS 4 through 7

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,280,893.86 and acceptance of work on contract with **TRIPLE B SERVICES, L.L.P.** for Mesa Drive Reconstruction from Tidwell Road to Little York Road - 1.59% under the original contract amount - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Adams and Holm absent. MOTION 2009-0495 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,309,825.90 and acceptance of work on contract with **INDUSTRIAL TX CORP** for Northgate and MUD 203 Wastewater Treatment Plant Improvements - 1.32% under the original contract amount - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Adams and Holm absent. MOTION 2009-0496 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,763,673.61 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Water Line Replacement in Woodview Area - 6.36% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ** - was presented, moved by Council

Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Adams and Holm absent. MOTION 2009-0497 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,859,203.51 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in Broad Oaks - 6.06% under the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Adams and Holm absent. MOTION 2009-0498 ADOPTED.

#### **PROPERTY** - NUMBERS 9 and 10

9. RECOMMENDATION from Director General Services Department to appoint Gerald A. Teel and Stephen DuPlantis independent appraisers and David Lewis alternate appraiser to determine the fair market value in connection with the sale of approximately 10.5 acres of land located at 801 Gillette Street, Parcel SY7-077 - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Adams and Holm absent. MOTION 2009-0499 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, for the abandonment and sale of a portion of a 16-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 16-foot-wide sanitary sewer easement, all located in Reserve B2 and Tract 8 of Block 2, within the Alameda Square Replat, out of the James Hamilton Survey, A-877, Parcels SY9-084 and DY9-044 - **DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Adams and Holm absent. MOTION 2009-0500 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 11 through 13

11. ORDINANCE appropriating \$16,112.50 out of Public Library Consolidated Construction Fund to install three Art Canopies at the Jesse H. Jones Public Library for the General Services Department - **DISTRICT I - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0607 ADOPTED.
- 11a. **AMEND MOTION #2009-35, 1/28/09**, for Change Order in an amount not to exceed \$20,150.00 for Installation of Three Art Canopies for General Services Department, awarded to **SPECIALTY CONSTRUCTION - DISTRICT I - LAWRENCE** – was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Holm absent. MOTION 2009-0501 ADOPTED.
12. Omitted
13. **AMEND MOTION #2000-1552, previously amended by Motion #2006-37, 1/11/06, TO EXTEND** the term from June 30, 2009 to September 30, 2009, for a Vehicle Locator System for Various Departments, awarded to **TELETRAC, INC** – was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Holm absent. MOTION 2009-0502 ADOPTED.

#### **ORDINANCES** - NUMBERS 16 through 49

17. ORDINANCE authorizing the sale of a Drainage Easement on 0.2865 acre, more or less, out of Lot 9, Jerry C. Hayes Subdivision, M. McCauley Survey, A-577, Houston, Harris County, Texas (2542 Peyton Road) to CCI-B Peyton Road III, LLC - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0608 ADOPTED.
18. ORDINANCE authorizing the sale and conveyance to the Briar Park Community Improvement Association, Inc., a Texas Nonprofit Corporation (the “Association”) of 5,278 square feet of land (Parcel SY6-035) with the reservation to the City of a 2,922 square feet utility easement (Parcel VY9-028) thereon in consideration of the Association’s sale and conveyance to the City of 1,906 square feet of land (Parcel CY6-003) for the Piping Rock Lift Station Replacement Project (WBS R-000267); all parcels being located at or near 13902 Piping Rock Lane and in the Joel Wheaton Survey, A-80, Houston, Harris County, Texas - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0609 ADOPTED.
20. ORDINANCE appropriating \$100,480.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing third amendment to Lot Purchase and Development Contract (“Contract”) between the City, the **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY (“LARA”)** and **CATHOLIC CHARITIES COMMUNITY DEVELOPMENT CORPORATION** to develop additional eleven (11) lots in Independence Heights for sale to qualified purchasers as Affordable Single-Family Housing and to remove the \$10,000.00 down payment assistance required of the City to be provided to each purchaser - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0610 ADOPTED.
22. ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER FOUR, CITY OF HOUSTON, TEXAS (VILLAGE ENCLAVES ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Zone - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0611 ADOPTED.
30. ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER EIGHTEEN, CITY OF HOUSTON, TEXAS (FIFTH WARD ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Zone - **DISTRICTS B - JOHNSON and H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0612 ADOPTED.
31. ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Zone - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0613 ADOPTED.
32. ORDINANCE consenting to the addition of 4.222 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0614 ADOPTED.
33. ORDINANCE consenting to the addition of 3.8393 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 118**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0615 ADOPTED.

34. ORDINANCE consenting to the addition of 14.1428 acres of land to **MILLS ROAD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0616 ADOPTED.
35. ORDINANCE consenting to the addition of 67.954 acres of land to **PORTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0617 ADOPTED.
36. ORDINANCE consenting to the addition of 5.98 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0618 ADOPTED.
37. ORDINANCE establishing the south side of the 1600 block of Bonnie Brae Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0619 ADOPTED.
38. ORDINANCE establishing the north and south sides of the 1800 block of Lexington Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0620 ADOPTED.
39. ORDINANCE establishing the north and south sides of the 2000 block of West 14 1/2 Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0621 ADOPTED.
40. ORDINANCE establishing the north and south sides of the 2000 block of West 14 1/2 Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0622 ADOPTED.
41. ORDINANCE changing the name of North MacGregor Drive to Cambridge Street - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0623 ADOPTED.
42. ORDINANCE approving and authorizing contract between the City of Houston and **HAYNES AND BOONE, LLP** for Legal Services relating to Civil Action No. H-08-1366; Susan Carnaby, et al. v. City of Houston, et al.; in the United States District Court for the Southern District of Texas, Houston Division; establishing a maximum contract amount - \$45,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0624 ADOPTED.
44. ORDINANCE appropriating \$3,928,128.00 out of Information Technology Consolidated Equipment Acquisition Fund for Purchase of Asset Replacement Hardware for Various Departments – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0625 ADOPTED.

45. ORDINANCE appropriating \$22,320.96 out of Parks Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to construction contract (Approved by Ordinance No. 2008-1194) between the City of Houston and **AIA GENERAL CONTRACTORS, INC** for Wheeler Park Underground Storage Tank Modifications and Cleanup at Wheeler Park Facility; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0626 ADOPTED.
46. ORDINANCE appropriating \$270,000.00 out of Solid Waste Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **CARTER & BURGESS, INC** to provide Design Services for the Upgrade of the Sunbeam Neighborhood Depository (Approved by Ordinance No. 2006-0126 and 2007-1125) **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0627 ADOPTED.
47. ORDINANCE appropriating \$35,000.00 out of Fire Consolidated Construction Fund for Emergency Generator Replacement at Fire Station 13 for Houston Fire Department - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0628 ADOPTED.
48. ORDINANCE appropriating \$750,000.00 out of Public Library Consolidated Construction Fund, \$100,000.00 out of Parks Consolidated Construction Fund, \$2,057,000.00 out of General Improvement Consolidated Construction Fund, \$100,000.00 out of Police Consolidated Construction Fund, \$550,000.00 out of Public Health Consolidated Construction Fund, \$300,000.00 out of Solid Waste Consolidated Construction Fund, \$50,000.00 out of Reimbursement of Equipment/Projects Fund, and \$280,000.00 out of Water & Sewer System Consolidated Construction Fund for Minor Construction, Repairs, Rehabilitations or Alterations of various facilities under the Job Order Contracts Program – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0629 ADOPTED.
49. ORDINANCE No. 2009-565, passed second reading June 24, 2009  
ORDINANCE granting to **PFP ABATEMENT GROUP, LLC, A TEXAS CORPORATION**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0565 ADOPTED THIRD AND FINAL READING IN FULL.

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

**PROPERTY**

8. RECOMMENDATION from City Attorney to acquire Parcels AY3-056 and AY3-057 & AY3-059; associated with eminent domain proceeding styled City of Houston v. Robert P. Archer, et al., Cause No. 932,439; for the Keegan's Bayou Bikeway Project, be acquired by deed for a total consideration of \$156,000.00 and pay the City's cost of Court - **DISTRICT F – KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Holm absent. MOTION 2009-0503 ADOPTED.

## **ORDINANCES**

15. ORDINANCE appropriating \$358,080.00 out of Equipment Acquisition Consolidated Fund, approving and authorizing contract between the City of Houston and **UR INTERNATIONAL, INC** for Towed Vehicle Reporting Management System for Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$951,259.00 General Fund – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0630 ADOPTED.
- 15a. ORDINANCE **AMENDING ARTICLE III, CHAPTER 8 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the reporting of towed vehicles through the implementation and use of an authorized electronic reporting system – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0631 ADOPTED.
16. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2009-0567 by adding eight (8) Engineer/Operator positions and four (4) Captain positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0632 ADOPTED.
19. ORDINANCE authorizing an Interest Rate Swap Agreement with respect to Certain Outstanding City of Houston, Texas, Public Improvement Bonds; authorizing the Mayor and City Controller to enter into such Interest Rate Swap Agreement; making other provisions regarding such Interest Rate Swap Agreement and incident thereto; authorizing a Bond Counsel Agreement; a Swap Advisory Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0633 ADOPTED.
21. ORDINANCE relating to the fiscal affairs of the Saint George Place Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (LAMAR TERRACE ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICT C – CLUTTERBUCK** – was presented, and tagged by Council Member Brown. Council Member Holm absent.
23. ORDINANCE relating to the fiscal affairs of the Memorial-Heights Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS (MEMORIAL HEIGHTS ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Holm and Rodriguez absent. ORDINANCE 2009-0634 ADOPTED.
24. ORDINANCE relating to the fiscal affairs of the Gulfgate Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER EIGHT, CITY OF HOUSTON, TEXAS (GULFGATE ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Holm and Rodriguez absent. ORDINANCE 2009-0635 ADOPTED.
25. ORDINANCE relating to the fiscal affairs of the South Post Oak Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER NINE, CITY OF HOUSTON, TEXAS (SOUTH POST OAK ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Holm and Rodriguez absent. ORDINANCE 2009-0636 ADOPTED.

26. ORDINANCE relating to the fiscal affairs of the Greater Greenspoint Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (GREATER GREENSPPOINT ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Holm and Rodriguez absent. ORDINANCE 2009-0637 ADOPTED.
28. ORDINANCE relating to the fiscal affairs of the Old Sixth Ward Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS (OLD SIXTH WARD ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Holm and Rodriguez absent. ORDINANCE 2009-0638 ADOPTED.
29. ORDINANCE relating to the fiscal affairs of the Fourth Ward Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS (FOURTH WARD ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICTS D - ADAMS and I – RODRIGUEZ** – was presented, and tagged by Council Member Brown. Council Members Holm and Rodriguez absent.
43. ORDINANCE approving and authorizing Agreement for Software, Licenses, Design, Implementation, and Maintenance Services between the City of Houston and **PORTER LEE CORPORATION** for Laboratory Information Management System for the Houston Police Department; providing a maximum contract - 3 Years with two one-year options - \$825,390.00 General and Grant Funds – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0639 ADOPTED.

**NON CONSENT AGENDA** - NUMBER 50

**MISCELLANEOUS**

50. MOTION to establish a hearing to consider amendments to Chapter 42, Code of Ordinances and adding a new Article IV - **SUGGESTED HEARING DATE - WEDNESDAY - JULY 8, 2009 - 9:00 A.M.** – was presented. Council Member Holm absent.

Council Member Khan moved to set a hearing for Wednesday, July 8, 2009, at 9:00 a.m. to consider amendments to Chapter 42, Code of Ordinances and adding a new Article IV, seconded by Council Member Green. All voting aye. Nays none. Council Member Holm absent. MOTION 2009-0504 ADOPTED.

**MATTERS HELD** - NUMBERS 51 through 56

51. **TERRAIN SOLUTIONS, INC** for Risk-based Assessment, Contaminated Groundwater Removal, and Monitoring Well Installation for the Houston Fire Department - **DISTRICTS A - LAWRENCE and D - ADAMS** – **(This was Item 13A on Agenda of June 24, 2009, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Holm absent. MOTION 2009-0505 ADOPTED.
52. **BUCK TERRELL ATHLETICS, INC** for Purchase and Installation of a Baseball Barrier Netting System at Turner Park through the Texas Local Government Purchasing Cooperative (Buy Board) for Parks & Recreation Department - **DISTRICT A – LAWRENCE** – **(This was Item 17A on Agenda of June 24, 2009, TAGGED BY**

**COUNCIL MEMBER LAWRENCE**) – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Holm absent. MOTION 2009-0506 ADOPTED.

53. ORDINANCE approving and authorizing agreement between the City of Houston, Texas and the **GREATER HOUSTON PARTNERSHIP, INC** for Professional Services - \$885,000.00 - Enterprise Fund – (**This was Item 27 on Agenda of June 24, 2009, TAGGED BY COUNCIL MEMBERS GREEN and BROWN**) – was presented. Council Member Holm absent.

Council Member Brown moved to postpone Item No. 53 for one week, seconded by Council Member Khan. Council Member Sullivan voting no, balance voting aye. Council Member Holm absent. MOTION 2009-0507 ADOPTED.

56. ORDINANCE appropriating \$3,504,972.00 out of Metro Project Commercial Paper Series E Fund and \$138,690.00 out of Water & Sewer System Consolidated Construction Fund awarding contract to **BEYER CONSTRUCTION, L.L.P.** for Mercury Drive Paving: US 90 to Wallisville Road; 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 Metro Project Commercial Paper Series E Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** – (**This was Item 51 on Agenda of June 24, 2009, TAGGED BY COUNCIL MEMBER RODRIGUEZ**) – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-0640 ADOPTED.

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

Council Member Lawrence stated that she thought it was the hardest thing, as far as the job of a Council Member, was to go to a funeral like the one for Officer Canales, somebody who had really served the City; that as late as 10:00 p.m. last night she was working with Public Works on a permitting mistake that was made, that she thought it had been resolved and she wanted to say thank you to Andy Icken for the work that they had done. Mayor White and Council Members Sullivan, Khan, Holm and Rodriguez. Vice Mayor Pro Tem Lovell presiding.

Council Member Brown stated that on Tuesday, July 7, 2009, there was going to be a free American Festival for the Arts Concert at the Wortham Center starting at 7:00 p.m., that it was a summer music conservatory for school age children in their area, founded in 1993 by Composer Todd Frazier to provide accessible, high quality music education and performance opportunities for their young artists and musicians, that he and his wife Ann had the opportunity to underwrite the extraordinary showcase of young talent in the City, that he would invite all of his colleagues and their friends to come and participate in this wonderful event. Mayor White and Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to continue to express their condolences and sympathies to Amor Canales and Stephanie and Henry Junior Canales, that most of them attended the funeral services for Henry Canales, who was shot in the line of duty, that his children did a phenomenal job of expressing their observations about their father and their grief in his loss; that she wanted to update her colleagues about the situation at BARC as well as update the public about it, the Bureau of Animal Regulation and Care, that the Mayor had appointed a task force and a group of stake holders, that he hired a consultant, who did a phenomenal job, that he sent out a questionnaire to anyone who was interested in BARC as

well as facilitating the opening meeting, which happened last week, that she was able to attend and participate in it and was impressed and was looking forward to receiving the report from the consultant as well as a report on what they were doing to go forward to address the concerns at BARC, that there were a number of great things happening at BARC and they became revealed at the meeting, that she wanted to thank Ms. Jones, an Emergency Response Coordinator, who was able to explain what had been happening at BARC since she had been brought in to make some basic changes, that she was terrific and thought she might be a great BARC Director some day as well, that it was a very smart move to bring her in, that she was encouraged by the positive overtones that they left with on that day and was looking forward to see what the stakeholders had to provide, that they had some tremendous employees there, the new assistant vet was passionate and compassionate and were a number of the other BARC employees, that it was a true privilege to have a chance to meet them and looked forward to continuing to work on that; that they were getting ready to celebrate the 4th of July, that on this day that they spent a lot of time at the table and all of the hard working staff that they had that helped them keep their republic and to the constituents and citizens who kept them on their toes, she wanted to say Happy 4th of July, Happy Independence Day and thank them for helping them to work hard to keep their republic. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mayor White stated that on few issues were there as much passion in their community as those who were concerned about their care for their animals which may be adopted, and of course those of them at civic meetings, like the one they had in Pleasantville or in two meetings he had with postal employees, and the desire of citizens and workers not to be attacked by vicious animals, that he wanted for all citizens listening to this, that for some reason there tended to be a level of emotion that was very high concerning BARC and he wanted to tell all of the citizens of the community that nothing would please him and every single Council Member around the table if they could increase the number of adoptions, be more inclusive of volunteers, have more responsible conduct of their citizens towards the animals and improve the performance and depth of the employees at BARC, that he would also say that there were people who worked hard there and that they were committed, and could say on behalf of himself, the City Council and Director Williams, they were committed to having a new course, that it had been about the only thing that they had committed to spend significantly more money and more staffing and they would find the right people, and to the employees, in particular Steven Williams, and all employees of the Health Department, they appreciated what the Department of Health and Human Services had done, they intended to be engaged in making sure that they were able to have noticeable improvement there, that it was not a vote of no confidence but they were trying to be responsive to all of their citizens on this and the citizens ought to know that the City heard what they said, that there were limits on the amount of money they could spend on police, fire and everything else within the City during a time of recession, but they had heard what they had to say, both for those who were attacked by vicious animals and those who, like himself and Council Member Clutterbuck and all of the other Council Members, wanted to see a higher rate of adoption. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent.

Council Member Adams stated that she wanted to continue to give condolences to the Canales Family, that one thing that she picked up about Officer Canales was that he took a negative and made it into a positive with the drag racing issue, on how he wanted to save the lives of young people to give them a better way for their passion of car racing, that she wanted them to continue to give their support for the Canales family for everything that he meant for the City of Houston; that she wanted everyone to have a safe Independence Day this weekend. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez and Green absent.

Council Member Gonzalez stated that he was going to have a press conference on

Thursday, July 2, 2009 at Clark Park Community Center to bring awareness about celebratory gunfire, that it was a public safety issue in their community, every year they had children and individuals that were hurt as a result of irresponsible gun use and people celebrating in an inappropriate way, that they would be gathering several public safety officials at the press conference to the very critical issue, that everyone was welcome to attend; that in the Northside, District H, they would be having the Lindale Park Fourth of July Parade, that it would take place at Irvington and Eleanor, that it was always well attended and a lot of fun; that he wanted to congratulate all of the folks in the Houston Heights area, that "This Old House Magazine" recently recognized the Heights area as one of the Nation's best old house neighborhoods in their online version. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez,. Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she wanted to keep Officer Henry Canales in their thoughts and his wife Amor, his daughter Stephanie and Henry Junior and his family and friends and HPD's Auto Theft Division and the entire law enforcement family and hoped that it did not happen again; that she wanted everyone to have a safe and happy Fourth of July. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez,. Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she too wanted to say that it was always a difficult time to go to a funeral for a police officer, that it was especially hard to watch the two teenagers, Stephanie and Henry Junior, who were so overcome with grief, that for both of them to come up and speak was very impressive, that their prayers were with them; that the Buffalo Soldiers National Museum had announced a new program for citizens who wanted to support it's new location in the historic Houston Light Armory Guard Building on Caroline, they were going to be doing a "Leave a Legacy and Buy a Brick Program", if anybody wanted information they could call 713-942-8920 or go to their website, buffalosoldiersmuseum.com; that she wanted to say congratulations to the University of Houston Downtown, their new President, William Flores, and to wish him the very best, that the University of Houston Downtown was a very important part of the City, that they wanted to offer any help that they could give him in any way; that on Saturday, July 4th, they would have the best fireworks and the best program in the whole Nation, that it would be put on by Susan Christian and her staff, they do a wonderful job, that she wanted to thank their sponsors, that it was free admission. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzales, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 3:55 p.m. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzales, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary