

City Council Chamber, City Hall, Tuesday, August 11, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 11, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Wanda Adams, Mike Sullivan, Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marta Crinejo, Assistant Agenda Director; Ms. Marty Stein, Agenda Director; present. Council Member Anne Clutterbuck absent. Council Member M. J. Khan, P. E. absent on personal business. Council Member Ronald C. Green absent on city business.

At 1:54 p.m. Vice Mayor Pro Tem Lovell called the meeting to order and stated that Council Member Holm would begin presentations. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Brown, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Holm invited members from the Briar Forest Super Neighborhood Council to the podium and stated that the Super Neighborhood Program was an incredible process which let neighborhoods unite to establish common goals to move forward and today she was saluting the Briar Forest Super Neighborhood as their willingness to look beyond traditional neighborhood borders was a strong indication it would work for them and they were assigned their city liaison who would help them achieve their goals, Ms. Elaine Gascamp; and presented them a Proclamation proclaiming today as Briar Forest Super Neighborhood Council Day" in Houston, Texas. Mayor White, Council Members Johnson, Adams, Sullivan, Brown, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Members Rodriguez and Gonzalez were to recognize the Glenbrook Valley Civic Club and the Woodland Heights Civic Club and Council Member Rodriguez stated that he had the honor to recognize the Planning and Development Department's Project Leadership Institute which was developed in 2007 and had a curriculum designed to build organizational project management skills for those already active in community matters and the focus of the 2009 Institute was on forming of a historic district in neighborhoods and he was happy Glenbrook Valley in District I initiated the action and he was happy to welcome those residents today; and Council Member Gonzalez invited members of the Woodland Heights and Glenbrook Valley Civic Clubs to join them at the podium and stated that Woodland Heights was located in District H and a lasting example of a streetcar suburban community established in the early 20th century and today 90% of those homes were still present and a jewel in District H and he was proud to represent them; and Council Member Rodriguez stated that Glenbrook Valley was a postwar suburban development neighborhood, developed in 1954 and contained over 1,200 midcentury modern homes and he was honored to thank each for their work; and they had previously been presented Certificates of Recognition. Council Members Holm and Jones absent.

At 2:12 p.m. Mayor White called on Council Member Sullivan who led all in prayer and in the pledge of allegiance. Council Members Holm and Jones absent.

At 2:13 p.m. Mayor White requested the City Secretary call the roll. Council Member Clutterbuck absent. Council Member Khan absent on personal business. Council Members Holm and Jones absent. Council Member Green absent on city business.

Council Members Lovell and Lawrence moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Clutterbuck absent. Council

Member Khan absent on personal business. Council Member Green absent on city business. Council Members Johnson, Holm and Jones absent.

At 2:13 p.m. Mayor White requested the City Secretary to begin calling public speakers. Council Members Johnson, Holm and Jones absent.

Ms. Olga Capetillo, 5501 Starling, Houston, Texas 77017 (713-894-2750) had reserved time to speak but was not present when her name was called. Council Members Johnson, Holm and Jones absent.

Ms. Pamela K. Anders, 1116 Milford, Houston, Texas 77006 (713-256-6677) appeared, presented information to Ms. Vasquez and stated that she was present to ask the Mayor for help; that crime had been going on since she moved in area six years ago with car break-ins, but it had now escalated to her coming home and going to the garage seeing lights on the floor and getting up the next day having bicycles stolen and when she looked out the window the only thing that kept them apart was a window, they were both staring at one another; that she was now afraid to be in her backyard and there was not enough police manpower; and urged assistance. Council Members Johnson, Holm and Jones absent.

Mayor White stated that he would ask the HPD representative present..., from time to time he received a report back on that beat and they went through it, and he would ask the Chief to forward him on the crime information on that beat and they also got intelligence on what had been done and having done this five and a half years he agreed it did help to have personnel to arrest people and when arresting on burglary, each burglar burglarized a lot, and you could tell it because after getting him out of the neighborhood upon arrest the burglaries went down a lot and he would get a report back to her. Council Member Holm absent.

Council Member Adams stated that on behalf of Council Member Clutterbuck who was out of town on city business, she wanted to inform her that Captain Jones was aware of the problem and her office was working with HPD to help increase patrol and they had increased it in her area and they did have a witness on the burglaries and this was being worked on. Council Members Holm and Gonzalez absent.

Mayor White stated that where they reduced burglaries significantly was where they were able to solve the burglary and arrest and another issue was having them get off too lightly and back on the street, but clearing burglaries were important and every year they battled for enhanced penalties making it a felony to burglarize a vehicle as it should be and citizens should speak up for that. Council Members Sullivan and Holm absent.

Upon questions by Council Member Brown, Ms. Anders stated that she was one house off Yoakum; and Council Member Brown stated that they all knew more officers were needed on the street and they had a program to take more from desks and do so and had more sophisticated crime fighting techniques and it had a good effect when citizens came to Council. Council Members Adams, Sullivan and Holm absent.

Ms. Beulah Maxie, 2854 Knotty Oaks Trail, Houston, Texas 77045 (832-483-3751) appeared and stated that she was with the Almeda Civic Club and was present requesting the ambulance at Fire Station 47 stay as it was to be moved to Fire Station 24; that the unit had saved many lives and most in their area were elderly and needed care and that unit was more like an emergency room; and urged the unit stay or purchase another for them and they would help by collecting funds in the street in the Fire Department's boot. Council Member Holm absent.

Council Member Adams thanked Ms. Maxie for coming and asked all those present with her today stand to be recognized; Council Member Adams stated that she knew Ms. Maxie would not like her answer, but this medic unit was approved pending the building of Fire Station 24 and it was their medic unit, it was housed at Fire Station 47 because it was purchased early, but they were less than a mile from one another and the service would not change; that she would meet with Chief Boriskie and see what could happen in the future, but around October the unit had to go to Fire Station 24. Council Member Holm absent.

Ms. Carolyn Webster, 6823 Reed Road, Houston, Texas 77087 (713-644-9266) had reserved time to speak but was not present when her name was called. Council Member Holm absent.

Mr. Sammie Jones, 3325 Airport, Houston, Texas 77051 (713-733-9820) appeared and stated that he was present regarding healthcare as he was turned away from the ER at LBJ, Quinton and Herman Memorial Hospitals, but seen at Methodist Hospital and diagnosed with a serious condition and given instructions for follow-up treatment which he could not keep because of no insurance; that the City of Houston Health Clinic on Cullen turned him away and he tried contacting 311 but their phone would not work and when he tried contacting the Mayor's Assistance Office at the same address found the office locked and no one answered when he knocked; that he was seeking an answer to whether the City of Houston had a healthcare plan for those with limited or no income and no insurance. Council Members Adams and Holm absent.

Mayor White thanked Mr. Jones for coming and stated that to all citizens the city as such had a limited role in individual health, there were two principle programs used to provide individual citizens health needs who did not have insurance and that was the Harris County Hospital District and a federal program administered by the state, the Medicaid Program, there were community clinics, federally qualified health centers, which had expanded significantly during the course of this Administration and he would ask Ms. Vasquez if there was a clinic of such in his neighborhood to give him a reference to the clinic. Council Members Adams and Holm absent.

Ms. Beth Lousteau, 316 Goldenrod, Houston, Texas 77009 (713-651-2934) had reserved time to speak but was not present when her name was called. Council Members Adams and Holm absent.

Mr. Brett Clanton, 316 Goldenrod, Houston, Texas 77009 (713-806-3704) had reserved time to speak but was not present when his name was called. Council Members Adams and Holm absent.

Officer H. M. Baum, 3534 Glenwood Spring Drive, Humble, Texas 77345 (281-360-4501) had reserved time to speak but was not present when his name was called. Council Members Adams and Holm 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 Adams and Holm absent.

Mr. Richard Rogers, 8731 Winningham, Houston, Texas 77055 (713-822-4128) appeared and stated that he was seeking support to deny an application concerning City Ordinance 42.16-3 and 42-194 as it pertained to the 1900 and 2000 blocks of Lexington; he was asking denial as the applicant did not show sufficient support of the city's efforts to approve; that 14% of lot owners attended hearings to support the approval; 29% opposed it; owners of 3 lots supported it while owners of 6 lots opposed; that the petition had 13 signatures and only 3

appeared at the hearing; 1 who previously was for it now opposed it and 1 said he did not know what he signed and did not want to, but knew it would keep townhouses out; and he was requesting denial of the application on the grounds of it being truly supported by 23% of the petitioners. Council Members Johnson, Adams, Rodriguez, Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that was in Council Member Adams district and she was speaking with a constituent; and Mayor White stated that Council Member Adams did appear at the Planning Commission on the issue and she was familiar with it; and Council Member Noriega yielded to Council Member Adams, who just entered the Chamber. Council Members Johnson, Rodriguez, Lovell and Jones absent.

Council Member Adams stated that Richmond Place came before the Planning Commission Thursday and according to the Commission, etc., Richmond Place met all guidelines for the setback and complied with everything and there was no reason to deny; and Mr. Rogers stated that she did not hear what he said; and Council Member Adams stated that was correct; and Mayor White stated that they would make sure Council Member Adams had full benefit of what he said today; and Mr. Rogers stated that he could get it to her tomorrow. Council Members Johnson, Rodriguez and Lovell absent.

Mr. Ray Hill, P. O. Box 3624, Houston, Texas 77253 (713-523-6969) appeared and stated that on the 40th anniversary of the Stone Wall Rebellion, Grennage Village 1969 a Ft. Worth battalion of police officers and liquor control board entered a bar and assaulted several customers, one week later there was a copy cat action in Dallas and in Houston since the '70s; that today he was present with a problem at a bar, Tony's Corner Pocket, younger guys dressed in dresses and entertained one another and every other week since June an officer had been bird-dogging the location with lights flashing; that showing up with big hair and wearing a dress you did not want to be asked for your drivers license and he was concerned; that he was also present as now they had gay, lesbian and transgendered officers of which he was proud of, but he noticed all officers remained at the level of which they were at the time they informed the city they were gay or the city discovered they were gay and he objected to that glass ceiling and another policy which forbid GLBT police officers from serving in the Special Investigations Division with the City of Houston, several made application with Vice, Homicide, etc., and were told their kind were not welcome there and it was time Houston grew up and looked at this. Council Members Johnson, Adams, Holm, Brown and Lovell absent. (NO QUORUM PRESENT)

Council Member Jones stated that all he said concerned her if it was true and she would ask the Mayor to have it looked into, there should be no glass ceilings for anyone, anywhere; that if you worked and earned it you should achieve it; and she was asking for information on this and would report back to him; and Mr. Hill stated that he was very impressed with Council Member Noriega's holding public hearings and he would like to discuss with her, as she was chair of the safety committee, the possibility of looking into some of the issues. Council Members Johnson, Adams, Holm, Brown and Lovell absent. (NO QUORUM PRESENT)

Council Member Noriega thanked Mr. Hill for the compliment and stated that one thing they did talk about was how difficult it was to be first, such as women in HFD, and perhaps they could visit on this. Council Members Johnson, Adams, Sullivan, Holm, Brown and Lovell absent. (NO QUORUM PRESENT)

Mr. Lee Webber, 6715 Rockgate, Missouri City, Texas 77459 (281-865-2316) appeared and stated that he grew up in the Fourth Ward, Allen Parkway Village, and he was a doorman for the Hyatt for 10 years and at the Hilton America made history; that January 10th working for the Hilton America as a doorman they had no regard for the union or members and told him he

was laid off and then terminated and he was still not sure what happened, but guests deserved great service and they looked for him, but when he was unjustly laid off and he went to the union they were not for him either; that they made him offers to walk away, but he felt the hotel and union were in bed together and no one was listening and he just wanted his job back. Council Members Johnson, Adams, Sullivan, Holm, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Webber for coming and stated they made note, but in general there was a forum to the hotel board, but Council could not get involved with individual personnel matters at the hotel. Council Members Johnson, Adams, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that on a point of personal privilege he wanted to recognize Mr. Don Brown and his wife Shelby, they were a part of the Glenbrook Valley historical designation and were not present earlier, but he thanked them for participating. Council Members Johnson, Adams, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Ms. Maria Galindo, 718 Martin, Houston, Texas 77018 (832-245-2872) appeared and stated that on July 4th her apartment burned down and the Chief of the Fire Department declared it 100% total loss, the cause was a faulty burner of which had been reported to the apartment complex over 25 times; that she was told she could not get another apartment because she had no insurance and had two choices, one call the Red Cross for shelter or call friends or family; that she questioned the fact she paid rent on July 3rd and that she received disability, but was told the same; that she went back and requested her file to show proof of her request for maintenance on her stove and was told there was no record of any such issue; that she went through a shouting ordeal with the manager during Thanksgiving and Christmas and New Years holidays, but they had sent maintenance to change one or two wires, but the stove continued to give a problem, it was always hot even those the indicators indicated the stove off and she was surprised to find no record of the calls; that when they flipped through her file she saw her legal pad with her writing and it was regarding the stove being reported; and continued explaining steps she went through and management telling her there were no laws of having to keep records; and she still had no apartment. Council Members Johnson, Adams, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she was sorry she had lost her apartment and all her belongings; and asked that she continue; and Ms. Galindo stated that the last week of July she was waiting for her disability check and management had been allowing her to go to the apartment to try and salvage what she could, but on the 28th of the month when she went to retrieve her check to put on a new apartment she was told she no longer had access to the property and was denied access to the mailbox which held her check and she begged to have someone open the mailbox for her so she could get an apartment and she said there was nothing she could do; and urged Council help raise awareness and review ordinances which allowed such apartment complexes to run so what happened to her did not happen to others, there should be accountability for maintenance requests even if verbal; and Council Member Noriega stated that her District Council Member, Council Member Johnson, was dealing with this and if she was not right she could call her office; that apartment complexes which did not do as they should and which were not safe were being looked into and she wanted the public to know they had options and someone was behind her to speak with her at this time. Council Members Johnson, Adams, Sullivan, Holm, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Council Member Jones stated that she had a house burn down and knew what it did to you; that she was chair of the Housing Committee and they called her and did find Council

Member Johnson was working on it and someone was behind her to speak with her at this time. Council Members Johnson, Adams, Sullivan, Holm, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Mr. Fred Williamson, 3134 Beulah, Houston, Texas 77085 (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson, Adams, Sullivan, Holm, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Mr. Armondo Alajandro, 6829 Avenue T, Houston, Texas 77011 (832-368-6624) appeared and stated that he had been asking for street repairs on his street and for many years and asked for sidewalks; that officers were giving his mom and others tickets for not walking on sidewalks but they had none. Council Members Johnson, Adams, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Alajandro stated that the streets were in bad shape and HPD wanted them to go through the sidewalks, but it was nothing but grass and dirt and he said they could fall and get hurt, he already fell twice; and Mayor White stated that Mr. Drabek was present and asked that he speak with him at this time. Council Members Johnson, Adams, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Council Member Jones thanked Mr. Alajandro for coming and stated that she spoke about this before around the Council table, how the police, in certain neighborhoods, used as probable cause walking on the street when a sidewalk was provided, but she had cases dismissed where she sent her investigator out to take pictures and the sidewalk was overrun by trees or bushes and there really was no walkway and she never saw a ticket for that in any neighborhood where the people were not poor, and in her opinion it was a way to target people. Council Members Johnson, Adams, Sullivan, Holm, Rodriguez and Brown absent. (NO QUORUM PRESENT)

Mr. James Garrett, 12114 Sandrock Drive, Houston, Texas 77048 (713-991-5334) appeared and stated that he was present as he was arrested for assault and he explained he was permanently disabled from the Veterans Administration and had not assaulted anyone, but he was arrested anyway; that in court this was dismissed and today he was present as he had attempted to get in touch with Internal Affairs and told by someone in the Mayor's Office she would get with Internal Affairs and call him back, but it never happened; that he was a military officer and he wanted others to be able to contact Internal Affairs without coming before Council as he thought he could have solved this on the phone. Council Members Johnson, Adams, Sullivan, Holm, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega thanked Mr. Garrett for serving in the military and stated that she apologized for his problem; that her staff person, Ms. Georgia Lewis, would walk with him to the HPD person present and see if they could get it straightened out. Council Members Johnson, Adams, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Mr. Douglas Nichols, 2510 Broad, Baytown, Texas 77521 (281-426-2376) had reserved time to speak but was not present when his name was called. Council Members Johnson, Adams, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Mr. Otis Jordan, 7663 S. Glenwillow, Houston, Texas 77048 (281-426-2376) had reserved time to speak but was not present when his name was called. Council Members Johnson, Adams, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Mr. Delbert Caples, 8415 Burn Meadow, Missouri City, Texas 281-840-7856) had reserved time to speak but was not present when his name was called. Council Members Johnson, Adams, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Johnson, Adams, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Mr. Lance Hardy, 5206 Ridgewest, Houston, Texas 77053 (832-885-5831) had reserved time to speak but was not present when his name was called. Council Members Johnson, Adams, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Mr. Brian Watson, 14614 President Drive, Houston, Texas 77047 (832-891-3566) appeared and stated that he was pastor of the Gateway Community Church at 7423 Airport Boulevard and they had a community enrichment organization sponsoring a Back To School Block Party to be held at Crestmont Park at 5200 Selinsky; that they would have health and social services and give away school supplies and clothing and have free food, games and Christian entertainment; that this year the Houston Library would be out with computers to help with job searches and the Houston Community College would provide job readiness classes; and today he was soliciting Council's support, especially Council Member Adams as it was in her district. Council Members Johnson, Adams, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she wanted to make sure he did not leave without contact with Council Member Adams staff; that they all supported what he was doing and appreciated what went into putting on such an event; and she wanted to make sure Council Member Adams had all the information; and Mr. Watson stated that it was a community effort with several churches and local businesses coming together; and Council Member Noriega stated that he did a good job representing all. Council Members Johnson, Adams, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Mayor White stated that many people complained but took no initiative to do what they could and it was citizens like him who kept many going; that Council Member Edwards used to say, "Nobody could do everything, but if everybody did something, then everything could get done." Council Members Lawrence, Johnson, Adams, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Council Member Jones thanked Mr. Watson for coming and dittoed what Mayor White and Council Member Noriega said; that he was soliciting support and she wondered what that would be; and Mr. Watson stated any insights, they had over 600 attend last year in the pouring rain and this year they would like to make it more effective and reach more people and any insight or wisdom they could provide on that would be appreciated. Council Members Lawrence, Johnson, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Council Member Adams thanked Mr. Watson for coming and upon questions, Mr. Watson stated that he did have a flyer; and Council Member Adams stated that he should give it to a member of her staff and she would see what kind of support she could give; and Mr. Watson stated that she came out last year; and Council Member Adams stated that she would be more than happy to come again. Council Members Lawrence, Johnson, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

The City Secretary stated that Ms. Vasquez informed her Ms. Carolyn Webster who was not present earlier was now present and would speak at this time. Council Members Lawrence, Johnson, Sullivan, Holm and Brown absent. (NO QUORUM PRESENT)

Ms. Carolyn Webster, 6823 Reed Road, Houston, Texas 77087 (713-644-9266), who was previously not present, was called and appeared and stated that she had been trying to help an elderly person who now lived with her and they both wanted to thank Council Member Adams for the trash being picked up; and thanked Council Member Rodriguez for what he was working on; that she knew she was a bother calling daily, but she wanted her neighborhood nicer as she could not move; that children were about to go back to school and they would like more officers visible; that she was at an elementary school earlier as they had traffic problems with speeding and would like assistance. Council Members Lawrence, Johnson, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he heard her about the speeding; and upon questions, Ms. Webster stated that 6845 Westover was supposed to be a business, commercial, but someone lived there and that was the worst spot, too much traffic and it was guys drinking, prostitution, smoking, passing stuff to people in cars; and Mayor White stated that Captain Curran was one of their most outstanding officers at HPD and he was present and could speak with her. Council Members Lawrence, Johnson, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Webster for her compliment and stated the hard work actually went to her staff member; that she knew Ms. Webster for about 10 years and Council Member Rodriguez could be proud to have such a person in his district. Council Members Lawrence, Johnson, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Rodriguez thanked Ms. Webster for coming and for all her hard work in the neighborhood and stated that he would speak with Captain Bender about the speeders in Garden Villas, it was his neighborhood as well, and regarding the address on Westover they did have the HPD southeast Tactical Team assigned to the property, the property had gone to the Building and Standards Commission and as a result of the hearing the owners were required to fully repair the building no later than 89 days after July 8, 2009 and that included weekends; that they had the Fire Marshall and Neighborhood Protection inspectors there and it was how the property went on to the hearing; that they would continue to monitor that and traffic had moved on to another location of which they would continue to make it a priority. Council Members Lawrence, Johnson, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7955 W. Bellfort, Houston, Texas 77071 (713-729-1153) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he needed more time and he was filing charges on imposter candidates of Council; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present as a YMCA was a need in Willow Run and Mayor White was a millionaire and they were asking him to sponsor their 26.82 acres needed for their "Y"; and urged him to sponsor this. Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 6367 Cattails, Houston, Texas 77035 (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Mr. Frank Elias, 1022 Valencia, Houston, Texas 77013 (832-315-8613) appeared and stated that he was present three to four weeks ago complaining about a stop work on his carport, it had been taken out by Hurricane Ike and it was now open and rained on, supposedly, the Legal Department was working on it, but he was tired of hearing it was being worked on as all this time it was becoming worse; and he would like to know when the ordinance was to be changed. Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he thought this was resolved a month ago and upon questions, Mr. Heilman stated that the explanation was initially there was a deed restriction which provided no carports could be rebuilt if removed for any reason and based on that his permit to build was not granted; that this afternoon he was advised there was a challenge to the validity of the amendments that placed the language in the deed restrictions and the department was reviewing the signatures on the deed restriction amendments to see if they were valid and if not then the provision dealing with carports would be of no effect and the individual could build his carport and they were endeavoring to get it done as quickly as possible; and Mr. Elias stated that the Architectural Committee had three people in it and two went to his job site and one said the job was grandfathered and the other said it was a good job to continue on and they did until they got three quarters through and then the job was red tagged and he had those affidavits on record in the Legal Department; and Mayor White stated that signing an affidavit was a serious thing, but Council had made a policy decision concerning replacement of carports that were there and blown down by Ike, it was policy and made at least twice now; and Mr. Elias stated that he received a call saying there was a policy change but it did not affect him as it was for neighborhoods that had no deed restrictions; and Mayor White stated that he and Council made a decision and did so in open discussion and it may violate certain city codes, but if blown down by Ike people could rebuild and had to file an affidavit and he did not know if deed restrictions were specifically addressed at the table. Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she did remember that deed restrictions did come up in the conversation and she remembered the Mayor saying sometimes commonsense had to trump everything and if a catastrophe came through like Ike and took down a carport and they could not rebuild because of deed restrictions, he specifically stated commonsense should prevail and it should be able to be put back exactly as it was, they could not make it larger but they would sign an affidavit to the fact that was how it was or if they had proof of pictures and it would be done on a commonsense approach and like the Mayor she thought this was resolved and that was what her office was telling people and she believed other Council offices were doing the same; and Mayor White stated that he could not remember if it was the setback requirement or deed restriction, but this was discussed at Council table and direction was given to city staff and it came up two weeks later and he tried consultation with Council to give more, so it was not an idle comment but an order and he thought procedures were implemented that it would be done by affidavit and if not, then among others, Mr. Icken, Ms. Gaffrick, there should be a paper trail on this; that he was having a bit of an outburst expressing his frustration because he thought he had given direction approximately eight weeks ago and again

approximately six weeks ago had to repeat it in more detail, but the idea was just because there was a natural disaster it did not change the rules of the game and they had to do the same thing concerning amendments to the flood plain, but they got past that; and he would like a report on what the state of play was; that he did have certain executive authorities as head of the city and he did know they had enforcement priorities, in other words if somebody had people that did not know what to do with themselves and they did not cite people for garages blown down by Ike then he had jobs for them, he knew there was a backlog of other things and he did not know what it had to do with the City Attorney's Office. Council Members Johnson, Sullivan, Holm, Brown and Jones absent.

Council Member Lawrence stated that she spoke of this last week in pop-off as they did have a lot of red tags out there, basically they were waiting on a process in Public Works; that you did have to build back to standards, on your same foot print, but you would get a permit to build the new carport regardless of where it was on the setback, but it had to be where it was and no larger; that in speaking to Legal last week, as she had a neighborhood with 40 red tags, they were waiting for Public Works to communicate this to those issuing the permits and that was the holdup; and Mayor White to Mr. Drabek stated could someone report to them and he would be here tomorrow as he knew he gave direction from the table five weeks ago, how many people were there in the Department of Public Works, so he did not understand why and he needed an explanation; that he needed a timeline after he did that, who decided he did not know what he was talking about and decided they would disregard a direct instruction, he needed it, he needed to know who decided that or who took vacation, because it should not take four to five weeks to get a procedure to do it, he could do it himself in about an hour, but he had other things to do and he preferred someone else do it and Public Works in particular; and asked Council Member Lawrence to keep on this. Council Members Johnson, Sullivan, Holm, Brown, Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he appreciated his colleague's comments, he knew that Mr. Elias had been working with Ms. Mandy Pritchard, she was the contact in Legal, but they did need clarification as some neighborhoods had deed restrictions on books sometime now and carports were built there when it said no carports and maybe that was another issue; and Mayor White stated that they were all for enforcement of deed restrictions, but in enforcement they made an exception, if Ike blew it down they did not want someone to change circumstances just because it was blown down; that was the consensus around the table and they should not have inspectors having to go back and look at photographs over forty years to get this done, Ike was Ike and if the carport blew down you had to put it back in the same shape, no further, but it could be put back and there was no policy decision to be made, it was just an execution issue; and Council Member Rodriguez stated that it would be helpful to be presented to Council or committee just so they could all be on the same page and give out the same information; and Mr. Elias stated that it was going back in the same place, they were only putting a roof on it, making it stronger and it looked better. Council Members Lawrence, Johnson, Sullivan, Holm, Brown, Lovell and Jones absent. (NO QUORUM PRESENT)

The City Secretary stated that speakers who were not present when called previously were now present, Mr. Lance Hardy and Mr. Trent Winters and if there as no objection would now call Mr. Hardy. Council Members Lawrence, Johnson, Sullivan, Holm, Brown, Lovell and Jones absent. (NO QUORUM PRESENT)

Mr. Lance Hardy, 5206 Ridgewest, Houston, Texas 77053 (832-885-5831), who was previously not present, was called and appeared and stated that he was present to complain about something that happened in TDC a while back, the Department of Criminal Justice, his head was banged open and he was pronounced dead, but he was brought back to life and the Texas Department of Criminal Justice said he could not focus and did not know anything, but he had been a football and basketball player in Houston out of the Third Ward, he did 19 years and

6 months on a 30 year sentence which he did not do; that he was never a gang member, etc., and he tried to see who could do this to him and what it was all about and he could not even speak until the rehabilitation center on North McGregor and he was shown a vision of the evil doers and it was TDC officers. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Brown absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Hardy stated that what he and the Father wanted was for Council to take a look at the Texas Department of Criminal Justice; that he was incarcerated, was supposed to do 7 years and 6 months and they kept him inside and he did 19 years and 6 months, it was a money situation thing; that the judge, Lupe Salinas, 351 District Court stated if he did the 7 years and 6 months he could go home to his family, but he did 19 years and 6 months because of the law; and Council Member Jones stated that Council had no authority over the courts and it sounded like he should speak with a lawyer; and Mr. Hardy stated that he spoke with lawyers and they said it was a good case as TDC never called his mother to let her know he was on his dying bed for a week and a half, the Holy Spirit let her know and directed her to go see him and that was how she found out, but they had said it was a civil suit and he could not find the lawyer, but He who sent him here wanted to let his children know about what was going on behind closed doors and he would be going to Washington, D. C. next; and Council Member Jones thanked Mr. Hardy for coming. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Holm and Brown absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr. Trent Winters, 7955 W. Bellfort, Houston, Texas 77071 (713-729-1153), who was previously not present, was called and appeared and stated that on the Fire Department, with all going on regarding the females and what they had to go through he thought that for their own safety they should have their all female units and watch each others backs; that he did not think it had ever done, but sometimes Houston made history and it may be something for them to look at. Mayor White, Vice Mayor Pro Tem Lovell, Council Members Lawrence, Johnson, Sullivan, Holm and Brown absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

At 3:38 p.m. City Council recessed until 9:00 a.m., Wednesday, August 12, 2009. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm and Brown absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 12, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Wanda Adams, Mike Sullivan, 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. Council Member Anne Clutterbuck absent. Council Members M. J. Khan, P. E. and Pam Holm absent on personal business.

At 8:22 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:43 Mayor White called the meeting to order and stated that the first item on the agenda was the Mayor's Report. Council Members Lawrence, Adams, Green and Jones absent.

MAYOR'S REPORT

Mayor White stated that there were two things, one weighty, and they did not need discussion on it, it was more to alert people that there may be discussion in the appropriate form, and the other was to correct something where he knew that Council Member Noriega had gotten some mail on, some statement taken out of context by him yesterday; that each of them, when they came to the table, did so as public servants who wanted to leave the City better than they found it, they had the experience of listening to what the citizens had said and gained the experience over time of learning what was done in other cities and forming their own judgment of how they could improve the processes and procedures of this institution the best and enlist the talents of citizens within the community, that based on that alone during the next several days he would be soliciting the views of Council Members on the following issue, that it would probably be the topic of a Mayor's Report next week, based on what the administration sought to do, that he knew there were some out there who thought that every time that somebody came to the table they had their mind made up, buy he served with extremely talented people who listened and practically at every Council meeting he heard people talking to each other and not about each other, changing their opinions, and the issue was whether they should put on the November ballot a Charter amendment which would appoint some kind of commission, with appointees appointed by him and the governing body to examine how the current system term limits under the Charter had worked, compare to what it had done in other cities, whether there should be a reduction in the number of terms or expansion of the number of terms and make some recommendations, that he was not prejudging what the issue was, that obviously there were big stakes, that he personally, and may be the minority, had always been one who favored term limits because he thought it was a vehicle for engaging more citizens in the governing process and creating more competition, on the other hand, he, like most people who were in support of term limits, he did not get some vision from above, of what was the appropriate number of term limits that would balance the need to keep competition in politics and fresh faces involved in the governance of the City on hand, and also to insure that the elected representatives had the experience necessary in order to hold the bureaucracy accountable, that it also seemed to him that they had to take into the account the role of Houston in long term regional planning and the interaction with other entities that did not have term limits and entities such as the pension systems and others who had much longer tenures than an individual Mayor and City Council, that as Mayor he had also understood that when it came to things like being able to recruit and retain the best talent in the United States to run City Departments than the tenure of those in administration did affect that, that finally, he was very mindful of the fact that there were pros and cons and was not suggesting what any commission would decide, that one way to deal with the situation would be if the commission came to consensus, some super majority vote, allowing that to be put on the next general election, the 2010 general election, on the ballot, why does he address that issue now, to remember that they would have new Council Members joining the Council in 2011, the Council would be expanded, that he thought if they, as a community, were to address this issue, and the public, by vote, were to decide that there was a change in the structure of term limits, it would be fit to do it before they faced a situation in which so many of the Council Members were new, that the fact that somebody would be for or against forming a commission, which would make a report, and possibly may result in a Charter amendment being on the ballot, which people could be for or against, the fact that people would be for consideration of a study and report by a diverse number of people within the City did not mean that any individual Council Member was for a particular, any, plan, that finally it seemed to him that it might be an appropriate time to consider this, that he would write in there that certainly he would not be eligible for any change, that it was not based on any personal desire that he had to serve further in this office, that he was going to give it his best, that there were those who always questioned the motives of people who talked one way or another about term limits, that he would say as a matter of fact that not a single City Council Member had come up to him and say that they wanted to talk about it at a Mayor's Report and do it before the Charter election, that if anybody thought that City Council or any individual City Council Member had

been lobbying him because they wanted to stay on he could say categorically that was just false, that it was something that he was considering simply because of the time and relationship to the census and because there came a time in all things, that he knew it was done in business, and knew it was done in none profits where people, when they enacted laws they ought to step back, take a look and see if they laws could be refined in light of the experience they had, that was all that he was suggesting that they do, that because of some structures having to do with the law he was not inviting discussion at this time but was, for the sake of transparency, putting on the record something that was on his mind and that he wanted the views of City Council Members and was sure they were going to get some feedback from citizens on that, but they needed to make a decision relatively quickly if they were to get it on the November ballot, that he invited the views of anybody involved, that again, so that nobody had a false headline, he did not say, if somebody puts a headline "Mayor proposes to eliminate term limits", that there was a word for that, which was "not true", that what he had done was say that there ought to be a formal process from time to time, perhaps right before each decennial census, for there to be some structure to report back to the City Council about how term limits had worked and any recommendations and no changes should be made without the vote of the voters.

Mayor White further stated that the other issue that he had, and they could do it more at popoff and later on, that he knew that Council Member Rodriguez raised the issue yesterday, and sometimes at these public sessions the public may tune in on the Municipal Channel and it was like any of them had been in the middle of conversations and thought that people were talking about something. they did not know what they were talking about, every member that he knew around the table was for enforcement of the deed restrictions, they thought deed restrictions were very good and those included deed restrictions on home improvements, that the particular issue they were talking about yesterday had to do with a very narrow circumstance in which the question was, after Hurricane Ike, whether or not if somebody had suffered a loss and had a preexisting use which was lawful, that the government was going to pile on after they had suffered damage or loss, that many of them had faded the heat big time, for example, to do what was right for the City in the long run on the flood control in the floodways where they had some limits so the people did not build things that caused their downstream neighbors to flood, by the same token they decided, and he was proud of the decision it just made sense and he thought the vast majority of people in the community would agree with, that if there was a disaster like a fire, if somebody's house burned down, then they should not be told they could not rebuild the house that had burned down, just because they were in the floodway, that there was one basic principle for that rule during natural disasters, which was that natural disasters were disasters, they were bad and the government should have many different roles, but one of those roles would not to kick citizens when they were down, period; that for the same reason, he might add, he was not for pharmaceutical companies not following the law on prescriptions, but when they had people during Hurricane Katrina come in he was pretty adamant with the pharmaceutical distributors and the pharmaceutical board they ought to be able to fulfill prescriptions to people, except maybe for some limited categories of pharmaceuticals that could be abused, even if their prescriptions had been lost in the water of New Orleans, that did not mean that they thought that all pharmacists at all times should give people pharmaceuticals without prescriptions, that he wanted to clarify that particular item, and finally, the item had been pretty fully discussed at City Council, he thought, about four or five weeks ago, that Council Members Rodriguez and Noriega, he knew, had been in neighborhoods, that he supported ideas that the City should enforce deed restrictions, that the one case where somebody had sustained damage and because of laches, waiver or other legal doctrine or something had been grandfathered it seemed to him, and the balance of the City Council, that they should not be jumping on them when they were down.

At 9:54 p.m. Mayor White stated that they would go to the consent agenda.

Council Member Adams moved to suspend the rules to consider Item Numbers 22 and 23, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0594 ADOPTED.

22. ORDINANCE approving and authorizing submission of an application to the **TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS** for Texas Neighborhood Stabilization Program (“TX NSP”) Funds in the amount of \$2,700,00.00 and to accept the TX NSP Funds, if awarded - Grant Fund – was presented.

Council Member Adams stated that she understood that the Texas Department of Housing and Community Affairs were being given about \$2.7 million to acquire four multi service units, that she was going to tag Item No. 22, that one reason was that no information had been brought into her office on what units, multi service units, were going to be purchased, that information had not been received and they had asked that question.

After discussion by Council Members, Mayor White stated that Item No. 22 had been tagged by Council Member Adams. Council Members Johnson and Noriega absent.

23. ORDINANCE amending Ordinance No. 2009-457 to replace Exhibit “B”, Projected use of funds Budget for Thirty Fourth CDBG Program Year, with a separate budget for Community Development Block Grant Funds under the American Recovery and Reinvestment Act of 2009 (“CDBG-R”) in the amount of \$8,093,613.00 - **DISTRICTS B - JOHNSON; D - ADAMS; H - GONZALEZ and I – RODRIGUEZ** – was presented.

Council Member Adams stated that she was going to tag Item No. 23 at this time, that until they got additional information on one of the SROs that was listed, because the community was not made aware of the particular SRO that was being placed in the Third Ward area, so they needed to get specific information to her, on letterhead, explaining exactly what this program was targeted for and was this particular program actually identified, that she knew it was identified in the RCA but it was actually money going to this particular SRO. Council Members Johnson and Noriega absent.

Mayor White stated that Item No. 23 had been tagged. Council Members Johnson and Noriega absent.

CONSENT AGENDA NUMBERS 1 through 35

MISCELLANEOUS - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **GREENSPPOINT DISTRICT OF HARRIS COUNTY BOARD OF DIRECTORS**, for terms to expire June 1, 2013:
- Position One - **MS. MICHELLE YBARRA**, reappointment
 - Position Two - **MR. ALAN S. FINGER**, reappointment
 - Position Three - **MR. JOHN D. FIELDS**, reappointment
 - Position Four - **MS. KAREN MARSHALL**, reappointment
 - Position Five - **MR. RAY BEJARANO**, reappointment
 - Position Six - **MR. STEVEN W. MUCK**, reappointment
 - Position Seven - **MR. CHARLES R. LOPEZ**, reappointment
 - Position Eight - **MR. THOMAS “TOM” R. WUSSOW**, reappointment
 - Position Nine - **MR. JAY FOUCHEUX**, appointment
 - Position Ten - **MR. ADAM RUIZ, JR.**, reappointment
 - Position Eleven - **DR. ROSARIO MARTINEZ CASTILLO**, reappointment

- was presented, moved by Council Member Lovell, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. Council Member Noriega absent. MOTION 2009-0595 ADOPTED.

2. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Houston Police Department Property Room Replacement **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Lovell, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. Council Member Noriega absent. MOTION 2009-0596 ADOPTED.

ACCEPT WORK - NUMBERS 3 and 4

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$87,200.00 and acceptance of work on contract with **CST ENVIRONMENTAL, INC** for Lead Remediation, Backfill and Compaction HPD SWAT Rifle Range at Police Academy - 1.40% over the original contract amount - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Lovell, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0597 ADOPTED.
4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$7,145,027.00 and acceptance of work on contract with **PRIME CONTRACTORS, INC** for Mounted Patrol Facility Relocation - 9.99% over the original contract amount - was presented, moved by Council Member Lovell, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0598 ADOPTED.

PROPERTY - NUMBERS 6 and 7

6. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and pursue the City's objections to the Award in connection with eminent domain proceeding styled City of Houston v. J. E. Fisher Investments, Ltd., et al., Cause No. 922,974; for acquisition of Parcels LY6-019 through LY6-022, LY8-27, LY8-028A and LY8-28B; for **PINEMONT PAVING: T. C. JESTER to ELLA BOULEVARD DETENTION POND CONSTRUCTION PROJECT - DISTRICT A - LAWRENCE** - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0599 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Carl Johnson, Director of Facilities and Planning, Harris County Hospital District, for the abandonment and sale of a portion of McGee Street from Hoffman Road west \pm 1,042 feet, a portion of Troost Street from Hoffman Road west \pm 987 feet, and Hoffman Road from Interstate Highway 610 North to Kelley Street, in exchange for the conveyance to the City of 60-foot-wide right-of-way for and construction of a street to City standards and two 20-foot-wide water line easements, all located in Kashmere Gardens, Park Section, out of the Harris and Wilson Two League Grant, A-32, (Parcels SY9-081A, SY9-081B, SY9-081C, AY9-552, KY9-212A and KY9-212B) and **RESCIND** Motion 2007-280, 3/21/07 - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Lawrence, seconded by Council Member Green.

All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0600 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 13

8. **CENTURION INDUSTRIES, INC** for Metal Roof System at Fire Station No. 20 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for General Services Department - \$97,350.00 and contingencies for a total amount not to exceed \$107,085.00 - Reimbursement of Equipment/Projects Fund - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0601 ADOPTED.
9. ORDINANCE appropriating \$169,876.81 out of Reimbursement of Equipment/Projects Fund for Emergency Wall Stabilization and Structural Repair Services of the Bethel Missionary Baptist Church for the General Services Department - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0731 ADOPTED.
- 9a. **WALTER P. MOORE** - \$60,271.15 and **SPAWMAXWELL COMPANY, LP** - \$109,605.66 for Emergency Wall Stabilization and Structural Repair Services for the Bethel Missionary Baptist Church for General Services Department - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0602 ADOPTED.
10. **INVERNESS MEDICAL INNOVATIONS NORTH AMERICA, INC** for Rapid Diagnostic HIV Test Kits for Houston Department of Health & Human Services - \$5,750,037.50 - Grant Fund - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0603 ADOPTED.
11. **ORACLE USA, INC** for Oracle Technical Support Services through the City's Master Agreement with Texas Department of Information Resources for Information Technology Department \$412,770.29 - Central Service Revolving Fund - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0604 ADOPTED.
12. ORDINANCE appropriating \$189,313.02 out of Parks Consolidated Construction Fund for Purchase and Installation of Phone and Networking Equipment for Gragg Building and Wheeler Warehouse Building for Parks & Recreation Department Campus - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0732 ADOPTED.
- 12a. **INX, INC** for Cisco Voice Over IP Telephones and Network Equipment through the City's Master Agreement with Texas Department of Information Resources for Park & Recreation Department \$121,137.15 - Parks Consolidated Construction Fund - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0605 ADOPTED.

13. **MSC INDUSTRIAL SUPPLY COMPANY** for Spending Authority to purchase Industrial Supplies from the State of Texas Procurement and Support Services through the State of Texas Cooperative Purchasing Program for Various Departments - \$1,383,660.00 - General and Enterprise Funds - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0606 ADOPTED.

ORDINANCES - NUMBERS 14 through 35

15. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of four (4) 10-foot-wide sanitary sewer easements (Parcels SY9-025A-D), and of four (4) 10-foot-wide utility easements (Parcels SY9-025E-H) and their attendant four (4) 20-foot-wide aerial easements; vacating and abandoning said easements to New Hope Housing, Inc., the abutting owner, in consideration of its conveyance to the City of a 15-foot-wide sanitary sewer easement (Parcel DY9-038); all easements being out of Block 98 of the Denver Addition, in the Harris & Wilson Survey, A-32, Houston, Harris County, Texas; and its payment of \$4,200.00 and other consideration to the City - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0733 ADOPTED.
16. ORDINANCE authorizing the sale of Sanitary Sewer Easement on 0.1877 acre, more or less, out of the H.T. & B.R.R. Co., Sec. 2 Survey, A-979, Houston, Harris County, Texas to Northwood Municipal Utility District No. 1 - Revenue - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0734 ADOPTED.
17. ORDINANCE consenting to the addition of 133.082 acres of land to **CY-CHAMP PUBLIC UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0735 ADOPTED.
18. ORDINANCE consenting to the addition of 548.21 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 119**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0736 ADOPTED.
20. ORDINANCE approving and authorizing Lease Agreement for ten (10) years, with two (2) five (5) year renewals, between the Port of Houston Authority of Harris County Texas, Landlord, and the City of Houston, Texas, Tenant, for ground and lease space at 8675 Clinton Drive, Houston, Texas, for the Radio Communications Division of the Information Technology Department to construct a new communications tower and a radio communications room, at a rent of \$2,000.00, per month - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0737 ADOPTED.
21. ORDINANCE approving and authorizing first amendment to Land Credit and Exchange Interlocal Agreement between the City of Houston and **NORTH FOREST INDEPENDENT SCHOOL DISTRICT (“NFISD”)** to increase the credit amount to NFISD for each Houston Hope I Property to be acquired by the Land Assemblage Redevelopment Authority

("LARA") - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0738 ADOPTED.

24. ORDINANCE appropriating \$81,225.00 from Equipment Acquisition Consolidated Fund; approving and authorizing lease agreement between **STANDARD PARKING CORPORATION**, as landlord, and the City of Houston, Texas, as tenant, for 15 parking spaces at 1010 Travis Street, Houston, Texas, for three years, for use by the Records Management System Project Team of the Houston Police Department - 3 Years - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0739 ADOPTED.
27. ORDINANCE approving and authorizing contract between the City of Houston and **FELDMAN ROGERS MORRIS & GROVER, L.L.P.** for Legal Services relating to Civil Action No. H-09-2080; Darryl E. Ayers, et al. v the City of Houston; in the United States District Court for the Southern District of Texas, Houston Division; establishing a maximum contract amount - \$92,625.00 Property and Casualty Fund - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0740 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.** for Legal Services relating to various utility related matters, upcoming Water/Sewer Rate Cases, Legislative Assistance and Legal Consultation; terminating prior Contract No. 4600009698 authorized by Ordinance No. 2009-0489; providing a maximum contract amount - \$1,385,000.00 - General Fund - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0741 ADOPTED.
29. ORDINANCE awarding contract to **MERIDIAN MANAGEMENT CORPORATION** for Facilities Maintenance Services for the General Services Department; providing a maximum contract amount - 3 Years with two one-year options - \$20,131,579.60 - General and Enterprise Funds - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0742 ADOPTED.
30. ORDINANCE appropriating \$150,000.00 out of Equipment Acquisition Consolidated Fund for the Purchase of Information Technology Equipment for the Houston Public Library; including funding for purchase of Security Equipment under an existing contract with **3M COMPANY** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0743 ADOPTED.
32. ORDINANCE appropriating \$30,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Amendment one to an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Reconstruction of Little York from East Hardy Road to US 59; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0744 ADOPTED.
33. ORDINANCE appropriating \$3,072,900.00 out of Reimbursement of Equipment/Projects

Fund and approving and authorizing Architectural Services Contract between the City of Houston and **STUDIO RED ARCHITECTS, LP** for Design and Construction Phase Services for the Central Permitting Center; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0745 ADOPTED.

34. ORDINANCE appropriating \$30,573,750.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Construction Management At-Risk Contract (Approved by Ordinance No. 2008-1068) between the City of Houston and **J. E. DUNN SOUTH CENTRAL, INC** for Construction of Right-of-way and Fleet Maintenance Facilities; providing funding for engineering and testing services, Civic Art Program and contingencies related to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0746 ADOPTED.
35. ORDINANCE granting to **MINER DEDRICK, LLC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0747 PASSED FIRST READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,386,573.03 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for San Felipe Paving Improvements from Chimney Rock to Yorktown - 1.67% over the original contract amount - **DISTRICT G - HOLM** - was presented, moved by Council Member Lawrence, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0607 ADOPTED.

ORDINANCES

14. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to accident reports; containing findings and other provisions relating to the foregoing subject; providing for severability - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0748 ADOPTED.
19. ORDINANCE terminating Lease Agreement No. 56903, by and between the City of Houston and **TRAMMELL CROW COMPANY IAH INTERNATIONAL AIR CARGOCENTRE II, L.P.**, and concurrently approving and authorizing new lease agreement between the City of Houston and **TRAMMELL CROW COMPANY IAH INTERNATIONAL AIR CARGOCENTRE II, L.P.** for certain premises at George Bush

Intercontinental Airport/Houston - **DISTRICT B – JOHNSON** – was presented.

After discussion by Council Member Brown a vote was called on Item No. 19. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. ORDINANCE 2009-0747 ADOPTED.

25. ORDINANCE suspending the effective date of revised rate schedules filed by **CENTERPOINT ENERGY ENTEX** for all customers within the City of Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for severability - was presented. Council Member Noriega absent.

Council Member Sullivan stated that in reading the details he wanted clarification from the administration that Council would have an opportunity to vote on the recommended rate change after the review period, and Mayor White stated that he believed that was correct, that he believed that it was something like in 90 days, that he thought the legal answer would be that if they disagreed with the company's filing then they would have some ordinance come before them and there would be a vote on that, that as a legal matter and not as a policy matter he supposed if they did nothing for 90 days then there would be some rates going into affect after the 90 day period without a vote, and Mr. Michel stated that was correct, and Mayor White stated that he would be a little bit hesitant to commit one way or another because he supposed it was possible at some point that somebody would come and not try to slip something in at one of these rates where they looked at it and said it was fine, but he would say to Council Member Sullivan that he would commit to him to have the staff keep him in the loop and his views on the matter would be very influential with the administration, and Council Member Sullivan stated that he would vote for it and wanted to make sure that if he did not have an opportunity against a 40% rate increase in the future, 90 days or after, then he would want to vote against it today because that was the way he had read it, a 40% increase in the base rate, and Mayor White stated that this was suspending the rate increase, so to vote for would be in favor of suspending a rate increase. Council Member Noriega absent.

Upon questions by Council Member Brown, Mayor White stated that it would be to suspend the rate increase so they would have an opportunity to review it, and he would turn to the City Attorney, and Mr. Michel stated that was correct, by suspending meant that it would not go into affect and allowed that period of time for further consideration by this body, that by voting for it, it would prevent the change from occurring now and allow more time for more action, and Mayor White stated that he had not reviewed whether it was just one class of customer or another. Council Member Noriega absent.

Council Member Jones stated that the thing that was crucial, she believed, was the public meetings which were scheduled to follow so her question was who was going to hold the public meetings where rate payers had the opportunity to voice their concerns or objections to the proposed rate increases, who would they be put on by because she thought they had an obligation to tell the citizens when the public meetings were, and Mayor White stated that if he was not mistaken he thought they had quite a number of public meetings that were posted on the agenda on the utility rate increases, and Mr. Michel stated yes, and they had the right to do that because they were the first tier regulator in these matters, so they could hold a hearing, and as Mayor White had said they had held meetings in the public Chamber, and Council Member Jones stated that she was looking for public meetings going forward because maybe people did not know that the rate increases were going to jump to a 40.48% rate increase, so now that they had been put on notice the City would be responsible for that, and Mayor White stated that he thought that was right and would ask Legal and Tina Paez to get information for her, but the way they had handled it in the past was that there tended to be a posting that came on the agenda and posted on the agenda of the Wednesday meetings, just like in a couple of the water utilities that were in Council Member Johnson's district and they had members of the public come, and

Council Member Jones asked if they knew how many public meetings they were going to have during the 90 day hiatus, and Mr. Michel stated that he would see if he could find out and get her the information about what was planned or what they could do. Council Members Lovell and Noriega absent.

A vote was called on Item No. 25. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. Council Members Lovell and Noriega absent. ORDINANCE 2009-0750 ADOPTED.

26. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause – was presented, and tagged by Council Member Sullivan. Council Member Lovell absent.
31. ORDINANCE approving and authorizing agreement by and between the City of Houston and **HARRIS COUNTY, TEXAS**, for Harris County to acquire needed property to be conveyed to the City, and to design, construct and fund the reconstruction of Lorraine Street in connection with the extension of the Hardy Toll Road South from its current terminus to connect with U. S. Highway 59 and the northern approach to the Elysian Viaduct - **DISTRICTS B - JOHNSON and H – GONZALEZ** – was presented.

Council Member Gonzalez stated that he was going to tag Item No. 31, that he needed additional information from Harris County and were still awaiting word from them.

MATTERS HELD - NUMBERS 36 through 40

36. MOTION by Council Member Lawrence/Seconded by Council Member Green to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jake English, Rekha Engineering, Inc., on behalf of Lily Grove Missionary Baptist Church (Reginald Mack, Deacon), for abandonment and sale of 1) South Lawn Avenue, from Stearns Street to Tierwester Street; 2) Alice Street, from Stearns Street east to its terminus; and 3) Cadillac Street, from Alice Street north ±212.87-feet, located in the South Lawn Addition or the Southland Addition, all out of the Louis Gladitch Survey, A-304, Parcels SY9-068A, SY9-068B and SY9-068C - **DISTRICT D - ADAMS – (This was Item 10 on Agenda of August 5, 2009, TAGGED BY COUNCIL MEMBER ADAMS)** – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. MOTION 2009-0608 ADOPTED.
37. RECOMMENDATION from Purchasing Agent to award to **BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC** for Purchase of Automated People Mover System Parts for the Houston Airport System - \$2,580,545.91 - Enterprise Fund – (**This was Item 11 on Agenda of August 5, 2009, TAGGED BY COUNCIL MEMBER JOHNSON**) – was presented, moved by Council Member Lovell, seconded by Council Members.

After discussion by Council Members, Council Member Green moved to postpone Item No. 37 for one week so they could determine whether there were other ways in which the MWBE participation could possibly be met, seconded by Council Member Jones. Council Member Sullivan absent.

Council Member Rodriguez stated that as the Chair of the MWBE Committee he would be happy to bring this before committee and discuss sole source contracts, that he would commit

to Council Member Johnson that they would have this discussion and have Ms. Laws come and brief the committee about the process, how they identify MWBE firms and talk about sole source contracts. Council Member Adams absent.

Mayor White stated that based on his life experience the place where people should probe most was whether or not all of their maintenance work was done by employees or whether some of the maintenance was contracted, that he thought that was going to be the best way. Council Member Adams absent.

Council Member Rodriguez asked if Council Member Green would amend his motion to ask for a two week delay so that they could come to committee, and Council Member Green stated that he would accept that amendment, and Council Member Jones, who made the second, also agreed. Council Member Adams absent.

After further discussion by Council Members, a vote was called on Council Member Green motion to delay Item No. 37 for two weeks. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. Council Member Adams absent. MOTION 2009-0609 ADOPTED.

Mayor White recognized Council Member Sullivan for a point of personal privilege. Council Member Adams absent.

Council Member Sullivan stated that he wanted to recognize two important guests in the audience, that Council Member Holm was lucky to have the scouts in her district and recognized Rett Baker, a life scout from Troop 55 and Merit Baker, a first class scout from Troop 55, that they were working on their Community Merit Badge and would be interviewing with Council Member Clutterbuck in the near future. Council Member Adams absent.

38. MOTION by Council Member Green/Seconded by Council Member Clutterbuck to adopt recommendation to award to **MORNING PRIDE MFG dba HONEYWELL FIRST RESPONDER PRODUCTS** for Personal Protective Gear for Various Departments - \$2,801,947.00 - General and Enterprise Funds – **(This was Item 14 on Agenda of August 5, 2009, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** – was presented.

Council Member Rodriguez stated that this was a case where a zero per cent goal was approved by Affirmative Action and Purchasing, however it was brought to his attention that there was a certified MWBE distributor who could assist with the contract and in fact had been utilized in the past by the prime, that he appreciated the administration's willingness to help to make sure that the firm was utilized on future contracts and was told that they may be able to assist on this contract, that he just wanted to make sure that the Affirmative Action and Purchasing Department do a better job of researching the firms that were out there, that he guessed it was an oversight but when it got to his attention and to this level there was obviously a problem. Council Member Gonzalez absent.

Council Member Jones stated that she wanted to tag onto what Council Member Rodriguez stated, but it was problematic when they hear people say that there was no potential for MWBE participation when there was, that they needed to make sure that what they received was accurate. Council Member Gonzalez absent.

A vote was called on Item No. 38. All voting aye. Nays none. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. Council Member Gonzalez absent. MOTION 2009-0610 ADOPTED.

39. ORDINANCE appropriating \$2,500,000.00 out of Water & Sewer System Consolidated

Construction Fund; amending Ordinance No. 98-575 (Passed July 15, 1998) to increase the maximum contract amount; approving and authorizing fourth amendment to contract between the City of Houston and **ITRON, INC** approved by the same ordinance for a Radio Automated Water Meter Reading System - \$1,610,600.00 - Enterprise Fund – **(This was Item 32 on Agenda of August 5, 2009, TAGGED BY COUNCIL MEMBER JOHNSON)**

After discussion Council Member Johnson stated that as he had said before there was no reason why they as a body should be extending any contract if they had not met the obligation to their contract, and moved to postpone Item No. 39 for two weeks to go before committee so that they could discuss it, seconded by Council Member Jones.

Mayor White asked if they could delay until later in the agenda so that they could figure out what the impact of a two week delay would be on the continuity of service; that it would really help the administration avoid making mistakes if when they had hearings on these things for people to tell Ms. Stein that they wanted to delay it so that they could get information rather than doing things at the Council table.

After further discussion by Council Members, Mayor White stated that the administration opposed the extension and would describe why, that after the expiration of the contract it may be both procurement law, and also administration practice, that people around the table had supported to do things on a competitive bid process where they were awarding a new contract and the contract was not being amended by it's terms, that he did just read the amendment and the contract was amended for some period of some months, and this was separate and apart from the issue that he thought was a legitimate issue that Council Member Johnson raised concerning whether some of this equipment had some local component or MWBE component, or the labor, these were legitimate issues, but the fiscal, there were two potential implications of deciding now that they were going to let the contract expire; that he could, he guessed, rule it moot because this matter could not be considered in two weeks, he did not think. Council Members Lawrence, Rodriguez, Noriega and Lovell absent.

Mr. Hall stated that he thought the Mayor was correct, from a parliamentary standpoint it had always been the position that they could not amend, which was what an extension was, a contract that did not exist, if it was expired then the amendment could not apply, and that was logical, that had been the deal which meant that under the Council rules this item could not be later considered.

Mayor White stated that this did not have to do with the merits or Council Member Johnson or anything else, it had to do with the rules of the body, that a motion to extend the time should not be a motion to kill a particular deal and that was why they had the rules of the body, that often it was to protect the rights, not just of the administration, but of Council Members, that people could defeat this, they could vote on the merits against this particular item and then it would be a vote on the merits against this particular item; that there were two reasons why, that if nobody made the point of order and they winded up voting on the item then he would tend to vote against the delay and for the particular item and one was because he did not want them to pay a lot more money, because that would be borne by the water and sewer payers; and the second one was that the had a lot of these meters that did not work and people get billed for the wrong amount or if somebody was not billed correctly then somebody else had to pay for it.

After further discussion Council Member Sullivan moved to call the question on the discussion of the merits of Item No. 39, seconded by Council Member Lovell. Council Members Lovell and Sullivan voting aye, balance voting nay. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. Council Member Noriega

absent. MOTION 2009-0611 FAILED.

After further discussion by Council Members, Mayor White stated that he did not know that the percentage of installers of meters were City employees, that he would find that most of these were installed by City employees so if they wanted to increase the MWBE component they could layoff City employees and have that work subcontracted out and outsourced and have an MWBE component to it, that he was not arguing the point but was saying that there was plenty to fix in the City and just knowing what it was and where it was and being informed was very helpful to that discussion; that he would like to get a report back on the graduation because that was something that he monitored and followed. Council Member Sullivan absent.

After further discussion Council Member Johnson stated that he would withdraw his motion to postpone Item No. 39 and a vote was called. Council Members Green and Jones voting no, balance voting aye. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. Council Member Sullivan absent. ORDINANCE 2009-0751 ADOPTED.

40. ORDINANCE No. 2009-0676, passed second reading June 28, 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 - **THIRD READING – (This was Item 34 on Agenda of August 5, 2009, POSTPONED BY MOTION #2009-591)** – was presented. Council Member Sullivan absent.

After discussion by Council Member Brown a vote was called on Item No. 40. Council Member Brown voting no, balance voting aye. Council Member Clutterbuck absent. Council Members Khan and Holm absent on personal business. Council Members Sullivan and Lovell absent. ORDINANCE 2009-0676 ADOPTED THIRD AND FINAL READING IN FULL.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Brown first

Council Member Brown stated that on Friday he had the privilege of officially welcoming home the 712th Military Police Company of the Texas National Guard, that they had spent over a year in Iraq and Afghanistan, that he wanted to thank Buddy Grantham, who leads the Mayor's Office of Veterans Affairs for a great job; that he wanted to comment on the City of Houston's new Houston Police Department website, that there was a Ms. Andrews who came to Council yesterday complaining about crime in her neighborhood and he thought that this website was something that all of the Council Members should be aware of and inform their constituents that this was a new thing that they had to get information about recent crime and historic records in their neighborhood. Mayor White and Council Members Johnson, Sullivan, Rodriguez and Jones absent. Council Member Lawrence presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to wish a Happy Birthday to Ms. Judy Banks, mother of Chris Banks who had worked in her office; that on Friday she had the opportunity to share with the 23rd Annual Street Olympic Summer Games, that it was a wonderful event in District D, that she wanted to thank Commissioner Lee for what he had done in past years to make it a fantastic event; that this weekend the Texas Woman's Alliance had their First Inaugural Conference about business, that she participated in the Black and Brown Symposium, that it was a wonderful event and she wanted to thank them for inviting her to

participate; that she wanted to thank Sunnyside Community for what they do to help educate about HIV and drugs in the community, that they had a wonderful event and she was happy to sponsor the event at the Sunnyside Community Center and she wanted to thank Ms. Marsha Lister for all that she continued to do to partner with the community, that she wanted to thank Reverend Nash, Pastor A. C. Jefferson and Pastor Rose for everything they did in the community to make sure that they continued the education process; that this past Saturday the Macedonia Worship Center Church burned and they had worship services on the parking lot on Sunday and she had the opportunity to share with them and hopefully they could rebuild, that they reached out to a lot of the homeless population in the community, that Pastor Pope and his wife did tremendous things in District D and she wanted to thank them for that; that she wanted to say congratulations to the Roberts Family, they did a ribbon cutting on Saturday for them to move into their Houston Habitat for Humanity home, and she wanted to thank Ms. Scott for everything that she continued to do for Houston Habitat for Humanity; that the ladies of Delta Sigma Theta were heading out for their regional convention, that she would have the opportunity to be a presenter and speaker and talk about the 2010 Census to their local chapters in the southwest region, that they would travel to Fort Worth. Council Members Johnson, Sullivan, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that on August 13, 2009 they would be having the Arne's Warehouse ribbon cutting ceremony for their grand reopening, that it had been closed since Hurricane Ike; that on August 15, 2009 the Latino HIV Task Force would be hosting their Quincinera Gala, that their mission was providing great positive social impact through advocacy, innovative and prevention strategies on HIV/AIDS, substance abuse and other healthcare issues; that yesterday he held a small community meeting in the Near Northside to address the Fulton reclassification efforts with the community, that it was well attended and he wanted to thank the Planning Department for being present and answering community concerns; that on Saturday, August 15, 2009, Texans for Gun Safety would be hosting a fund raiser at the Houston Police Officers Union, from 7:30p.m. to 12:00 p.m. Council Members Sullivan, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she went to the southwest part of town and listened to concerns in the Indian Community; that she attended the Mickey Leland 20th Tribute at Texas Southern; that she had a pleasant conversation with Steven Williams about BARC, that she had a number of BARC volunteers contact her and let her know that it appeared that the conditions at the shelter were more humane and she hoped it continued, that she was trying to meet with Mr. Fusco to see what the long term plans were; that she wanted to give a shout out to the HISD Transportation Service Workers, they had an event yesterday and their union was there and she wanted to let them know that they were thankful that they were going to be driving the buses safely to get their kids to school; that last evening there was something at the Third Ward Multi Service Center focusing on mental health with kids, that when they did not pay attention to mental health issues with children they ended up being in the system and it was hard to get out of that; that they had a wonderful speaker at the Midtown Civic Club talking about the Asia House, talking about culture from Asia, that the Asia was about to come to the Midtown area, that it was beautiful and would be one more destination that people from within the City and around the world could come to and appreciate Houston; that this week was Health Center Week 2009; that she would ask that people would pray for her Aunt, Timothy McDade, who had breast Cancer. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that last week she was in Burleson, Texas watching the fourteen year old Kyle Chapman Pony League Team reach the championships and she wanted to congratulate the fourteen year olds; that their thirteen year old Kyle Chapman Pony League Team won the world series; that she wanted to congratulate the Northside National Little League All Star Girls Softball Team, they won the State Championship, that they were from the

north Houston area and first to compete in the Southwest Regional Games in almost 40 years, that they ranged in ages from fourteen to seventeen; that she wanted to say congratulations to the Houston Zoo expansion, that first they had a giraffe born this week, and also they announced the new \$50 million African Forest addition that would be 6.5 acres, that she wanted to congratulate CEO and President Debra Cannet and her group, they had raised already 90% of the funds needed for the first phase; that the Spay and Neuter Assistance Program invites the public to a sneak preview of it's new clinic tonight, August 12, 2009, located at 1801 Durham, adjacent to the SNAP Wellness Clinic, that Mr. Fusco appeared to be doing a very good job at BARC and understood that the report coming out would show that he was really taking a regional approach to the issue of how they deal with stray animals, that mainly what he was putting in was education, about getting animals spayed and neutered, that she wanted to encourage everyone to go to the SNAP program; that everybody paid County taxes, even when they lived in the City, and she was still greatly disappointed by the fact that the County Animal Protection Control Division would not accept animals from the City of Houston, that they all paid County taxes and had the right to expect that if the animal goes there they were not asked where it came from, other than it be from Harris County, that this was contributing to the problem they had at BARC also, so she wanted to encourage the County to please take the sign down, rescind that policy and just accept animals that needed a home or place to stay or where they could be well taken care of and adopted; that to the SPCA she understood that under difficult times that they had to have a fee, which was around \$70 if they brought in a litter, that she did not know of any family that was going to bring in a litter, if they were deciding if they were going to buy food or clothes for their children for school or gas in their car, that they were going to pay to put an animal over there, that meant that those animals went to the City. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that one of the reports of his task force several years ago was that they consider some or all of a partial consolidation with the County, that he had given some direction that they would consider that alternative, a good example of that would be if they wanted to have an expanded or new and expanded adoption facility somewhere why not do that in the City or County, or they even did not rule out a merger of the City and County function, that they had to be responsive where there was a vicious or dangerous animal to pick it up, but when it came to the custody of animals and the treatment of diseased animals and the like, that they have a combined City and County facility, that it was up to the County what they wanted to do and he was not condemning what they wanted to do, that they were willing to consider that but it did take two people to have a partnership. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that in answer to Council Member Lawrence's question, 75 firms had graduated from the MWBE Program from the time of it's inception and imagined they would find that most of it occurred during this administration, that 52 additional companies were scheduled to graduate this year. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that on August 29, 2009, Mr. Dadoush would be receiving his black belt in Bushi Bond, Karate, that he spent a lot of his Saturday's teaching kick boxing to kids; that Mr. Ricardo Barnes overlooked the Spring Branch Health Center, that they set up a situation with Kaboom and they worked together, with 450 volunteers, to put in a fabulous park, that community center takes care of about 4,000 to 6,000 kids, that it was an apartment area, a two block area of Houston on Pitner, that this Saturday they would be giving shots and backpacks, that last year they had over 2,000 kids there, so she wanted to thank Ricardo for the effort, that they were looking forward to those kids coming out and getting shots, that the zoo was participating, that the Rotary comes out and the school bands, that it was a great day for everybody; that Council Member Johnson was having a community awareness

celebration and back to school event on Saturday from 9:00 a.m. to 3:00 p.m., that it would be an annual event from now on with agencies, organizations and businesses in the Fifth Ward, that Benji's Academy, Prince Complex and Small Step Children Development Center would be working together for the first time to bring awareness to the community of all the available resources in the area. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:04 p.m. Council Member Clutterbuck absent. Council Member Khan out of the city on personal business. Council Member Holm absent on personal business. Council Members Johnson, Adams, Sullivan, 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