

City Council Chamber, City Hall, Tuesday, July 28, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 28, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Ms. Connie Acosta, Division Chief, Labor Division Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; present.

At 2:03 p.m. Vice Mayor Pro Tem Lovell stated that Council Member Adams would begin presentations. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she was excited to again present the BRAVO Awards to outstanding City of Houston employees who continued to do great work for the City of Houston; that this was recognizing exemplary work of employees who went above and beyond their job descriptions; and presented a BRAVO Award to Mr. Brian Goldberg of the Department of Health and Human Services; Mr. Jeff Jefferson with the Parks and Recreation Department; Mr. Larry Nierth with Planning and Development Department; and Ms. Laura Saavedra with the Houston Fire Department. Council Members Johnson and Green absent.

Council Member Jones congratulated Mr. Jefferson for working to make swimming important in so many children's lives. Council Members Johnson and Green absent.

At 2:22 p.m. Mayor White called on Council Member Jones who led all in prayer and in the pledge of allegiance. Council Members Johnson and Green absent.

At 2:23 p.m. Mayor White requested the City Secretary call the roll. Council Member Johnson absent.

Council Members Khan and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Johnson and Sullivan absent.

Council Member Khan stated that the City of Houston was very fortunate to have young people interning in various departments, the programs were very valuable and he wanted to thank all those who chose to do such work and one such bright young man, Mr. Benjamin Williams, was at the Houston Airport System; and asked he stand to be recognized. Council Members Lovell and Jones absent.

Council Member Johnson stated that on a point of personal privilege he wanted to acknowledge Ms. Ella Pete, she had served the City of Houston over 23 years and would be retiring Friday; that she had worked in Building Services; and presented her a Certificate of Recognition congratulating and commending her and extended best wishes for a long and happy retirement. Council Members Khan and Lovell absent.

Council Member Adams stated that Ms. Pete was part of her extended family, she had played a great part in raising her and she was proud to know her; and congratulated her on her retirement. Council Members Khan and Lovell absent.

Council Member Jones stated that anyone who could stay at a job 23 years was dedication; that she was in the heat daily; and congratulated her on her retirement. Council Members Khan and Lovell absent.

At 2:29 p.m. the City Secretary began calling the public speakers. Council Members Khan and Lovell absent.

Mr. David S. Bass, 4011 Leeshire Drive, Houston, Texas 77025 (866-349-7104) appeared with an interpreter and stated that he was deaf and interested in speaking on hurricane preparedness, particularly communication, there were many deaf in Houston with different communication skills and some could understand and read, but some had a lower educational level and did not have capacity to understand written language well. Council Member Lovell absent.

Council Member Jones stated that Mr. Bass should continue; and he stated that he was interested in hurricane advertisements and information notices having more visual graphics to make it clearer to the deaf community; and urged more visual presence in advertising with pictures, etc.; and Council Member Jones stated that she was working with the Mayor's Office for Disabilities and trying to get ASL, American Sign Language, to be on public Council sessions and committee meetings and for disaster they did need to figure a way to use ASL and it was her understanding the Planning Commission used ASL. Council Members Sullivan and Green absent.

Upon questions by Council Member Noriega, Mr. Bass stated that they were having a meeting tomorrow at Woodhaven Baptist church and many deaf would be there and things could be explained there; and his interpreter stated that her parents went to that meeting, many people and many deaf people went to the meeting and it would be a very good place on how to spread the work of how to prepare for a hurricane; and Council Member Noriega stated that she would like the city to get that information and would like Citizens Assistance to get the information so they could try and hook into them; and Mayor White agreed; and Mr. Bass stated that he had that information with him; Mayor White stated that he had been making notes as it was a very important point and Mr. Bass was at least a second generation thinking on the community's public safety as his Father was the leader in bringing 911 services to the community. Council Members Sullivan and Green absent.

Ms. Sylvia Gonzales, 10102 Knoll Trail, Houston, Texas 77064 (832-283-5757) appeared and stated that she was the newly elected national vice president of the Southwest which included five states and present in support of young women in the Houston Fire Department who were victimized by acts of racism and hatred and punished because of initiating complaints; that LULAC was aware of some of the atrocities which happened and many existed for years and LULAC had approached HFD before; that they had over 800 Hispanics and only 20% on supervisory positions and those in the Black community were even less and that showed something was wrong; and recommended the city considering the Department of Justice who had a department to deal with such racial tension. Council Members Sullivan and Green absent.

Council Member Noriega stated that they visited on such issues last night and if she had specifics on any women she would appreciate her calling her office; and Ms. Gonzales stated that she had received calls; and Council Member Noriega stated that they were looking at what to do going forward; and it had all of Council's attention. Council Members Sullivan and Green absent.

Council Member Gonzalez thanked Ms. Gonzales for coming and for her long service to LULAC and the greater Houston community and her thoughts on the issue as stated it was an important issue to the Council. Council Members Sullivan and Green absent.

Council Member Jones thanked Ms. Gonzales for coming in support at the rally earlier today as discrimination against anyone was against all. Council Members Johnson, Sullivan, Lovell and Green absent.

Mr. Robert Kane, 8807 Grape, Houston, Texas 77036 (713-574-2335) appeared and stated that he was trying to run for City Council this year in Council Member Khan's location and his concern was with things he read, next year's budget allowed for only two police academy classes and he would like feedback because of the shortage in officers and those retiring next year it may leave the city at a net loss; that crime worry was a common denominator with all he spoke; that he had no desire to be a professional politician, but wanted to do what was right for the community. Council Members Johnson, Clutterbuck, Adams, Sullivan and Lovell absent.

Mayor White stated that they did not tend to respond to questions, but he would use this as a relevant topic and for citizens following the Council's deliberations during budget, etc., some numbers might be helpful; first, the crime rates per major crimes were at decades lows which meant police officers were very productive; that all wanted crime rates lower; secondly, after the time you apply at the academy to the time you got out the average all in compensation would be something on pension, health benefits, vacation and base pay would be about \$41,000 to \$43,000 and over \$60,000 and they were proud of the compensation; that average compensation for police officers with those benefits would be \$97,000 so on an annualized basis an academy class of 70 individuals represented an expenditure of more than \$6 million and for two classes it would be whether they cut the amount out of services such as garbage collection and the like or whether they raise for two classes a one cent increase in property tax; and he hoped the information was helpful to him as he and others discussed the information; and as he said publically he believed the U. S. Department of Justice made the wrong decision yesterday for the wrong reasons on the allocation of cops funding; that they used a formula which took into account two and only two factors, the financial distress of the local governmental entity and whether crime rates were going up so essentially Houston was penalized for financial physical responsibility and bringing crime rates down. Council Members Johnson, Clutterbuck, Adams, Brown and Green absent.

Council Member Khan stated that HPD had added civilians to do desk jobs officers used to do and it left them available to do what they were trained to do; and maybe they should write to senators to say Houston should not be punished for doing the right thing instead of letting crime go up to get help from the federal government; and thanked him for his willingness to serve those in the City of Houston, politics was not bad provided you do it with honor. Council Members Johnson, Clutterbuck, Brown and Green absent.

Upon questions by Council Member Sullivan, Mayor White restated the information he had presented to Mr. Kane regarding the cadet classes expenditure being around \$6 million per class and again discussed overtime and average compensation of officers. Council Members Johnson, Clutterbuck, Brown and Green absent.

Council Member Jones stated that also when new cadets were brought in as people retired they had to continue paying retirees; and upon questions Mayor White stated that there was a set of pension benefits and they should learn from what was happening in California now, many in 2004 on a bipartisan basis united on pension reforms and for police officers in the future and all municipal employees after that day did create reduced levels of benefits and they wanted to avoid a situation where the amount paid to retirees was a very high percentage of the total compensation. Council Members Johnson, Clutterbuck, Adams, Brown and Green absent.

Mr. Pat Powers, 6518 Ness, Houston, Texas 77074 (713-771-7237) appeared, presented information and stated that he was present to express concerns of the physical condition of the Seymouor Liberman Memorial Park Exer-Trail, it was a 2.9 mile decomposed granite loop used

weekly by up to 15,000 people and he believed it needed a significant upgrade as he believed it posed a safety hazard and long-term damage to those who used it and read his reasons which caused him to believe it unsafe including it being uneven, rocky protruding pipes, etc. Council Members Johnson, Clutterbuck, Adams, Holm and Green absent.

Mayor White thanked Mr. Powers for coming and stated that he had a copy of his statement. Council Members Johnson, Clutterbuck, Adams, Holm and Green absent.

Council Member Khan stated that Mr. Powers made excellent suggestions and in parks all over the city they needed to make sure they had continuous maintenance programs; and he was sure the Parks Department would take note. Council Members Johnson, Clutterbuck, Adams, Holm and Green absent.

Council Member Brown stated that Mr. Powers made constructive suggestions to him prior and he passed them on to the Memorial Park Conservancy. Council Members Johnson, Clutterbuck, Adams, Holm, Lovell and Green absent.

Mr. Ahmad Soloman, P. O. Box 940552, Houston, Texas 77094 appeared and stated that many silent Iraqi Americans as well as new immigrants were urging the Mayor and Council to call on President Obama to protect the Christian churches in Iraq who had lately been victims of atrocities, recently six churches were attacked and many civilians killed. Council Members Lawrence, Clutterbuck, Adams, Holm, Rodriguez, Lovell and Green absent.

Mrs. Diane Ansley, 132 Carson Court, Houston, Texas 77004 (713-522-4617) appeared and stated that she was present about a ditch behind her house which she had been trying to get cleared about 10 years, she called the city who said it was the county and the county said the Highway Department, she talked with several from the Mayor's Office and people had been out and again was hearing it was not the city's and she would like to know what could be done. Council Members Clutterbuck, Khan, Holm, Rodriguez and Green absent.

Mayor White stated that he was trying to get the picture on the television screen at this time and to Mr. Drabek he received the memo but it was not clear to him if the ditch was in the public right-of-way or not; that no one had figured out who put this in or who was to maintain it, there was a large number of orphaned ditches they were aware of before this Administration and the City of Houston and Harris County divided many of them, but this situation neither had and it needed to be brought to some resolution and he would get a report back on who had responsibility. Council Members Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega and Green absent.

Council Member Adams stated that she understood Ms. Ansley had been in contact with Council Member Jones's office on the issue for sometime and they just were made aware of the follow-up this morning; that she understood Legal was working with the Harris County Flood Control and all were trying to find who was taking control; that Citizens Assistance was also working on this with the Mayor's Office. Council Members Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega and Green absent.

Upon questions by Mayor White, Ms. Ansley stated that it drained into Brays Bayou. Council Members Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega and Green absent.

Upon questions by Council Member Jones, Ms. Ansley stated that it was correct her office had called her yesterday and it was the first time; and Council Member Jones stated it was because she lived in the same zip code and saw her on the list; that her staffer contacted Council Member Adams's office yesterday to let her know as they understood she had not contacted her but had been working with Citizens Assistance; and Ms. Ansley stated she had

been speaking with Mr. Herrera; and Council Member Jones stated that she wanted it clear they had not been working together a long time and basically had contacted her. Council Members Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega and Green absent.

Council Member Johnson stated that on a point of personal privilege he wanted to recognize a great group of young men from the golden Boy ROTC; and asked them to stand to be recognized. Council Members Clutterbuck, Holm, Rodriguez, Brown, Noriega, Green and Jones absent.

Mr. Marvin Ansley, 132 Carson Court, Houston, Texas 77004 (713-522-4617) appeared and stated that his wife just proceeded him and he could not add a lot, but he thought all could agree that this first was responsibility and then accountability and they were not speaking of a new problem, but a situation which at one time someone had taken care of, he could remember a time when it was kept clean; that Mr. Baines, who he thought was city staff, assured him July 7th that it was the city's and it would need to be determined if it was orphaned and he did not think them deciding to accept responsibility or not was acceptable. Council Members Clutterbuck, Holm, Brown, Noriega and Green absent.

Mayor White stated that there was no question and to Mr. Drabek he did not understand; that he had a report from the Director of Public Works and they had identified some orphaned ditches and it was not than no one should have responsibility, but who should; that most ditches which drained into the bayou were generally Harris county Flood Control Authority, but his direction to Public Works was every ditch should have an owner responsible and it would be resolved. Council Members Clutterbuck, Holm, Noriega and Green absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated that truth, justice, liberty and the American Way; that he convened the U. S. Supreme Court in Washington, D. C. to solve issues of Houston City Hall time limits vs. the Constitution; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Holm, Noriega and Green absent.

Mr. Trent Winters, 7955 W. Bellfort, Houston, Texas 77071 (713-729-1153) appeared and stated that he wanted to go over what he said yesterday during the fire safety meeting and he supported Council Member Jones getting the U. S. Justice Department on this; if a trainee was asked to resign there should be a time limit before he could reapply, 5 years, and if a person was in a supervisory position pay should start being taken from them and he would ask the Mayor and Council to pass an ordinance stating if someone was caught with a noose they would have to pay a fine. Council Members Sullivan, Holm, Noriega and Green absent.

Mayor White stated to Ms. Acosta and Council and those in HPD for the Legal Department, Police Department and members of Council, he would make a note openly on the public record and that was each had responsibilities as citizens and civic leaders in the community of dealing with a variety of issues including mental health and there were responsibilities he could have to direct actions of employees, he made the point several times that because of the First Amendment he did ask for leadership with career employees of this city for establishing rules for referrals and policies dealing with citizens who may be in need of some assistance if they may pose danger to themselves or others; that under Constitutional law there were limits on what he could and should do in directing employees actions in that regard, they did not want to edit or censor citizens from freedom of expression, but people in need should be able to get assistance and there should be rules to protect them in the Council Chambers; and the fact there were no comments on citizens needing assistance did not mean there was no responsibility for the Police Department, Legal Department and Health and Human Services Department. Council Members Sullivan, Holm, Noriega and Green absent.

Ms. Carmen Hernandez, 420 W. 19th, Houston, Texas 77008 (713-655-0050) appeared, presented information and stated that Congresswoman Sheila Jackson Lee could not be present, however, she wanted to emphasize the issue with the Houston Fire Department and she would read a letter on her behalf which stated that it was urgent the City of Houston completely address working conditions to all fire stations across the city. Council Members Sullivan, Holm, Noriega and Green absent.

Council Member Jones stated that Ms. Hernandez should continue; and Ms. Hernandez continued reading her letter which stated she was calling for sensitivity training and would appreciate the Mayor and Council's assistance. Council Members Holm, Gonzalez, Noriega and Green absent.

Pastor D. Z. Cofield, 3105 N. MacGregor Way, Houston, Texas 77004 (281-850-8990) appeared and stated that the NAACP had been conducting an extensive investigation of the noose incident; that their greatest strength was their greatest weakness, the family atmosphere among the firefighters; that Chief Boriskie stated 98% of the Houston Fire Department were good and honorable men and women and he believed that was the case, but the problem was the acceptance of the 2% and their protection; that the Mayor did the right thing during the face of Hurricane Katrina and he wanted to request a meeting with him the Mayor and the NAACP and to step up as he had before. Council Members Holm, Gonzalez, Noriega and Green absent.

Mayor White stated that tenets of our faith that also applied to social justice and individual justice were demonstrated yesterday morning at the news conference; that he listened and was listened to and the light he shed on the incident was a case where people did shed more light than heat and he appreciated his leadership and heard what he requested. Council Members Holm, Gonzalez, Noriega and Green absent.

Council Members thanked Pastor Cofield for his leadership and thoughts; Council Member Brown stated it would be through the EEOC which would adjudicate any legal issues with the challenge and maybe they should be part of the suggestion; Council Member Khan stated most legal issues could be dealt with and harmony created and he witnessed occasions where the NAACP had done such and he was appreciated; Council Member Noriega stated that he was thoughtful and thorough and the challenge was to figure what needed to be done; and thanked all who helped with the meeting yesterday which was good and productive; and Council Member Johnson stated that his points were on target and it was time for one resolution, all would not get what they wanted but it was important to take action and get resolution. Council Members Holm, Gonzalez, Noriega and Green absent.

Mayor White stated that he would address issues presented to him, but would like to be kept in his thoughts and would make a statement of his agenda, during the time he observed him during Hurricane Katrina, he spent 15 + hours a day, but he refrained from going for photo ops or complaining about what he thought should or should not be done as he was focused on what could be done and the issue of diversity in HFD in the workplace had been something a part of every union contract negotiation, promotional decisions, etc., and he would agree the style of handling the issue had led some to believe nothing was being done, when in truth it was not being done as publicly by some as others and they could use assistance on how to balance that; and Mr. Cofield stated one thing upsetting to him was that when speaking to the firefighters no one had talked to any of them about the opinion of their captain and a preacher was doing most of the digging; and Mayor White stated over the last several months he did not want to communicate to place people in the line of fire, but he could give an account of what was done, who did it and when, but his instincts to speak to those people, the information was sought and they received some of the same information he received. Council Members Sullivan, Khan, Holm, Gonzalez, Lovell, Noriega and Green absent.

Ms. Rose Arenas, P. O. Box 130653, Houston, Texas 77219 (832-419-1930) appeared and stated that she was a 15 year veteran of the Houston Fire Department and currently held rank of senior captain assigned to Office of Emergency Communications and was proud to serve, but was present to shed light on discrimination, sexual harassment and retaliation against women of the Houston Fire Department and was validating the recent acts of discrimination against Paula Keyes and other minority firefighters were not isolated incidents; that in her service as a bilingual, Hispanic EMT, firefighter, paramedic, captain and senior captain she was present to testify such acts happened; that she too was discriminated and retaliated against by males of all ranks and the abuse was verbal, emotional, psychological, physical and financial; that she had filed 3 OIG complaints, 1 EEOC charge and 6 grievances within the HFD staff services, OIG, EEOC and grievance process; and presented examples of her experiences during her time in the Houston Fire Department which included body fluids and urine in her food. Mayor White, Council Members Sullivan, Holm, Gonzalez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan moved the rules be suspended for the purpose of extending time for Ms. Rose Arenas to speak by five minutes, seconded by Council Member Jones. All voting aye. Nays none. Mayor White, Council Members Sullivan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0553 ADOPTED

Ms. Arenas continued presenting examples of her experiences including her regulator having been tampered with, her air supply to help her get victims out of the fire, it was full of rocks and newspaper and she was again told who did it and reported it to the captain of Station Six but it went no further; that she transferred to Station 35 and received a card from Station 6 presented it to OIG and was not sustained; that she complained 15 years at no avail, now in position of authority she was still retaliated against; and asked all to make a change of relief. Mayor White, Council Members Sullivan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Members thanked Ms. Arenas for her service and expressed sympathy for what she had gone through; and upon questions by Council Member Lawrence Ms. Arenas stated those were light examples of what she went through and she was present for the women and men retaliated against; and Council Member Noriega stated that she was horrified; and upon questions, Ms. Arenas stated that her only concern now was this matter would go away and it should stay in the forefront until corrected; that she filed 6 to 7 grievances, 3 OIG and a detailed EEOC charge all prior to the recent incidents to Paula Keyes and none were sustained; and Council Member Adams stated that she asked firefighters yesterday about receiving complaints from females about racial or sexual complaints and they said they had not; that now she felt they probably had and did not want to say so for fear something may happen to them, but this was the time to speak up, changes were trying to be made; that she hoped all were listening and they wanted names so this would not continue; and upon questions by Council Member Jones, Ms. Arenas read the card sent by Station 6; and stated the union decided not to represent her but said they would do it for money and all her cases went away; and many did not come forward because of fear. Council Members Sullivan, Holm, Brown and Green absent.

Council Member Noriega moved the rules be suspended for the purpose of extending time for questions of Council by six minutes, seconded by Council Member Adams. All voting aye. Nays none. Council Members Sullivan, Holm, Brown and Green absent. MOTION 2009-0554 ADOPTED

Council Member Johnson stated that he would do what he could to protect from retaliation and believed they still had a good fire department with many great firefighters but they did have a policy problem and felt they needed zero tolerance, a review board to send a clear and strong

message; and upon questions, Ms. Arenas stated that currently she had complaints out, they were going through the grievance process, but she filed it last year, very detailed. Council Members Sullivan, Holm and Green absent.

Upon questions by Council Member Rodriguez, Ms. Arenas stated that it started in 1994 and without stop until now in 2009 and she had seniority in rank and credentials for positions applied for and was not even included in the interview process and that had an effect on her pension. Council Members Sullivan, Holm, Noriega and Green absent.

Mayor White stated that there was a sign of progress as a whole and when she went onto the force there was not half as many women on Council as now and he knew of the OIG investigations and the history. Council Members Sullivan, Holm, Noriega, Green and Jones absent.

Ms. Paula Keyes, 13010 Lawsons Creek Lane, Houston, Texas 77072 (281-495-4349) appeared and stated that she had an honorable discharge from the U. S. Navy before joining HFD and did not think at this time she would be dealing with gender and racial issues; and suggested seeking out the victimized women during investigation. Council Members Sullivan, Holm, Gonzales, Noriega and Green absent.

Council Members thanked Ms. Keyes for coming and sharing her experiences; and Council Member Khan stated to Ms. Arenas that he would like her to answer later but when did Chief Boriskie speak with her; that he would call the feds to begin looking into it the city had a responsibility and they wanted to look at the leadership; and upon questions by Council Member Jones, Ms. Keyes stated that she did not believe the investigation was unfair to all firefighters, there were good firefighters; that she was the oldest in class and worked out every morning to pass; and upon questions by Council Member Johnson, Ms. Keyes stated that she filed no complaints though someone had turned her air pack so tight she could not get it on when entering a fire; and Council Member Johnson stated that they had a couple of unions, but maybe they need a union for women; Council Member Brown stated that they were experiencing a cleansing and it was good, but he would hate to think the women had to form their own union; and Mayor White stated that breaking down glass ceilings was something many did in institutions throughout the community and it was observation of those breaking down barriers, when it was seen a network was needed his wife had senior female fire and police get together and it was not easy in police but he hoped others would help get people together where they could share stories; and upon questions by Council Member Adams, Ms. Keyes stated some were afraid to speak and they should be pulled aside at the stations Council Members Johnson, Sullivan, Holm, Gonzalez, Brown and Green absent.

Ms. Maria Jordan, 10004 Forest Spring Lane, Pearland, Texas 77584 (281-236-4570) appeared and stated that the situation at Station 54 was not isolated and she shared her experiences which included sliding the pole and breaking both knees and she was not supposed to have to slide; having to crawl into a fire going through the roof and they lost two firefighters including the first female to lose her life and they should not have had to go in if it was necessary to crawl and told why women should not be there and discrimination needed to stop. Council Members Johnson, Sullivan, Khan, Holm, Gonzalez, Brown and Green absent.

Council Member Noriega moved the rules be suspended for Ms. Maria Jordan to speak by three minutes, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams, Sullivan, Khan, Holm, Gonzalez, Brown and Green absent. MOTION 2009-0555 ADOPTED

Ms. Jordan stated that she was blackballed and discriminated against because of her comment they should not have to go in and was sent to a training facility to go over fires, but

she had gone into the fire and this was a problem. Council Members Adams, Sullivan, Khan, Holm, Gonzalez, Brown and Green absent.

Council Members thanked Ms. Jordan for coming and sharing her experiences; and Council Member Noriega stated that she was very troubled and the Mayor commented as a part of this she was involved in discussion yesterday and in the paper today it discussed another fire department and what had been done; that about 15% was where you started to break down stereotypes and they needed to look at recruiting and having a goal of 15%; that if someone else was other than those others needed to be 15% so they needed to look at fundamental things, what HPD had done in the past, but she had never heard a complaint of a firefighter going into a fire; and Ms. Jordan stated that she had filed several times. Council Members Adams, Sullivan, Khan, Holm, Gonzalez, Brown and Green absent.

Mayor White stated that in his judgment Council Member Noriega had dealt with an issue and made a very wise comment and he heard statements of putting something behind and bringing closure and progress sometimes took sustained efforts over time and they had paid a lot of attention to leadership and there were things they could legally do and he and the Chief had gone to the edge of the law; that over 80% of the runs were EMS and it was a different fire department requiring different skills 20 years ago and it was not to say fire suppression took second fiddle but this was a cultural change happening on top of the change in diversity and they should ask themselves what a firefighter of the future would look like. Council Members Adams, Sullivan, Khan, Holm, Gonzalez and Green absent.

Upon questions by Council Member Jones, Ms. Jordan stated that she felt it inappropriate to go into the fire because they were taught if you had to crawl into a fire you should not be there; and she had countless sexual harassment; that there were good people in HFD, but changes needed to be made up at the top and then the others would come together. Council Members Johnson, Adams, Sullivan, Khan, Holm, Brown, Lovell and Green absent.

Ms. Robin Allen (did not want address and phone number published) appeared and stated that she experienced many things and much was already said, she was the caucus chair person of Local 341 in November 1999 a confederate flag was put into the paper and it was explained to the African American community as to what that was meant by and they were told these situations would be worked on, but it fell on deaf ear, today they had the same racism and sexism and shared experiences she had which included having things removed from her locker and she filed a complaint and the captain filed a on her for complaining and she got a one day suspension. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Lovell and Green absent.

Council Member Gonzalez thanked Ms. Allen for sharing and the Mayor White stated that this was directed to his Administration, at the Public Safety Committee he mentioned in the early 1970s and 1980s HPD had gone through much turmoil with race relations and through leadership and discussions it emerged into a more contemporary department and benefits were shown with women and diverse individuals throughout and it may be time to do the same with HFD and he would recommend a working proactive committee which could look at high end practices and contemporary fire departments throughout the country and see what they were doing and reach higher standards; that there seemed to be a fear of the process and retaliation here; and upon questions, Mayor White stated that some bullet points were first, the elements and process they went through at HPD was some 25 years and it was recruitment, promotion, training and formal process for dispute resolution which still had a ways to go and the promotional system had pros and cons and needed to be thought through clearly; that in 2005 at the Administration's insistence they gave the first scoring for education and certification for advancement; and fourth the formal grievance resolution, they had civil service and a union contract and on top had for pattern of practice EEOC and the best thing to do was look at best

practices of private employers and they did need legal advise as the system was designed to protect those complained on and integrity of the investigation. Council Members Johnson, Sullivan, Khan, Holm and Green absent.

Council Member Adams thanked Ms. Allen for coming and stated that firefighters had no confidence in Staff Services, no one should know about a complaint someone had filed and it needed to be looked at and addressed. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent.

Council Member Jones moved the rules be suspended for the purpose of adding Ms. Defatari Alexander to the list of speakers, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. MOTION 2009-0556 ADOPTED

Ms. Nefatari Alexander, who was added to the speakers list, appeared and stated that she enjoyed her job and work and when she received a call about what recently happened, she had filled in at the same station, Station 54, and she was not surprised; and shared her experiences which included men urinating in the sinks and OIG came to her about the station and she told them what she knew about it; having someone try and knock her helmet off while entering a fire, etc. and she told the captain who said he was just filling in and did not want to get involved and other steps she took which ended with the Chief saying he would tell them no kidding in the fire. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent.

Council Members thanked Ms. Alexander for coming and sharing her experiences; and Council Member Jones stated that they had a problem and she would fight for those victims; and upon questions by Council Member Adams, Ms. Alexander stated there were African Americans, Hispanics and Caucasians going into the fire; and Council Member Lovell stated that half of council was now women and shared history of them being pioneers breaking into a department of men being women and how Ms. Eleanor Tinsley broke into Council for others and they needed to recruit more women, more people who were different and get it more diverse and lead out of this; and Mayor White stated that it taught that there was a certain persistence important and civil service and civil service systems had generally been a good ally in seeking a good workplace free of discrimination; and Council Member Noriega stated that there was a definite change in what firefighters did and she believed the Fire Chief was as astounded and outraged as they were and this did need to be looked at from top to bottom and much work was needed; Council Member Clutterbuck stated it was no coincidence they all had 13 to 16 years of service, these were women who blazed the trail and it was important to recognize changes which had occurred; that the tragic part was each example opened up old wounds and they were a part of who they were; that their issues were safety and of grave concern and it should raise alarm for all; and Mayor White stated that he wanted to have conversations with employees where they felt safe to speak, you did not need to like someone to respect them and some did not mesh, they needed a mature workplace with boundaries and needed to be taught leadership skills. Council Members Khan, Holm, Lovell, Noriega, Green and Jones absent.

Council Member Sullivan stated he had been sitting in the office listening and was receiving many emails from firefighters who said they were good firefighters and would like some support from Council and they were right and he came back to say he was listening; and yielded to Council Member Clutterbuck who stated it was probably just a handful, but the power was with the bystander and she pleaded to those firefighters to standup, they knew who those people were and they should have a safe environment to stand up in; and Mayor White stated that an important perspective brought was they should seek a broad range of opinions for and against a particular issue and voices were being heard; and Council Member Adams stated that Council had only said something had to be done to those committing the crimes and she too hoped firefighters would stand up; and Council Member Sullivan stated that Ms. Arenas who

spoke earlier had not said she was recognized by the Fire Department Trailblazers Breakfast so there was good going on and he would mention it for the record because he was sitting there; and Mayor White stated that he thought they would find firefighters believed some stations were better workplaces than others and when people set boundaries, when you had leadership fire stations changed and that was why they were moving to correct human behavior . Council Members Holm, Noriega, Green and Jones absent.

Mr. Jeffrey Jackson, 5815 Cavalcade, Houston, Texas 77026 (713-676-2327) had reserved time to speak but was not present when his name was called. Council Members Holm, Noriega, Green and Jones absent.

Ms. Mary Chatman, 9520 Wilcrest, Houston, Texas 77099 (713-205-4046) had reserved time to speak but was not present when her name was called. Council Members Holm, Noriega, Green and Jones absent.

Ms. Cora Johnson, 10126 Alfred Lane, Houston, Texas 77041 (713-462-4478) had reserved time to speak but was not present when her name was called. Council Members Holm, Noriega, Green and Jones absent.

Mr. Douglas Brooks, 2250 Holly Hall #141, Houston, Texas 77054 (713-797-0128) had reserved time to speak but was not present when his name was called. Council Members Holm, Noriega, Green and Jones absent.

Mrs. Cynthia Epps, 2250 Holly Hall #141, Houston, Texas 77054 (713-797-0128) had reserved time to speak but was not present when her name was called. Council Members Holm, Noriega, Green and Jones absent.

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

Mr. Howard Smith, 1607 Simpson, Houston, Texas 77020 (713-699-8009) had reserved time to speak but was not present when his name was called. Council Members Holm, Noriega and Green absent.

Mr. Jeff Spivey, 1559 Tarrberry, Houston, Texas 77088 (832-426-0255) had reserved time to speak but was not present when his name was called. Council Members Holm, Noriega and absent.

Ms. Heidi Nahidi, 7590 Fallbrook Drive, Houston, Texas 77086 (281-444-9535) had reserved time to speak but was not present when her name was called. Council Members Holm, Noriega and Green absent.

Ms. Jean Wilkins-Dember (MHS), 2612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared, presented information and stated that the most recent recovery of a noose in HFD was a small manifestation of racism and terrorism in the community and nation and she wrote the Pope; and continued expressing her personal opinions until her time expired. Council Members Holm, Noriega and Green absent.

Council Member Jones stated that she understood earlier something was said about Ms. Arenas, she won an award and left that out, but she was speaker at that breakfast and Ms. Arenas was not even told about the ceremony until the day before and she was the only one who did not come in her dressed blues because no one told her, but maybe she left it out

because that was not what she came for today. Council Members Holm, Rodriguez, Noriega and Green absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present to say discrimination; that she wanted Mayor White to give them justice with the hike and bike trail, she wanted the parkland for the YMCA and the Mayor refused meetings to hear them and it was unjust. Council Members Holm, Rodriguez, Noriega and Green absent.

Mr. Joseph Omo Omuari, 6367 Cattails, Houston, Texas 77035 (no phone) appeared and stated that the Q-card was a very expensive proposition, it was like a high maintenance woman you could not afford, he spent \$20.00 in one day and people did not have that kind of money for METRO and the Mayor should reevaluate the whole concept of the train, etc. and see if it was worth it. Council Members Holm, Rodriguez, Noriega and Green absent.

Mr. Samuel Smith, 16803 Imperial Valley Drive #86, Houston, Texas 77060 (832-229-4495) had reserved time to speak but was not present when his name was called. Council Members Holm, Rodriguez, Noriega and Green absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that Council had failed to respond and he was still be attacked by assassination; and continued expressing his personal opinions until his time expired. Council Members Holm, Rodriguez, Noriega and Green absent.

At 6:05 p.m. City Council recessed until 9:00 a.m., Wednesday, July 29, 2009. Council Members Holm, Rodriguez, Noriega and Green absent.

The Houston City Council reconvened at 9:00 a.m. Wednesday, July 29, 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; Ms. Marty Stein, Agenda Director, and Ms. Marta Crinejo, Assistant Agenda Director, present.

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

At 9:36 Mayor White called the meeting to order and recognized Council Member Gonzalez for a point of personal privilege. Council Members Lawrence, Sullivan, Rodriguez, Green and Jones absent.

Council Member Gonzalez stated that he wanted to congratulate his Chief of Staff, Tonya McConney, that she was going to be getting married and traveling to Puerto Rico for the ceremony and wanted to wish her the very best. Council Members Sullivan, Rodriguez, Green and Jones absent.

MAYOR'S REPORT - City's position on CenterPoint cost recovery from Hurricane Ike

Mayor White stated that he had two items and the first had to do with the CenterPoint cost recovery from Hurricane Ike; that Houstonians would never forget what it was like to be without electrical power for some period of time and many of them would never forget the enormous logistical challenge of mobilizing the largest number of field workers ever mobilized in American history in order to get the grid back up, that the transmission and distribution company, which was a regulated utility, CenterPoint; that he requested on several occasions, and he requested

others to give them positive reinforcement, including the President of the United States, on Friday evening, to get linemen and tree trimmers in from everywhere they could possibly find them and to scale up considerably the plan that had been in place before the storm in order to do so, that at it's height they had well over 10,000 people from over 40 States working 14 hour days, in addition to regular CenterPoint employees, to restore the grid, that it was an enormous undertaking, as they well knew, and one figure that stuck out at him when he would go CenterPoint's command center every evening was over 90 substations, each of them had been assigned crews of 100 individuals in addition to the CenterPoint staff, that was not cheap to do that, the cost that was applied to be recovered by CenterPoint was approximately \$677 million for restoration of the power, that the City's job was twofold, first, to make sure that CenterPoint got the lines back up as quickly as possible, which was an enormous loss that far exceeded what any daily cost of restoration would be; that the second task was to make sure that the ratepayers, people who paid the utilities bills in this community, paid for those costs and only for those costs which were necessary to get the grid back up, that they wanted those costs to be recovered quickly and they did not want a utility in the future, if there was a storm, to fail to recover the grid because of some enormous uncertainty about whether the actual out of pocket costs that they incurred could be recovered, that there were two issues that they had been focusing on to make sure that the impact of Hurricane Ike had the lowest possible effects on utility rates, that he had been assisted in this, and the City and City staff, by a team that was led by Mr. Alton Hall, who was present around the horseshoe and would not that the two lawyers, who he had dealt with most over the last five and a half years, Mr. Michel and Mr. Hall , had both grown beards during that time and was not sure if that indicated aging or maturity or what it did, but at least he would be out of here before those beards turned gray, that Mr. Hall, in consultation with him, had taken two positions, and with the legislative staff did undertake work within the State Legislature that would further at least one of these two goals, that the first goal was to scrutinize every cost to make sure they were actually extra costs which were actually incurred, and money actually spent which would otherwise not have been incurred by CenterPoint, in other words they did not want them to recover just their normal cost of doing business by sticking something in there; that the second goal was to make sure that what they called the caring costs of this, or this was paid for in a way that had the least financial cost to shareholders and to make that real, that this was extraordinary costs that could be capitalized and they wanted to make sure that they financed that amount at the lowest possible interest rate, that if it would be recovered in one month's utility bill then there would be another financial disaster awaiting consumers, and it was fit for this because they did not have hurricanes of this magnitude every year, that this was the third largest hurricane in terms of property damage in American history and by far and away the largest that had directly hit the City of Houston, that there was one issue, that if not resolved before now and Friday, he guessed the hearing was scheduled to start on Friday, and he would tell them what that issue was, that he was sure that CenterPoint would decide to do the right thing on this issue, for the right reason, but he just thought he would let them know what the issue was, that the vast bulk of the \$677 million were contracts made with outsiders, cash expenditures over and above what they normally would expend, that there was also some amount of overtime compensation and compensation directly related to extra duties by CenterPoint's hourly and some salaried employees, however, they had found \$22 million which were the salaries that were normally paid to CenterPoint people, basically they were straight salaries, that this was not consistent with what he had told CenterPoint that they expected and that would be that they would support the recovery of incremental costs, that they would have to be actual out of pocket costs that would not otherwise be incurred, they would not prolong this, a typical thing like this was that these big rate proceedings, based on his experiences, was that the attorney's were the principal beneficiaries and they had taken a view that if things were audited they were reasonable, that those out of pocket costs ought to be recovered fairly, at the least possible costs to rate payers and nothing else, that he hoped, and would not get into the details, but he thought that CenterPoint was reconsidering their position about these \$22 million, but as a matter of principle he wanted to assure the ratepayers of the community, the people who paid utility bills, that they

would fight on this matter of principle so that they could be certain, not only now but in the future, that people do not think that they should try to get a little more because it was a disaster; that the second point that they were fighting on was to get this amount, what they called securitized, that was, roll it into a bonded indebtedness as soon as possible, that today the carrying cost of this, that CenterPoint, under State law and regulatory laws, were entitled to charge a carrying charge based on 2001 Legislation of just over 11%, that was too high and it was the City's position, and he would say on this issue CenterPoint had agreed with their position, that they ought to go to the market, they ought to get it bonded and indebted and that action alone would save ratepayers \$3 million a month so they wanted to do this quickly, but he had also said to folks at CenterPoint, and would say to the public in this community, that they would not be blackmailed into eating a cost that they should not have to eat because of any delay caused by securitization; that for the public in the community the estimate was that this would be the total bill for getting the power back up, not by the City of Houston, not by a public entity, but by the transmission distribution company, that it would be approximately \$2 a month per household; that Mr. Alton Hall was present to assist him in answering any questions, but thought that given the magnitude of this he would lay out the situation before the body so if CenterPoint did force them to put on evidence, and incidentally he had reviewed the evidence, some testimony presented by CenterPoint expert, and their own expert on this particular issue, that there were some questions that they raised which he believed that CenterPoint had a sound and reasonable position but on paying somebody's salary who was going to show up to work anyway, to him there was no question about that, CenterPoint needed to backoff. Council Members Green and Jones absent.

After discussion and questions by Council Members, Mayor White stated that the report of the task force on power restoration did require some sustained, and he would say, expert follow up, that he had instructed Mr. Moran to acquire a bit more expertise in house but necessarily he would tell them that these issues of transmission distribution rate setting and implementing the policies of the task force would require some outside resources because the skills were highly specialized and despite the fact of the best offers that he made to Mr. Alton Hall, and others in the field, they needed some outside resources that were highly expert that they could not afford in house; that he would make a note and pursue it both with CenterPoint and Mr. Hall and the staff of ARA in getting some of the details of the tree debris, that obviously it was not a good idea and was not acceptable for the debris to be put into a drainage ditch, that should not have happened; that as to what was their plan if CenterPoint did not move off of their position on this, they had basically a regulatory trial set on Friday morning, and Mr. Alton Hall stated that was correct, and Mayor White stated that he did not see how CenterPoint could explain to the rate payers with a straight face that this particular issue would prevent resolution of this dispute and if the issue was resolved on the \$22 million then he did not think they would need a contested proceeding, and asked Mr. Alton Hall to give them some advice about what they do to show support and maybe if the hearing proceeds to have some kind of schedule at the hearing so individuals or representatives, or for that matter let citizens know, who were interested in the hearings, when some of the dates were, that he did not want to do it prematurely in case that CenterPoint decided to change its mind, but if it appeared that they were going to have to fight on the issue of whether or not the ratepayers should pay the salaries of the people who would normally show up to work, where that was what they were paying the rates for to begin with, then they ought to let citizens know so that some of those ratepayers may decide to attend the hearing.

Mr. Alton Hall stated that he thought what the Mayor was doing today was very helpful, to discuss this issue and to demonstrate not only to CenterPoint but to the commission and other parties the resolve of the City on this issue, that he thought it would go a long way to hopefully getting it resolved, that if it was not resolved, and he thought they would know by the end of today, there were ongoing discussions and he could not get into the details for legal reasons, that assuming that they did not get the case resolved today there was a hearing on Friday, that

normally the hearings were before an Administrative Law Judge so they did not have the commissioner sitting there, but in this case the commissioners had elected to hear the case themselves, so if they did have to go forward he would very much invite and would love to have Council Members, public citizens and anyone else who was interested to show up and let the commissioners know how strongly the City felt about this particular issue, that he thought it would have an impact for them to see them there, because normally what they saw were the lawyers and the expert witnesses, that Mr. Arturo Michel had come up and that had been helpful, but to see them there he thought would have an impact and it would require them to explain some of their decision making and analysis, which they might not otherwise have to do, that he would welcome that if they got to that point, but hopefully they would get it resolved; that as to getting their (CenterPoint) performance level up higher without trying to charge the ratepayers an extra \$2, one thing was that as a regulatory body the City of Houston had some regulatory authority over CenterPoint and also through their Franchise Agreement with them, so one of the things that they could do was to bring CenterPoint in and discuss with them their tree trimming policies and things of that nature, that they had some ability to regulate that, but they also had to deal with the Public Utility Commission which had similar regulatory authority and some time there could be some cross purposes there, but they had the regulatory authority and the staff through the Mayor's offices, they could bring them in and discuss those types of issues with them and figure out ways to improve the errors.

Mayor White asked if Mr. Alton Hall, with assistance of City staff, could look back at what their base year calculations for their last rates were and include it within that, in other words what the rates were set on, then within that there was a certain amount of O&M expense and he was formally asking CenterPoint and their staff now for a breakdown of the following; the amount of annual tree trimming expenses that were included in the number that was the bases for their last rate, the actual to budget variance analysis, exclusive of the storm for the year since the rate case and year to date, and what changes had been made in the tree trimming, and it got very specific into exactly how they ought to trim trees and the task force report was very specific about that, that was the third thing of what operational changes had been implemented and then he believed that they ought to consider either through a committee or committee as a whole, a report from CenterPoint, a Mayor's Report would be fine, in September or October, what specific changes in their tree trimming policies occurred as a result of the recommendation of the task force and they should have the data. Council Member Johnson absent.

Upon further questions Mayor White stated that the two dollars was an average based on the average 1100 or 1200 kilo watts, and the geographic scope was system wide, and Mr. Alton Hall stated that it would be system wide within the City because that was what their jurisdiction covered, but if the PUC approved it then it would be system wide; and Mayor White stated that they would look at the figures that he had publicly and privately requested and in general they did expect CenterPoint to incur the O&M expenses that they said they would, that they did expect them to incur expenses to trim trees, the rates were set up to give them an incentive and he thought they had some shared savings after a certain level, if they figured out ways to reduce costs, that they did not want them to reduce tree trimming costs at the expense of something later on and then he did anticipate that there would be another rate case perhaps very soon by CenterPoint and at that time they would need to make sure that the recommendations of the task force about tree trimming were incorporated in what their rates were and that they had an obligation to incur those costs and that did require some oversight by this body; and Mr. Alton Hall stated that there were other City groups that were participating in this proceeding as well with some of the other cities around that were in the CenterPoint service area and they were on the same page as the City of Houston, they actually picked different issues, in fact they divided up some of the issues so they had other issues but they were addressing this from the same standpoint that the City of Houston was, that they were on board with what they were talking about today.

After further discussion Mayor White stated that the City of Houston had tended to take a leadership role among the cities, that in the last rate case for CenterPoint the City of Houston took the position that CenterPoint should put more money each year than it had done in the past for reserve to cleanup after storms, that it would not have been this much, but it would have been more and CenterPoint agreed to that and it made pennies difference per month and other cities and the Office of Public Utility Council opposed them because they said it would be an unnecessary cost to consumers, but the truth of the matter was that they had to pay the money to cleanup from the storm and they had an 11% carrying cost on that money, that he hoped that people learn from those experiences. Council Members Lovell, Noriega and Jones absent.

After further discussion Mayor White stated that he would ask Mr. Moran and his staff to report back on what kind of trees they were cutting back and policies on metal poles, one of which was explicitly covered in the task force report concerning species, in two weeks about follow through and also to get from CenterPoint the criteria for using metal on other than the large scale trunk lines, that trunk lines that were made of metal did not go down.

At 10:32 a.m. Mayor White stated that they would go to the consent agenda.

CONSENT AGENDA NUMBERS 1 through 37

MISCELLANEOUS - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION:**
Position One - **DR. ROGER G. MOORE**, reappointment, for a term to expire 3/1/2011
Position Three - **MS. PHOEBE TUDOR**, reappointment, for a term to expire 3/1/2011
Position Four - **MS. DEBRA BLACKLOCK-SLOAN**, appointment, for a term to expire 3/1/2010
Position Five - **MR. FERNANDO L. BRAVE**, reappointment, for a term to expire 3/1/2011
Position Seven- **MR. PAUL FRUGÉ, JR.**, reappointment, for a term to expire 3/1/2011
Position Eight - **MR. ROB D. HELLYER**, appointment, for a term to expire 3/1/2010
Position Nine - **MS. FAYE B. BRYANT**, reappointment, for an unexpired term ending 3/1/2011
- was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0557 ADOPTED.
2. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for the African American Library at the Gregory School - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0558 ADOPTED.
3. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Renovation and Addition of Cullen Maintenance Facility **DISTRICT D - ADAMS** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0559 ADOPTED.

Council Member Lovell stated that she wanted to say to the people who were up for reappointment to the Houston Archaeological and Historical Commission thank you for their service and their time and the fact that they had added more historical districts in the City and it

had been proven what they had said in the beginning that it would add value to the property and to the neighborhood.

ACCEPT WORK - NUMBERS 4 through 7

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,050,224.42 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method - 2.77% under the original contract amount - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0560 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,132,274.07 and acceptance of work on contract with **SPECIALIZED MAINTENANCE SERVICES, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 12.6% under the original contract amount - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0561 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,937,853.16 and acceptance of work contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods 4.60% over the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN and H - GONZALEZ** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0562 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,830,339.60 and acceptance of work contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods 2.31% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN and F - KHAN** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0563 ADOPTED.

PROPERTY - NUMBER 9

9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY7-435, located at the southeast corner of Oates Road at Wallisville Road, owned by Comcast of Houston, LLC, Tony A. Speller, Regional Senior Vice President, for the **MERCURY DRIVE PAVING PROJECT from US Highway 90 to Wallisville Road** - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0564 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 16

10. **NICE SYSTEMS, INC** for Purchase of Maintenance and Support Agreement for Nice Systems Hardware and Software through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Emergency Center - \$80,049.00 - Houston Emergency Center Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0565 ADOPTED.

11. ORDINANCE appropriating \$181,463.00 out of Equipment Acquisition Consolidated Fund for Purchase of Software Tools, Hardware, Ancillary Equipment and Professional Services for Tracking, Monitoring and Reporting Grant Funding on the American Recovery and Reinvestment Act (ARRA) for the Information Technology Department - was presented. All voting aye. Nays none. ORDINANCE 2009-0685 ADOPTED.
- 11a. **FUSION CONSULTING, INC** for Purchase of Professional Services to Design/Build a Platform to Meet ARRA Grant Fund Reporting Requirements for the Information Technology Department - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0566 ADOPTED.
12. ORDINANCE appropriating \$514,461.40 out of Fire Consolidated Construction Fund for Purchase of an Ambulance and Pumper Truck for New Fire Station No. 24 for the Houston Fire Department - was presented. All voting aye. Nays none. ORDINANCE 2009-0686 ADOPTED.
- 12a. **KNAPP CHEVROLET, INC** for Purchase of Ambulance - \$94,225.00 and **TYLER MOTOR CO., INC d/b/a HALL BUICK, PONTIAC, GMC** for Purchase of Pumper Truck - \$420,236.40 through the Interlocal Agreement for Cooperative Purchasing with Houston Galveston Area Council for the Houston Fire Department - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0567 ADOPTED.
14. **E. H. WACHS** for Trailer-Mounted Valve Exercising Machine with a Global Positioning System (GPS) for the Department of Public Works & Engineering - \$74,368.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0568 ADOPTED.
15. ORDINANCE appropriating \$222,100.00 out of Equipment Acquisition Consolidated Fund and \$22,210.00 out of Reimbursement of Equipment/Projects Fund for Purchase of Hybrid Electric Sedans for Various Departments - was presented. All voting aye. Nays none. ORDINANCE 2009-0687 ADOPTED.
- 15a. **AMEND MOTION #2009-53, 2/4/09, TO PURCHASE** additional Automobiles for Various Departments, awarded to **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD/PHILPOTT TOYOTA** - \$244,310.00 - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0569 ADOPTED.
16. **DON MCGILL OF WEST HOUSTON, LTD dba DON MCGILL TOYOTA** for Automotive, Toyota (OEM) Car/Light Truck Replacement Parts and Repair Services for Various Departments \$1,087,000.00 - General and Fleet Management Funds - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0570 ADOPTED.

ORDINANCES - NUMBERS 17 through 37

17. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC**, providing up to \$521,288.00 in Housing Opportunities for Persons With AIDS ("HOPWA") Funds for the Operation of Community Residences and the Administration of a Short-term Rent, Mortgage and Utility Assistance Program, along with the provision of Supportive Services - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2009-0688 ADOPTED.

18. ORDINANCE approving and authorizing various contracts for elderly services provided through the Harris County Area Agency on Aging between the City and (1) **COUNCIL FOR HEALTH EDUCATION AND DEVELOPMENT, LLC**, (2) **DINSMORE MEDICAL SYSTEMS, LLC**, (3) **HEIGHTS HEARING AIDS, LLC**, (4) **MPJ AUDIOLOGY CONSULTANT, LLC** and (5) **PURFOODS LLC**; providing maximum contract amounts - \$12,789,801.11 - Grant Fund - was presented. All voting aye. Nays none. ORDINANCE 2009-0689 ADOPTED.
21. ORDINANCE approving and authorizing contract between the City of Houston and **VETERINARY EMERGENCY REFERRAL GROUP, INC** for Veterinary Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options \$450,000.00 - General and Asset Forfeiture Funds - was presented. All voting aye. Nays none. ORDINANCE 2009-0690 ADOPTED.
22. ORDINANCE approving and authorizing first amendment to Contract No. C55953 between the City of Houston and **INNOVATIVE INTERFACES, INC** for Integrated Library System Services for the Houston Public Library - was presented. All voting aye. Nays none. ORDINANCE 2009-0691 ADOPTED.
23. ORDINANCE awarding contract to **HYSECO, INC** for Hydraulic Cylinder and Valve Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$633,798.00 - General and Fleet Management Funds - was presented. All voting aye. Nays none. ORDINANCE 2009-0692 ADOPTED.
24. ORDINANCE awarding contract to **Q ENVIRONMENTAL, INC** for Used Oil, Oily Water, Oil Filters, Antifreeze and Absorbents Disposal Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$532,334.00 - General, Enterprise and Fleet Management Funds - was presented. All voting aye. Nays none. ORDINANCE 2009-0693 ADOPTED.
26. ORDINANCE approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for funding the purchase of an Emergency Diesel Generator for the Houston TranStar Center - was presented. All voting aye. Nays none. ORDINANCE 2009-0694 ADOPTED.
27. ORDINANCE approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for funding the purchase of a Telephone Switch Management System (TSMS) for the Houston TranStar Center - was presented. All voting aye. Nays none. ORDINANCE 2009-0695 ADOPTED.
28. ORDINANCE appropriating \$6,084,500.00 out of Reimbursement of Equipment/Projects Fund; authorizing the Purchase of a Leasehold Estate on 2.619 acres of land and improvements thereon at 2250 - 2252 Holcombe Boulevard, Houston, Harris County, Texas, for the Health and Human Services Department; approving a Purchase and Sale Agreement with P.I. Holdings No. 1, Inc., a Texas Corporation, owner of the leasehold estate in the land - was presented. All voting aye. Nays none. ORDINANCE 2009-0696 ADOPTED.
33. ORDINANCE appropriating \$37,005.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for Neighborhood Street Reconstruction Projects 462 and 466 (Approved by Ordinance No. 2006-389); and approving and authorizing first amendment to the aforementioned contract; providing

funding for contingencies relating to the construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS A - LAWRENCE; B - JOHNSON; G - HOLM and H - GONZALEZ** - was presented. All voting aye. Nays none. ORDINANCE 2009-0697 ADOPTED.

34. ORDINANCE appropriating \$350,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to contract between the City of Houston and **ATC ASSOCIATES, INC** for Professional Environmental Consulting Services for the Houston Airport System (Project 580) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2009-0698 ADOPTED.
35. ORDINANCE appropriating \$1,900,000.00 out of Airports Renewal and Replacement Fund and awarding construction contract to **TJ&T ENTERPRISES, INC** for Airfield Pavement and Roadway Repairs at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport (Project 460A); 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 services and for contingencies relating to construction of facilities financed by such funds - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2009-0699 ADOPTED.
36. ORDINANCE appropriating \$4,785,225.50 out of ARRA Reimbursement Fund and \$382,818.05 out of Airport Improvement Fund and awarding construction contract to **W.W. WEBBER, LLC** for Rehabilitation of Taxiways "A", "D" and "F" at Ellington Airport (Project 655); 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 services and for contingencies relating to construction of facilities financed by such funds - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. ORDINANCE 2009-0700 ADOPTED.
37. ORDINANCE No. 2009-0676, passed first reading June 21, 2009
ORDINANCE granting to **ENTERGY TEXAS, INC** the right, privilege and franchise to use the public rights-of-way to use, license, or exploit the Company's facilities within the public rights-of-way to conduct an Electrical Lighting and Power Business in the City and for such other business purposes as the company may desire from time to time, specifically including, but not limited to, the granting of access to those facilities for the delivery of broadband through power lines or similar service within the City of Houston, Texas; containing a repealer; containing a severability clause - **SECOND READING** - was presented. All voting aye. Nays none. ORDINANCE 2009-0676 PASSED SECOND READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PROPERTY

8. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel QY9-013, located at 1006 Parker Road, owned by Juan and Maria L. Cervantes, aka Mary L. Cervantes, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road DISTRICT H - GONZALEZ** - was presented, moved by

Council Member Khan, seconded by Council Member Green. All voting aye. Nays none.
MOTION 2009-0571 ADOPTED.

PURCHASING AND TABULATION OF BIDS

13. **L-3 COMMUNICATIONS CORPORATION** for Touch Screen Display Monitors for the Houston Police Department - \$60,327.81 - Grant Funds – was presented.

Council Member Holm stated that she was going to tag the item, that she had several questions, that as they had gone through the process of making a decision last year to purchase 13 new helicopters and increase their fleet and now repeatedly there were extra expenditures, that she wanted to know how much had they allocated and spent so far for the purchase of the helicopters, how much more was still out to spend, how much does the total extra contracts that they had occurred cost and how necessary was this particular equipment right now, how much of it was a “nice to have equipment” as opposed to necessary equipment and how much was it going to cost them to maintain and keep the fleet up over the coming years, that she thought that it was important for them to be able to justify the benefit of such a huge expense against the necessity of providing public service and making sure that the balance and the benefit was invisible and appropriate measures for citizens, and Mayor White stated that they would get that for her.

ORDINANCES

19. ORDINANCE approving the application of **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC** filed with the City of Houston, Texas on June 12, 2009, for authority to revise certain discretionary charges; containing a repealer; containing a severability clause; containing findings and provisions related to the foregoing subject - was presented. All voting aye. Nays none. ORDINANCE 2009-0701 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City of Houston and **PROFESSIONAL ACCOUNT MANAGEMENT, LLC, a DUNCAN SOLUTIONS, INC, COMPANY** to provide Delinquent Parking Citation Collection Services for the City of Houston - Revenue – was presented.

Council Member Green stated that he wanted to thank Ms. Rambo and her team and the people at Duncan for going back and looking at some of the issues that they brought up in the committee meeting a couple of weeks ago and adjusting some of the clauses in the contract, that he would be voting yes for the item and thought it was a good opportunity for them to increase their collections and determine whether the City was getting the best value in the way of these type of contracts.

A vote was called on Item No. 20. All voting aye. Nays none. ORDINANCE 2009-0702 ADOPTED.

25. ORDINANCE approving and authorizing first amendment to Agreement (Approved by Ordinance No. 2005-1098) between the City of Houston and **JP MORGAN CHASE BANK, N.A.** for a Purchasing Card Services Program – was presented, and tagged by Council Members Lawrence, Clutterbuck and Khan.
29. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the Public Improvement Project known as the Bunker Hill Paving Project Phase II (from the IH-10 Feeder Road to Long Point Road), authorizing the acquisition by donation, purchase, or eminent domain proceedings of real property interests in Fee Simple Title or easements to four (4) parcels

of land situated in the Thomas Hoskins Survey, Abstract No. 342, being more specifically situated as these properties abut the south line of Long Point in Houston, Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. ORDINANCE 2009-0703 ADOPTED.

30. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the Public Improvement Project known as the Waterline Replacement in Atherton Area Project; authorizing the acquisition by donation, purchase, or eminent domain proceedings of real property interests in easements in, over, upon, under, and across two (2) parcels of land situated in the J. S. Collins Survey, Abstract No. 195, in Harris County, Texas, such property being more specifically situated out of Lot 8, Block 6 of Lyons Avenue Park and Lot 3, Block 12 of Pine Crest Addition in Houston, Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2009-0704 ADOPTED.
31. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the Public Improvement Project known as the Magnolia Point, Plantation Hills and Strange Camp Unserved Area Lift Station Project; authorizing the acquisition by donation, purchase, or eminent domain proceedings of Fee Simple Title to two (2) parcels of land situated in the James Isbell Survey, Abstract No. 474, and the Gilbert Brooks Survey, Abstract 6, in Harris County, Texas, such property being more specifically situated and being all of Lot 152, Magnolia Point Replat, an Unrecorded Subdivision and all of Lot 43 of Cordes Partition of Hidden Echo, an Unrecorded Subdivision, respectively; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. ORDINANCE 2009-0705 ADOPTED.
32. ORDINANCE appropriating \$1,990,843.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing the purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies /Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with, and finding a public necessity for the Capital Improvement Projects identified in the body of this ordinance - was presented. All voting aye. Nays none. ORDINANCE 2009-0706 ADOPTED.

NON CONSENT AGENDA - NUMBER 38

MISCELLANEOUS

38. MOTION to set a date not less than seven (7) days from July 29, 2009 to receive nominations for Position 13 of the Houston Archaeological and Historical Commission Board of Directors, for a two year term that will end March 1, 2011 – was presented.

Council Member Khan moved to set Wednesday, August 5, 2009, to receive nominations for Position 13 of the Houston Archaeological and Historical Commission Board of Directors, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0572 ADOPTED.

MATTERS HELD - NUMBERS 39 through 43

39. ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to contract between the City of Houston and **CONCEPT ENGINEERS, INC** for Professional Engineering Services for the Houston Airport System, (Project No. 615J) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ – (This was Item 28 on Agenda of July 22, 2009, TAGGED BY COUNCIL MEMBER HOLM)** – was presented.

Council Member Johnson stated that one of the concerns that he had went to the age old adage that as they continued to make amendments to the companies that were not meeting their MWBE goals he was trying to figure out what was going to be the benchmark that said they would not do amendments until these companies were reaching their goals, that while the goal was only 7.5% the company had only reached 4.7% of the contract, so he was asking that he get some kind of information of when they set benchmarks to insure that they not put themselves in a situation where the companies were not meeting the goals but yet were able to come up with clear and concise excuses as to why they did not do it, that he would tag Item No. 39, that Item No. 40 was meeting and exceeding it's goal by quite a bit, that he would like to get the information on Item No. 39.

Mayor White stated that Item No. 39 had been tagged by Council Member Johnson, that he had heard what Council Member Johnson had said and there had been some dialog about the issue.

40. ORDINANCE appropriating \$250,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to contract for Professional Security Program Consulting Services by and between the City of Houston and **PARSONS WATER & INFRASTRUCTURE, INC** for the Houston Airport System (Project No. 612) - **DISTRICTS B - JOHNSON and I – RODRIGUEZ – (This was Item 29 on Agenda of July 22, 2009, TAGGED BY COUNCIL MEMBERS HOLM and GREEN)** – was presented. All voting aye. Nays none. ORDINANCE 2009-0707 ADOPTED.
41. ORDINANCE appropriating \$2,000,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to construction contract between the City of Houston and **VANDERLANDE INDUSTRIES, INC** for the Houston Airport System (Project No. 612K) **DISTRICT B - JOHNSON – (This was Item 30 on Agenda of July 22, 2009, TAGGED BY COUNCIL MEMBERS HOLM, GREEN and BROWN)** – was presented.

Council Member Johnson stated that this was another item with an amendment to an existing contract and the problem that he had was that he had not received any information that would give him an understanding of why they did not have a maintenance contract in place for this particular item, that it was a \$2 million item, that in a memo that came out it said there were some problems associated with the baggage handling of the outbound international flights, that the questions was why did they not have a maintenance contract to handle these type of situations, that he was asking how was this contract bid, why did they give the contract to Parsons, that they understood that Parsons was a very capable company but why were they giving the contract to Parsons, how was that company chosen, was it an emergency bid that they simply needed to get done, that he wanted to be very careful that they were not again going down a slippery slope of just saying that the departments needed to get this done ASAP and if they did not get it done by simply choosing a company of their liking he did not want them to seem as if they were not being fair, transparent and above board, that if he could get those questions before Council ended he would release his tag, but as it stood now he wanted to tag the item.

Mayor White stated that he thought Council Member Johnson had raised a couple of issues, one issue was sort of a policy issue, separate and apart from the contract, which he had raised on a couple of occasions as well and wanted a report back which was on the baggage handling capacity for outbound international flights, why did it take so long to resolve the problem, that he knew they tried to do it through operating procedures before equipment, that he did not know what briefing he got but Mr. Hall was able to do that right here right now, that the solution that was decided on after they had gone through and tried to change the procedures, and it was done in consultation with TSA, resulted in a TSA grant or verbal commitment on July 2 for funds that had to be expended this federal fiscal year by September 30 and there was a timeline that was very tight compared to many construction airport projects, and asked Mr. Hall that both on the timeline and on the issue of the vendors that were considered would he address the issues raised by Council Member Johnson, that it was his desire not to have to rule that something was moot and he thought that Council Member Johnson had fairly expressed concerns and desires to get some answers and asked him to address it for a moment.

Mr. Anthony Hall stated that he thought that most Council Members were aware that they had been fairly successful at increasing international service and attracting new international service, they had Emirates Airways and just about two and a half months ago Qatar Airways had started flying regular non stop daily flights and they used Terminal D, that because of this increased service it had put a strain on what was a relatively little used baggage processing facility, the consequence of that was to increase and delay time for those flights, the airports initial response was to try to find ways without spending lots of money and everything they did in this area had to be done in conjunction with and approval of TSA and after trying to tweak their system to solve that problem it was determined that they could not operationally change anything else that would significantly improve that, so then they set about what they would need to do to be able to provide a reasonable service for these new foreign carriers and expanded foreign service to the airport, and the foreign carriers, quite frankly, were pressing them quite a lot to do that, that they then realized that the only way to do that was to actually do a bunch of equipment and hardware changes, and Parsons was hired initially as the company that was on board to work with TSA and the City in providing acceptable service levels at the airport so they asked them to engage to look at what could be done and what could be changed, that the good story was because the TSA was engaged in these discussions from the beginning they agreed that they would help the City fund the improvements that needed to be made to that service and they would do it on what they called an expedited bases, so it was not a process where they submit a proposal to them and they decide whether or not they were going to approve it, that this was what the thought was one of the best examples of intergovernmental cooperation, that they were part of that process from the beginning which was why this thing was approved within 3 days from the time they submitted the final plans, that they worked together to figure out what the solution was and they had agreed to pay for it, to make it happen though, he suspected, they were under some obligation themselves to spend this money, spend it by September 30, at the end of their fiscal year, so they gave the City a timeline that they tried to adapt to, that it was very tight and they had provided to every Member of Council, to actually get the money spent by September 30, that they build in a tag week and did not anticipate an additional tag week which was why they were in the situation they were in right now, that in effect they could not get this project completed if they did not approve it today because they could not meet the spending timeline requirement imposed on them by TSA, that they put all those dates in a memo about the what the timelines were, that this was an instance where their people, he thought, ought to be congratulated, they did everything, he thought, right in this circumstance and he thought they ought to be congratulated for engaging a new process with TSA that would not have taken six more months, which was what this normally would take.

Council Member Johnson stated that he wanted to thank Mr. Hall for the explanation, that he was glad to know that TSA was able to kick some in on this that would limit the City's

financial liability on this particular issue, and he understood that they had increased their inbound flights from international flights, that he certainly applauded the job that was being done by the Houston Airport System, that one of the things that he wanted to be very careful of, and it went to his old point, that he had made not only at the Houston Airport System, but all departments, that whenever an emergency arises it almost seemed as if the process for fairness and transparency was usurped, that Parsons was put on another deal in 2008 to do inline explosion detection on baggage, so now they were trying to increase their handling of baggage which while baggage was involved was it the same process, so where there other companies that could have possibly participated on this, that this was what he believed was an opportunity for them to increase capacity at the Houston Airport System, was it an opportunity where other contractors could have been brought in to increase their participation and opening up the doors for them to do more work, that he had heard on a number of occasions where different departments had said they were up against a deadline and if they did not do it this way then they would not get it done, that he was simply trying to make sure they were being above board, which he believed that they were, but at the same time he thought they needed to be very transparent and clear as to why they were picking certain companies over others, so when companies started to call him and say once again here come these departments picking their favorites or friends, while the small guys were left out in the cold, so that question was a very simple one and he was just simply trying to figure out was Parsons the best group for this particular matter or was it just simply the most expedient one, and if they were looking to be expeditious then does it mean they were going to get the best services.

Mr. Hall stated that he thought that was a good question and wanted to respond because he thought the issues that he raised were obviously valid and ones that he would share his concern about, that in this instance this was an amendment to a contract for what they hired Parsons to do in the very beginning, that in other words this was additional work in the very same scope that they competed for when they got the original contract, they were in fact their contractors, Council approved it, for this area of work, they wanted them to do additional work, which was why they had this amendment to their contract, so what he was saying was when they were chosen to do this work they did compete, they did have an RFP process and this was additional work for the area that they were chosen for, that he certainly appreciated Council Member Johnson point that they always needed to be looking for opportunities to create more capacity to do, obviously, what was the right and fair thing, but in this instance this was not choosing them to do work in a different area, this was to improve the system that they had already been contracted for to help them design and to get approved by TSA for operation of the airport.

Council Member Johnson stated that he respectfully disagreed that this was the same work because of the original contract, and that was why he was asking for the tag so he could get the questions, so that maybe the people out at the Houston Airport System could give him a fully disclosed documentation tangible that says "here is our contract, here is our commitment to TSA, and this was why we need to move this thing forward because one week would essentially kill us, and here was what this company was originally contracted to do", that he was looking at the RCA that said they were originally contracted to do an inline explosion detection system, but the new contract based on what he just said was simply to increase, that the memo said "problems associated with baggage handling for outgoing international flights at Terminal D were recognized in late March", that was why he asked for the tag and also why he wanted HAS to bring him something tangible to give him that explanation.

Mr. Hall stated that he thought he was not complete in his response, the reason TSA was involved in this was that all of this had to do with security and security arrangements at the airport and security for baggage processing, that was what he should have communicated and he did not, that the issues for actually putting the stuff in and all that business probably a lot of folks could do it, the reason that TSA was involved in this was because it involved foreign travel

and the handling of foreign travel baggage so that the plans and the processes they implement had to comply and be improved by them, that was what he should have communicated when he said it was the same area of work, and Mayor White stated especially as it related to the explosion detection system, both the one they passed in Item 40 and in Item 41 they were considering, those were matters that TSA had a legitimate interest in.

Council Member Johnson stated that he would yield on that, that the other question was if another company could have been brought in, was there an opportunity of increasing capacity, those were the questions he had at the Houston Airport System for the last three years, a proximity to opportunity which brought in small companies to do business at the Houston Airport System because they said they could not seem to crack that nut in order to get into these types of works, to maybe be able to unbundle some of these contracts as they could, so as they bid and as they added amendments was there a possibility that other companies could have been brought to the table to satisfy much of the concern that these smaller companies were having as to why they could not get work done at the Houston Airport System.

Mr. Hall stated that he thought it was obviously a legitimate question and one would, in his view, not be very wise or bright to say, was that what he suggested was a truism, that obviously they needed to look at that all the time, that if he wanted his personal assessment the window of opportunity, because they were told in the very beginning, that if they wanted to have them assist with this money it had to be fast tracked, as they called it, that obviously this project may not be the best example, but his broader point was a very good one and he thought the airport people had visited with him and they had a separate MWBE staff that were going to be reexamining a number of contracts to see if they could, what was called unbundle them, to give a greater opportunity for small companies to do it, that they always had to balance that with efficiency and that was the tradeoff and they would be visiting with him, Council Member Johnson, about that.

After further discussion Council Member Johnson stated that he had met with the Houston Airport System and they did say of the possibility and willingness to look at unbundling contracts would be there, but quite frankly he had heard those commitments before and now he was really looking for the tangible commitment, that he had asked for them to bring to him an example of an existing contract or a past contract that they could demonstrate to him how the unbundling process would look, and if he could get that he thought it would satisfy his concern for the future, because he did not want to be told in six months or a year that they could not unbundle this one or that one, that he wanted to make sure they were able to say they were as a City doing their very best to insure that.

Mayor White stated that this was feedback that he had gotten in the last week from several stakeholders, as well as Mr. Hall, that he wanted to support what Council Member Johnson said concerning what they were doing to affirmatively act and something where he wanted a balance was that for the first two years he tried to set a tone and did it at the beginning of the first Council meeting that he presided on and did it by the attention he paid to the statistics that came up from the departments, where in this particular department the last couple of fiscal years had been about 47.42% MWBE out of the \$124 million that they spent on professional services so he paid attention to that, but what he had not done enough of was around the table repeating the two criteria that they used for selection of professional services; that number one, good value for the dollars expended, high performance, and that meant in some cases, especially in the case of specialty work, that it was hard to unbundle because there were relatively few firms, that on this he wanted to support what he was saying and have that report back from Aviation about strategies to increase the opportunities for new firms within that process, that he would also say that he would ask him to stand by him because what he found in the case of certain other professional services was that when they rotate the firms that they had, for example in engineering, those firms that were doing a good job that were rotated

out because they were trying not to use the same firms every year, they protest, and a lot of them were minority firms because they used so many minority firms and there was so much work in minority firms that it was impossible to have rotation without breaking that cycle but diversity in the contracting was important to the City; that today he should get to the Council Members something that he was sending to the pension systems concerning investment management, managers in this particular issue and perhaps he had not been as vocal as he should be about emphasizing that as the golden policy of the administration.

Council Member Johnson stated that he wanted to thank Eric Potts and was sure he was trying to get the information to him and wanted to thank Goodwin Pierre for being diligent to help devise a plan for what they needed to do in order to unbundle some of these contracts, and that he would release his tag on Item No. 41.

Council Member Brown stated that in terms of baggage handling, why did they not have the maintenance contract built into the original contract instead of hiring somebody else, did they have a policy of requiring maintenance contracts with escalators and baggage handling and these sort of things, and Mr. Hall stated that he did not know the answer to his question but would find out why it was put together that way, and Mayor White stated that it was called the bundling of the procurement and maintenance contracts.

A vote was called on Item No. 41. All voting aye. Nays none. ORDINANCE 2009-0708 ADOPTED.

42. ORDINANCE amending Ordinance No. 2008-485 (passed by City Council on June 4, 2008) to increase the maximum contract amount; appropriating \$250,000.00 out of Contractor Responsibility Fund; approving and authorizing first amendment to agreement between the City of Houston and **HARRIS COUNTY HEALTHCARE ALLIANCE, INC, a Texas Non-profit Corporation, also known as HARRIS COUNTY HEALTHCARE ALLIANCE**, for the provision of additional "Telehealth Nurse" Services for the Houston Fire Department – **(This was Item 35 on Agenda of July 22, 2009, TAGGED BY COUNCIL MEMBER HOLM)** - was presented.

Council Member Holm stated that she wanted to thank Chief Karen Dupont who came and tried to explain it to her, that last week she tagged the item because there was a component of it that called for using taxicabs to provide some transportation and what the program called for was that there were times in the program when the program might call on the taxicab to deliver an ill person or someone who was a participant in the program and was not the capacity for individuals to call cabs, and be reimbursed, to go to the hospital, that it was a great program and she was happy to support it.

Council Member Jones stated that she thought it was a good program, that she had ridden with fire trucks when they went out, very quite often, that it was not really the kind of emergency like they thought, heart attacks or something like that, that a lot of times they were really doctor visits, but the ambulance for all intents and purposes was out of service, that she thought it was a great idea and would leave the ambulances to handle real emergencies.

Mayor White stated that he would hope that City Council Members listened to what Council Member Jones stated and to Ms. Stein they ought to have a Mayor's Report on the triage program; that where the Houston Fire Department was a leader in the nation was the work that had been done first in conceiving of it and then implementing on a pilot basis some triage to reduce the number of non emergency transports done by their highly trained paramedics and EMS units.

Council Member Gonzalez stated that he hoped they could also find ways to do similar

programs with the mental health community and the homeless community as well, that he thought many times if they could identify some of the root causes and maybe collaborate with some community based organizations that they could have similar successes as well with what the intentions were with this program, that many times they continued to pass these individuals through their criminal justice systems or emergency rooms and he thought it would be much more effective if they could find ways to create some type of system to be able to address some of these chronic consumers and needs they really had to more adequately not only serve them and improve their quality of life, but to lessen the cost on the overburden system that they had.

Mayor White stated that this was exactly why they needed a report where this journey had taken the Fire Department, with HHS and Ms. Marks and her staff, that it was not only doing a nurse triage by phone but then linking those with chronic conditions to community health clinics so that they did not have to be transported to a hospital institution, that if there was one point that he would make, would it not be great if they spent a bit of time and attention and allocated their time fairly among issues involving the Fire Department to those things like this that both affected the quality of life of the men and women of the Fire Department and the service to consumers.

A vote was called on Item No. 42. All voting aye. Nays none. ORDINANCE 2009-0709 ADOPTED.

43. ORDINANCE approving and authorizing contract between the City of Houston and **CITY HALL FELLOWS, INC** for the Implementation of the City Hall Fellows Program with the City of Houston; providing a maximum contract amount - 1 Year with one year option - \$572,000.00 - General Fund – **(This was Item 40 on Agenda of July 22, 2009, TAGGED BY COUNCIL MEMBERS SULLIVAN and KHAN)** – was presented.

Council Member Sullivan stated that he wanted to thank the administration for responding to questions he had and they were all answered, that he was not opposed to the program, that his objection was the money coming out of the General Fund; that they had City Hall Fellows in the audience and asked that they keep up the good work. Council Members Brown and Noriega absent.

Council Member Lawrence stated that it was a good job to whoever did the Facebook on the City Hall Fellows.

Mayor White stated that the City Hall Fellows would be back next week to be recognized, and would ask the City Secretary to disseminate to all Council Members the report that he got on improvement in their City Hall recruitment and hiring policies, that it was very detailed and done in an extraordinarily professional manner, that it was something that he asked for three months ago and it exceeded all expectations, that he greatly respected the point made by Council Member Sullivan, that it was not to engage the issue it was just to state a criteria, that his own criteria for the program was whether it was going to make the City more productive and save them money in the long run.

A vote was called on Item No. 43. Council Member Sullivan voting no, balance voting aye. ORDINANCE 2009-0710 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Khan stated that there had been a lot of discussion about the Houston Fire Department and wanted to thank Council Member Noriega for holding one of the best committee meetings that he had attended, that he wanted to thank the members of the community, the civic leadership and the faith based leadership, particularly Pastor Cofield who brought the issue to closure and the firefighter who had acknowledged the error in judgment, that he for one had great respect for that firefighter, that in the discussion there was one

element which he always felt would be in the forefront of the discussion and somehow he felt that the Firefighters Union had been absent from the discussion, that he wondered what was their role and wondered as to why some of these issues could not have been handled at the union level instead of bringing it to this level where everybody was kind of up in arms. Council Members Johnson, Adams, Sullivan, Holm, Gonzalez and Jones absent.

Mayor White stated that the union structure was one way for organizing the resolution of disputes in the workplace that gave workers a voice in that resolution, that was part of the job or role of the union and sometimes those people who consider themselves anti union, he thought, neglected that important role for union organizations as chosen by their employees, that sometimes when he tended to give deference to and meetings with leaders of unions that were democratically elected by their members was because they spoke for more people than just themselves, that it was a sign of respect for employees and the union process that the leadership of unions were given some responsibility for determining the scope and processes that they would use for employee complaints. Council Members Sullivan, Holm, Gonzalez, Rodriguez and Jones absent.

Council Member Green stated that there would be a free Homebuyer Education Workshop and would be hosted by the Tejano Center, that it would be at Raul Yzaquirre School for Success at 2950 Broadway, that classes were in English on Saturday, August 8 and 22, 2009, from 8:00 a.m. to 4:00 p.m. and in Spanish on August 1, 15 and 29, 2009; that the City of Houston would partner with the Houston Community College Job Training Program, that the Houston area employers organizations to help people without jobs were holding this program, that they could reach individuals at HCCPartnersforJobs.org. Council Members Sullivan, Holm, Gonzalez, Rodriguez, Lovell and Jones absent.

Council Member Brown stated that he noticed in the newspaper a notice from the TCEQ about a concrete batching plant on Swingle Road, which was in District D on the corner of Donigal Way and Swingle Road, next to three residential areas, that the concrete batching plant was not something they wanted in a residential neighborhood, that he had asked Elena Marks to file what ever was necessary to slow this thing down, that they needed to do something about it, they needed to have a procedure to protect their neighborhoods and infrastructure, if this batching plant was going to tear up their streets and endanger their neighborhoods they ought to charge them a hefty impact fee for being able to operate; that he was surprised to learn that the Public Utility Commission rejected a petition filed by Representative Sylvester Turner requesting an adjustment to how the PUC regulated power company disconnects, that Representative Turner tried to put a stop on that but the PUC refused to do it, that he wondered if it was something that the City needed to get involved in, and Mayor White stated that they supported that position at the PUC, that they supported efforts that restored more money for low income seniors for discounted rates, but he would look into whether there was something more that they could do; and Council Member Brown stated that on Saturday, August 1, 2009, he would be participating as a veteran in a welcome home event for veterans of Iraq and Afghanistan and their families at the Metropolitan Multi Service Center, 1475 West Gray, from 10:00 a.m. to 3:00 p.m. Council Members Sullivan, Khan, Holm, Gonzalez, Rodriguez and Jones absent.

Mayor White stated that they talked a fair amount about the PUC and they had very minimum requirements for those trying to become a retail electric provider, that utility rates had dropped some with the gas prices, there were going to be firms entering the market and signing up customers at low rates because there was no bonding requirement and a lot of those would go out of business when utility rates go up and in about two years when gas prices go up again, that it would create turmoil and fees for the consumers, that there was a simple way to do, raise the financial qualifications, some firms would complain that they were small businesses, but remember no consume benefits, that they had seen to many firms go out of business who were

retail electric providers because they were betting on low utility rates, that if somebody wanted to conduct a hearing on this with the benefit of staff that they could provide they would be fully supportive of that, that it was really dealing with a problem that he thought would arise 18 months from now, that he had expressed this to the Chairman of the PUC at one time in the past and if some Council Member really wanted to take the ball and run on this then they would try to support staff and resources, and Council Member Brown asked if they had the authority to set standards for getting a permit to operate in the City of Houston, and Mayor White stated that would be something they would have to explore, the PUC did have some standards and thought that national experts would say they had the most lax standards in the Nation for becoming a retail provider. Council Members Sullivan, Khan, Gonzalez, Rodriguez and Jones absent.

Council Member Clutterbuck stated that they may have noticed that there was a spike in crime and burglaries in Westbury and parts of Myerland that was terrorizing the neighborhood and she wanted to thank Captain Fougerousse, District 16, Southwest Division, Beechnut Station, that shortly after meeting with the community, in addition for several weeks driving the community by himself on mornings, having bike and mounted patrols show up, they arrested four burglary suspects in Westbury in a very quick time, that she wanted to thank him and all of the people in his department; that she wanted to thank the Solid Waste Department, that Becky Edmundsun wrote that Gary Rador, Solid Waste, came to discuss the single stream recycling participation and apparently Westbury was number one and getting a couple of hundred more units; that Cindy Chapman attended the ESC grand opening last month and it was a great facility and she applauded Mayor White and the Council for committing to recycling; that Phyllis Fry wrote to bring attention to the fact that the City Legal Department was helping to enforce deed restrictions in a meaningful way, that Linda Ledger, who worked a night shift in a refinery, drives around every morning after her shift taking pictures of violations and that helped the Legal Department to be able to go after them. Council Members Sullivan, Khan, Gonzalez, Rodriguez and Jones absent.

Council Member Noriega stated that she wanted to remind everyone about the graduation this evening of the Police Academy Cadet Class #204 at 7:00 p.m., that as the Chair of the Public Safety Committee she tried to go to these events and this evening she had a conflict, there was a reception for Commissioner Garcia who had been named President of NALEO, that they just completed their rigorous 26 week training regiment and Cadet Anna Andino broke the academy record when she performed 405 pushups in her final physical agility test, that the ceremonies were held at in the gymnasium at the L.D. Morrison Senior Police Academy at 17000 Aldine Westfield; that she had been shocked as to some of the things that had come before Council and the Public Safety Committee, that it was very hard to know what the appropriate actions were to take, that she was going to bring things up as they came up while they worked their way through investigations and larger issues and one of the things that she had dug into, based on the conversations they had with some of the speakers, was their compliant process and the special services part of the Fire Department, that when someone comes and makes an OIG complaint and were not able to establish a perpetrator it was considered not sustained, so if someone had a problem and they reported it and could not figure who was responsible the way it was handled was that it was not sustained, that she would like to suggest that they may need another alternative thing to call it, that not sustained, she thought, had the implication for the person making the complaint that it did not matter or did not count or was not found to be truthful and she thought it many cases that was not an accurate reflection of what they found so she thought they needed to look at that. Council Members Johnson, Sullivan, Khan, Gonzalez, Rodriguez, Lovell, Green and Jones absent. (No Quorum Present)

Mayor White stated that Council Member Noriega had identified two issues and Council Member Brown when he says zero tolerance, because that was a disciplinary process, that he thought were right on, that the issue of sustained and not sustained, what were the alternatives,

the issue of pattern and practice, including individuals who were not rotated in or out and who had special experience and he also heard from a number of public speakers, and those around Council privately, that they had confidence that they would move quickly, that it was his judgment, based on experience and a number of organizations and a number of context that he would like to have some professional assistance by people who worked on these exact issues on a number of organizations who had law degrees and would report to him and who could also take into account some legal complexity created by civil service and the contract on just these issues, that he was frustrated that he could not get access to legal services that he needed to do his job, that there came a point where they needed people who were accountable to him, that the issue of where and how to engage and what circumstance to engage federal government entities was an issue on which people wanted legal advice, often from people who had a long experience in dealing with those entities and often they were former employees, because they needed to know what the scope and responsibilities of those federal agencies were and have people who had ongoing relationships with them, that he was not precluding any alternative but needed professional advice. Council Members Johnson, Sullivan, Khan, Gonzalez, Rodriguez, Green and Jones absent.

Council Member Adams stated that yesterday they had a groundbreaking for the Corinthian Senior Living Complex, there would be about 140 units available for their senior citizens in the Hiram Clarke area, that she wanted to thank Mr. Celli and former Council Member Edwards because this started about five and a half years ago and had now come to fruition to bring affordable housing in the Hiram Clarke Community; that she wanted to wish Pastor Kirby John Caldwell a Happy Birthday; that last night in Corinthian Point the District D Office hosted a deed restriction workshop; that the District D staff would be taking a tour of the BARC facility this week to get more information and in tune with what was happening at BARC; that PUSH was an outreach organization that was taking place in the Sunnyside Community and was providing education and training to their youth during the summer, that was held by Ms. Jean Gabriel who was one of the producers for TBN and on Friday she would be speaking to the PUSH to Win Outreach Summer Camp, which would be held at Saint Agnes; that this week was the Power of Life Celebration, under G. N. A. Moore, Jr. and on Thursday CC Wylans would be one of the guest speakers and speaking to young girls and she would have the opportunity to speak on the same stage with her; that on Saturday, August 1, 2009. Hearts and Hammers, a ministry, would be rehabbing a house in the Brookhaven Community on Teresa Street; that she wanted to commend J. C. Boxey of the Shamrock Manor Civic Club, and wanted to give thanks to State Representative Alma Allen, that they heard an announcement about a concrete batch plant that was trying to come into the Shamrock Community, that she wanted to commend State Representative Allen for informing their office about their opposing the concrete batching plant, that she had sent a letter to the TCEQ requesting a public hearing so if anyone wanted to know how to oppose the concrete batching plant to please call 1-800-687-4040; that there was some recent activity that occurred in one of the City departments about theft and one person was arrested and she would ask the departments to reexamine their policy and procedures when staff was dealing with payroll to make sure how they handle debit cards and checks when being issued so it would not be open for theft; that she wanted to give kudos to the Housing Authority of the City of Houston, Mr. Horris Allison and Mr. Ernie Etuck and Ms. Sheffield, that it was brought to their attention that they had a senior citizen pass away due to heat exhaustion and she brought it to the attention of the Housing Authority and immediately they took action and surveyed how many seniors were without ACs in some of their public housing units and they purchased ACs to put in some of the senior homes who were without ACs, that she wanted to commend the Houston Housing Authority for being proactive in making sure they protected their seniors. Council Members Johnson, Clutterbuck, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

Council Member Lovell stated that she wanted to say congratulations to her son Robby and the fourteen year old Kyle Chapman Pony League Team who won the 2009 Coast Region

Tournament on Monday in Bayou Vista, Louisiana, that they would not represent the Coast Region in the Pony South Zone Tournament in Burleson, Texas beginning on Friday, that she also wanted to say congratulations to the 13 year old Pony League Team who did win their zone and would be traveling to the world series in Chino Hills, California; that the Quality of Life Committee would meet on Thursday, August 6, 2009, at 10:00 a.m. in the Council Chamber; that she wanted to say congratulations to Rice University, they recently received a number one ranking for the Best Quality of Life in the Princeton Reviews Annual Guide to the Nations Top Colleges; that this past year the Planning and Development Department received 12 applications for the Neighborhood Matching Program and 8 applications met the criteria and were approved and all of the projects had been completed, that she wanted to congratulate the Planning and Development Department; that on Monday she was not able to be present at the Public and Safety Committee meeting and wanted to say to Council Member Noriega congratulations on a well run meeting, that she understood it was very productive and thought that the conversations that they were now having were so important as to how they moved forward, that to the women who came forward yesterday she wanted to say thank you for their courage. Council Members Adams, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

Council Member Lawrence stated that they were still looking at carports and there were a lot of problems, that some people were building their carport and avoiding the red tags, that it was very frustrating for those residents who had hired somebody and that person was saying that they needed to finish the carport because they needed to move on to other jobs, that Legal was doing a great job in trying to bring closure to it but how they communicated to the public and how they get inspectors and set standards for those carports, that she and Mr. Michel had the conversation on how do they communicate to everybody what they were going to do as a City for those carports that were damaged at the end of April, that they needed to move forward with it because it was causing a lot of trouble with inspectors and various things like that; that as to zero tolerance, that her problem with zero tolerance was the mother that sent a butter knife to spread out the mayonnaise and her child was kicked out because the zero tolerance was no knives at school, it was a butter knife and her child did not know nothing about it, so that was why she was against zero tolerance, that they still had not had a meeting on zero tolerance, that there were always exceptions, Fire Department also, and why certain departments had different problems, like the butter knife, that needed to do away with zero tolerance, that they did not seem to be able, five or six months later, to have a meeting that the Mayor requested that they set up a task force to do, that was part of the problem, that she wanted to say thank you to Council Members Lovell and Noriega for their remarks. Council Members Adams, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

Council Member Johnson stated that one of the things that he mentioned, as they continued to talk about the Fire Department, was zero tolerance or whatever they wanted to call it, that the reason why he created and wrote the memo on what he thought was necessary was the young firefighter who came down the other day mentioned some circumstances in which zero tolerance was abused and he thought there were many opportunities for individuals to misunderstand what zero tolerance was; that this weekend he would be the Chair for the Nineteenth Annual Houston International Jazz Festival, that it would be at Discovery Green on Friday July 31 through August 2, 2009, that on Friday they would kickoff at the Jazz Café at 8:00 p.m., that on Saturday and Sunday they would be at Discovery Green; that on Monday they would have a committee meeting at 2:00 p.m. in Council Chamber talking about BARC, that it was a topic that was very interesting to a lot of individuals; that the East Houston Civic Club first annual health fair would take place August 8, 2009 from 9:00 a.m. to 3:00 p.m. Council Members Adams, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Holm stated that they had a very serious problem that continued to grow

in the Fire Department, that she looked at the Mayor as the President and Chairman of the Board and thought she had been elected to be a board member and as a board member it was her responsibility to make sure she had the information she needed in order to support and equip the Mayor with the tools he needed to lead them for the future, so as they moved forward she thought the reason she was so supportive of Council Member Noriega was that she had tried to be inclusive in working and finding out and getting to the root of the problem, identifying the problem and finding some really good cure for that problem; that she same goes for other areas, BARC was a concern that they had for a very long time and the emails she was getting at this point and the concerns of so many really strong advocates for their animals and for their improving the BARC system came from a lack of understanding what was going on, that the question of hiring Mr. Fusco, who she did not know anything about it, was what was he doing, what did he bring to it and it was her understanding that at this point he had been contracted through a purchase order to bring them a plan and before there was any contract with him it would come before Council, and Mayor White stated that he thought the Council hearing on it was on Monday, and Council Member Holm was trying to point out again the importance of having them communicate with each other openly and she thought when they talked about team it really meant the inclusiveness of bringing and helping everybody understand and be a part of a team; that she wanted to comment on the Transit Corridor and Chapter 15, that as the transit corridor came forward she very much wanted to support it, she thought it had some really strong criteria for developing along that corridor, particularly in encouraging the sidewalk width, which was the primary part of it, but she thought it also had created a little bit of conflict in what they perceived to be their building standards and their development standards, that she thought she heard that there might be an amendment coming forward that allowed, where there was conflict between Chapter 15 and the transit corridor that perhaps the ordinance would prevail, but there were other issues that she thought had to be addressed at this time before they really got into the transit corridor or could accept it and one was, for her, traffic was critically important and standards had to be set, but their major thoroughfares would never be free of traffic, it was always going to be a problem, so for them to set standards that would discourage growth on thoroughfares, because of to much traffic, she thought could be a killer in where they were going, where they wanted to be and how they were perceived, so she really thought it was an opportunity to set open standards that did not require as much scrutinizing on thoroughfares and the transit corridors, the type A streets, which were those that streets that intercepted a transit corridor were often times very residential and narrow streets where those people had no idea what that meant to them and to offer particularly open development tools for a type A street concerned her a great deal, so she thought as they looked at the transit corridor once again what happened was that they tried to fix a problem not realizing the comprehensiveness of what they could be causing, and she thought it was really important right now that they protect their neighborhoods and have close scrutiny on those local streets, on those connector streets and on those areas that would not be conducive for the coexistence, that was their goal, was to coexist in these corridors, to make sure that they encouraged people to develop on the thoroughfares and then to set the standards for the transit corridors, that she hoped that they did not get to bogged down in their own perspectives without the inclusiveness of the whole, that one of the things that she talked to Mr. Icken about yesterday was that this had been a very long process but she was not sure when or where homeowners associations or neighborhood groups have had any seat at the table, to which he admitted that they probably had not been, that there had been organizations that thought they represented the perspective but those people that lived in a little world all by themselves that really did not know the impact of any of this on them really had not been included in some of this dialog, that they had a lot of great challenges and a lot of opportunities in the last five months of this administration and she just hoped that they could really look at making sure that they not only fix today's problems but were really addressing some really important issues for the future, that with the transit corridor and Chapter 15 particularly one of the comments that had been made was that 95% of the people were not going to be affected, particularly in this economy she thought that was absolutely true, but should they rebound rapidly, should they have tons of new construction involved, she

thought it was really important that they make sure that they were ceasing that opportunity to let that development come in, that it would be nothing but help to their economic viability in the future. Council Members Adams, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Clutterbuck stated that she wanted to thank Council Members Holm and Adams for bringing up BARC, that she failed to mention that she wanted to thank her staff, that last week unbeknownst to her Barbara Hite, Abigail Nobles and Sharon Shanahan made an impromptu field trip drop in to BARC, that they wanted to know what was going on at BARC, that each of them came back talking about how their surprise visit was greeted with a welcome attitude and professionalism and that each of them came away believing that BARC was really doing an outstanding job, that they also mentioned that the facility was less than to be desired but she knew they were working on that, that each of them said that the employees generally cared about the animals, that she looked forward to the meeting that Council Member Johnson was holding on Monday at 2:00 p.m., that it had not been posted yet and was not required to be posted until Friday, that they looked forward to good information and facts to be able to evaluate where they go from here. Council Members Johnson, Adams, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Mayor White stated that Council Member Lawrence about three years ago made one of those visits herself and knew there were others, that Mr. Williams visited there a lot, that in response to Council Member Holm and was trying to communicate fairly with his colleagues, that the contract for the specialist and turn around organizations, and was also true when they sought legal Council on difficult issues, to please recognize that if they knew exactly where they were going and how to get there, and thought they did, then they may not need the professional, that they really needed people in order to help, who had been experienced in advising organizations with issues of workforce conflict, that a couple of the things that he had heard had been exactly what would the outcome of hiring a turn around artist be, what would the outcome of the legal advice be, that some of these things, to use Council Member Holm's words were a process, that you tell them what the desired outcomes were but they may not know until three or four months of investigation and having examine the capabilities and met with the stakeholders what the sequence of steps were, so please do not put to much of a burden on either their outside professionals of know what they were going to do exactly before they got there. Council Members Johnson, Adams, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 12:27 p.m. Council Members Johnson, Adams, Sullivan, Khan, Gonzalez, 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

Anna Russell, City Secretary