

City Council Chamber, City Hall, Tuesday, September 1, 2009

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

At 2:22 p.m. Vice Mayor Pro Tem Lovell called the meeting to order and stated that Council Member Lawrence would begin presentations. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that this item all should be passionate about, where they actually had matching grants, Planning and Development established neighborhood matching grants as a pilot program in 1997 and she was able to bring it forward as an amendment in 2008/2009 and it worked out wonderfully allowing neighborhoods to prioritize what was important to them and build through their neighborhood projects; that eight applicants met the criteria and were approved and they all completed projects by June 30, 2009, and they had already received their Certificates, but she wanted all to know what they did; and invited each of the eight groups to the podium, the Westbury Civic Association, Garden Oaks Civic Club, Yupon Estates Homeowners Association, Round About Initiatives, Greater Inwood Partnership, Bingle Wood, Shepherd Park Plaza Civic Association, Maplewood South North Community Improvement Association, and read a list of their beautification projects which included laying grass, subdivision markers, rehab of markers, landscaping, etc., and she wanted to have each recognized for successfully completing their projects; and hoped each would do the same next year. Mayor White, Council Members Sullivan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that as the new school year began she was pleased and proud to honor the current Teachers of the Year in HISD and invited Mr. Dennis Huffman, a science teacher at Lanier Middle School, and Ms. Tiffany Janish, a pre-Kindergarten teacher at Oak Forest Elementary School, to the podium; that children were the most precious resources and teachers were among the most important people in their lives educating them and helping them develop into strong citizens; and presented each with a Proclamation saluting them for their achievements and thanking them for their service and proclaiming today as "Mr. Dennis Human Day" in Houston, Texas; and as "Ms. Tiffany Janish Day" in Houston, Texas. Mayor White, Council Members Adams, Sullivan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Members Johnson and Khan thanked Mr. Huffman and Ms. Janish for their services and all they did for the children as teachers and congratulated them on a well deserved honor. Mayor White, Council Members Sullivan, Rodriguez, Brown and Green absent. Council Member Khan presiding.

At 2:19 p.m. Council Member Khan called on Council Member Johnson who invited Pastor John Powell of the Tabernacle of Praise to lead all in prayer and Council Member Johnson led all in the pledge of allegiance. Mayor White, Council Members Sullivan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

At 2:21 p.m. Vice Mayor Pro Tem Lovell requested the City Secretary call the roll. Council Member Noriega absent due to being ill. Mayor White and Council Member Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Council Members Khan and Lawrence moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Noriega absent due to being ill. Mayor White and Council Member Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

At 2:22 p.m. Vice Mayor Pro Tem Lovell requested the City Secretary to begin calling public speakers. Mayor White and Council Member Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Charles Foster, 600 Travis #6000, Houston, Texas 77002 (no phone) appeared with Mr. Kaimin Chu and the City Secretary stated that only one person was allowed at the podium; and Council Member Clutterbuck moved the rules be suspended for the purpose of allowing more than one person at the podium during the appearance of Mr. Charles Foster, seconded by Council Member Khan. All voting aye. Nays none. Council Member Noriega absent due to being ill. Mayor White and Council Member Sullivan absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0638 ADOPRED.

Mr. Charles Foster stated that he was present with Mr. Chu to give Houston a gift, given in the name of both the consulate and friends of Confucius and it was a sculpture for Hermann Park; that great cities were known for its great art and this would be a great sculpture by a great artist, Willie Wong, who did sculptures for Discovery Green and the State Capital, etc., and this was to represent the Chinese American community as other communities were represented in the International Sculpture Garden and it was entirely appropriate and he hoped Council would accept the gift and attend the presentation September 26th at 9:30 a.m.. Mayor White and Council Member Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan stated that they would definitely be there and it would be a great addition to the City's International Sculpture Garden and it was a very appropriate addition and thought it would take Houston to the next level of being known as an International city; and thanked Mr. Foster and all involved for their hard work in making the city better. Mayor White, Council Members Johnson and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones thanked Mr. Foster for coming and stated that she was so pleased he worked so hard with the international community, she knew he did that in his law practice, that hopefully the donation would be accepted as other great notables were there and she agreed with Council Member Khan that Houston was an international city and diversity should be appreciated. Mayor White, Council Members Johnson and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that it was on tomorrow's Agenda and would be accepted at that time; and she wanted the public to know. Mayor White, Council Members Johnson and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Kaimin Chu, 3417 Montrose Boulevard, Houston, Texas 77006 (832-382-4987) appeared and stated that Confucius was a well known Chinese educator and philosopher living over 2,000 years ago; that leaders in the community wanted Confucius in the park to promote cultural understanding; that 2009 was the 2,560th anniversary of Confucius birth and the 30th anniversary of China's diplomatic relations; and the Chinese Consulate wanted to dedicate the statue with the community to the City of Houston. Mayor White, Council Members Johnson and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that this was a very generous gift and they thanked them. Mayor White, Council Members Johnson and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams stated to Mr. Chu and Mr. Foster that she wanted to thank all of them for their commitment, compassion and dedication for the statue going into Hermann Park; that she was most grateful. Mayor White, Council Members Johnson and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) appeared and stated that he was a civil rights lawyer in Houston and representative of the Greater Houston Coalition for Justice and was present today to talk on openness in the investigation of discrimination of sexism and racism in the Houston Fire Department; that the Office of Inspector General of the City of Houston went to a judge in secret and without notifying the employee's lawyer to get an order that Jane Draycot give writing samples to investigate the discrimination claim she brought and all the while no one in Station 54 had been asked to do so. Mayor White, Council Members Johnson and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that Mr. Kallinen could continue; and Mr. Kallinen stated that the judge had no jurisdiction to enter the orders on behalf of the Office of Inspector General and when the Appellate Court looked at it they questioned the District Attorney for bringing the orders, they were harassment for bringing claims of sexual and racial discrimination in the Houston Fire Department; and on behalf of the Greater Houston Coalition for Justice and the people of Houston he asked for openness; and Council Member Jones stated that when she heard of the orders she was disturbed and what was more disturbing was no one else got such orders and she did not understand how they could get orders for an arrest of a victim and not force others to do handwriting samples. Mayor White and Council Member Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Johnny Mata, 13410 Wood Paris Drive, Houston, Texas (832-723-3210) appeared and stated that he was a member of the American GI Forum, Houston Chapter, and they were a part of the Greater Houston Coalition; that what they just heard from Mr. Kallinen was disgraceful to occur in Houston, Texas, he had done civil rights work for 40 years and this sent a chilling affect for an inspector general and powers to be to send such intimidation. Mayor White and Council Member Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that she was just provided a copy of the application for court order and there was no cause number which was what gave the court jurisdiction, but mostly what troubled her was it referred to Ms. Draycot as a defendant, which meant she was accused of a crime; and upon questions to Legal, Mr. Heilman stated that he was not aware of the city filing a suit against Ms. Draycot; that there was a criminal investigation in the matter, but he did not know what she was looking at; and Vice Mayor Pro Tem Lovell stated that she thought she did not think the rest of Council had been privy to the information from the investigation and did not believe anyone could comment on it; that they had not been given information on the OIG investigation and at this point no one could say anything, but there was no one who did not support openness. Mayor White, Council Members Sullivan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Brown thanked Mr. Mata for his dedication to civil rights and stated it was troubling; and upon questions, and Mr. Mata stated that whoever initiated the action needed to be held accountable and heads needed to turn and they needed to get to the bottom of it; and thanked Council Member Jones for standing up. Council Members Clutterbuck, Sullivan, Khan and Green absent.

Council Member Lovell stated that she would ask that information being given to Council Members be given to all Council Members so all could be privy to the same information and just as educated; and stated to Mayor White that any information coming out of the investigation or legal documents she would like to make sure they be given to all Council Members and not just select Council Members. Council Members Clutterbuck, Sullivan and Green absent.

Council Member Jones stated that by way of clarification someone asked her if she had seen the order and they passed it to her; that Mr. Mata nor Mr. Kallinen nor Ms. Gonzales gave her the information so it was not given to select people, but in looking at it the City of Houston went to the State of Texas and had Jennifer Divine file the order and she did not know how they jumped through that legal loophole, because on its face she did not think it constitutional. Council Members Clutterbuck and Sullivan absent.

Ms. Sylvia Gonzales, 10102 Elm Knoll Trail, Houston, Texas 77064 (832-283-5752) appeared and stated that she was a national LULAC officer and present in support of the Greater Coalition as LULAC was a part of it; that homework for Council was how to take care of a court order which had already taken place and needles to say they were present to ask that the City of Houston finalize the investigation and have the OIG quit covering up and let the firefighters work at ease; that she would like something definite by November 1, 2009. Council Member Sullivan absent.

Council Member Jones stated that she would like to know if others had been required to take handwriting samples other than the victim and was asking that of the Administration. Council Member Sullivan absent.

Mr. Curtis Green, 1100 Theresa, Houston, Texas 77051 (832-785-0398) appeared and stated that today Council would hear three aspects of the Hearts and Hammers Project; that he was communications director of End Time Movement Outreach Ministries located at 1117 Theresa Street and the Hearts and Hammers Project was a vision of his minister, Mr. O. D. Ledet, it was meant to help the elderly, handicapped or any homeowner needing minor home repairs, usually exterior; that it was his vision to uplift and beautify the community and help those in need and it was offered free of charge; that the funds were out of pocket and donations and they were able to train ex-offenders with useful skills and more were coming; that this was a much needed project and the next one would be Saturday, 1038 Theresa Street, 9:00 a.m. to 5:00 p.m. where they would be painting, repairing and putting in a garage. Council Members Sullivan and Rodriguez absent.

Mayor White stated that Mr. Green and his group were motivators, citizens like him took personal responsibility and he knew they worked some with the ex-offender program and he appreciated it. Council Members Sullivan and Rodriguez absent.

Council Member Jones stated that what they did was very important and she thanked him. Council Members Sullivan and Rodriguez absent.

Mr. O. D. Ledet, 1100 Theresa, Houston, Texas 77051 (713-478-9397) appeared, presented information and stated that he was a licensed contractor and served as a pastor at the End Time Movement Outreach Ministry where they would like to be referred to as a movement rather than a ministry, their mission was to operate outside the walls of the church; that he was representing the Brookhaven Community and surrounding communities and their goals were to restore communities, safety, integrity, pride, love and respect for one another and they planned to do this by bringing awareness to problems they could solve; that he believed with the community's effort they could address the issues and begin resurrecting the community; that after changing the mindset of the man they still had things falling down around them and their efforts were to bring real help starting with those already there; that they were

excited with new homes coming, but what happened to deteriorated properties next door, this was an effort to move those already there out and they should be able to remain and restore their homes; that his question today was how could their efforts be enhanced by city officials. Council Members Lawrence, Johnson, Sullivan, Rodriguez and Green absent.

Mayor White thanked Mr. Ledet for coming; and upon questions, Mr. Ledet stated that the Hearts and Hammers Ministry was still dealing with things from Hurricane Ike and they would like a location, a Heart, where people could come together and have problems addressed. Council Members Lawrence, Johnson, Sullivan, Holm, Green and Jones absent.

Mr. Darrell Pollard, 1100 Theresa, Houston, Texas 77051 (713-345-0246) appeared and stated that he was also with the End Time Movement and the Hearts and Hammers Program and Hearts and Hammers had a dual impact in the community as it related to the transitional house operated by End Time Movement as well where men developed principles which ultimately became their virtues; that men were given opportunity to make decisions and exercise leadership skills and to learn to work with others; that it was the vision of this ministry to take the Hearts and Hammers Program and add to it a certified vocational training program where men who were returning to society could learn a skilled trade to give them opportunity; that they had partnered with the city to a small extent through the city's reentry program and as recently as yesterday they were contacted by someone in the Mayor's Office with people with disabilities and they delivered applications for Hearts and Hammers; and they hoped the city would be as excited as they were with what they were doing. Council Members Lawrence, Johnson, Sullivan, Holm, Green and Jones absent.

Council Member Adams stated that she wanted to thank Mr. Green, Mr. Ledet and Mr. Pollard for coming; that this was a program she thought the city did need to look at, she had invited them to come as they had been in existence a long time and doing work on their own and she had seen them putting in wheelchair ramps, windows, walls, etc. and she would be working with them this Saturday; that they received no public recognition for what they did and she would like this organization looked at. Council Members Lawrence, Johnson, Sullivan, Holm, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he was impressed and to Mr. Celli, one thing they could do and he would work with him to break down barriers, was both Houston Housing Finance and HCD had used a lot of housing finance so they did not have to put up with the Mickey Mouse stuff you did with the federal government and it seemed building materials, windows, etc., was something citizens were willing to help other citizens with and funding with the city could help on that, where people donated their labor they should be bias on that, but he learned no good deed went unpunished and federal regulations made it almost impossible to use volunteers and actually it was unlawful to use volunteers for 10 or more houses when you used federal funds , but they should figure a way to support the activities. Council Members Lawrence, Johnson, Sullivan, Holm, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Ms. Vicki Sephr, 6915 Shavelson, Houston, Texas 77055 (713-213-7653) appeared, presented information and stated that they owned a commercial property on Kirkwood and on April 28th after a hard rain water backed up causing flooding; that they called a plumber who said it was not their fault it was the city and they needed to get them out and the city came out and said there was nothing they could do, but they kept insisting and they came with a camera and found a plastic capping, which her husband showed to Council, that a contractor for the city left the cap when they repaired the sidewalk which was prior to when they bought the house; that Mr. Shelton said he was sorry about what happened but the city was bound by the Constitution which prohibited the city from having to pay out money to people, but she and her husband were present as the contractor had the bond and their damages were over

\$100,000.00. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Khan stated when they talked to Public Works and Legal that was what they were told and they told her the same thing as he had seen the letter; that the plug found was not used by the city and it was there prior to them purchasing the property; and Ms. Sepher stated that it was not even on their property it was out at the sidewalk, but it caused their tenants to leave, etc., and they did not want money from the city but from the contractor who did it. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that this was being looked at and Public Works and Legal was still preparing a report; and she was sorry for what they went through. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Koroush Sepher, 6915 Shavelson, Houston, Texas 77055 (713-213-7653) appeared and stated that the plug blocked the sewer at the sidewalk outside their property; that they forgot the cap and the plumber found it. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that as she just stated this was still being worked on with a report being put together; and thanked him for coming. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Marlan Copeland, Sr., 3 Hermann Museum Circle, Houston, Texas 77044 (713-876-7024) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Janet Holman, 12106 Silver Creek Drive, Houston, Texas 77070 (832-295-5377) appeared, presented information and stated that she owned two units at Candlelight Trails, 5108 and 8101 and the city had McGlinchey Stafford sue her; that she received a letter August 15, 2009, stating they wanted \$4,000 a unit from her if it was not homesteaded and the money had to be to the lawyer's office no later than September 9th; that if she did not pay she would be fined \$1,000 a day and today she wanted to give her property to the City of Houston to be excluded from the lawsuit, this was a trying seven years dealing with corruption on the property; that it was rental and she had three tenants in seven years, but with California investors owning enough to control the association, opening a halfway house and driving away good families under the supervision of Randall Management; that they quit paying their HOA dues and it caused financial collapse of the association, then the association was forced to sell all to Chase Fonteno to raise cash to get units back on track and then those in California placed Fonteno and his workers in charge of the HOA and he had a felony with his doings. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she was going to refer this to Mr. Heilman with Legal whether they could accept such gifts; and Mr. Heilman stated that the lawsuit was to address the condition of the complex and the city's objective was not to acquire title to the property, but to obtain an order from the judge to demolish the property and in addition they could recover the demolition cost and pursuant to local and state law they could recover several penalties for the ongoing violations of the code which could range from \$500.00 to \$2,000.00 a

day; and Ms. Holman stated that the corporations would not give the city money they would just fold and the only money they would receive was from the small individual owners of the complex; and Vice Mayor Pro Tem Lovell stated that the city could not accept the property and on the issue of the corporations, of which she raised a valid point, was there any room for an extension; and Mr. Heilman stated he would follow-up with the lawyer handling the matter and have them get with the speaker; and Ms. Holman stated that Chase Fonteno was trying to get 100 owners to give him their property and then he would come back to the city to take it, but she did not want to give him her property, all the people who caused the problem are still there. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Diane Davis, 2202 Naomi #2, Houston, Texas 77054 (713-829-0014) appeared, presented information and stated that she was vice president of the Naomi Place Community Homeowners Association and a homeowner in Section 5 of the neighborhood; that they had been attempting to improve neighborhood safety, but a private lot next to Section 5 and a city property and never developed was David Street immediately next to the privacy fence of their gated community; that there was brush, trees and dumping and repeated calls to 311 and after three burglaries they hosted a Crime Stoppers Program with Council Member Adams office and their HOA president visited Officer Carl Noon at the Southwest Crime Analysis Office; that patrols were increased but it was obvious there was not enough to patrol a wooded lot for trespassers; that city departments were not able to effectively communicate and take responsibility for clearing the blighted and dangerous area; that she finally learned since it was a proposed street the city was not responsible and now more burglaries had occurred; and today she was asking for assistance as no city department would take responsibility and clear the David Street entrance. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Davis for coming and stated that she hoped to provide her with good news; that as of today notices had gone out through Neighborhood Protection and inspections were conducted; that Right of Way Maintenance went out and said they would mow the roadside ditches and clear and if she wanted additional information Mr. Drabek was present and could speak with her or give her something in writing. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Deborah Wilkerson, 1723 DeSoto, Houston, Texas 77091 (713-972-4026) appeared and stated that this was her second time before Council, she was present about her property as a company moved in and caused dust and noise, a lot of pollution; that last time here she was in poor health, she was better now but she did not stay in her house; that rules were in place but no one noticed what they did and it was business as usual and she was the only one fighting them; that by law they had to be at least 300 feet from her and now they were 50 feet, each day they grew and that was her house and she was there first. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Wilkerson stated the company name was Titan Gunitite Company at 1727 DeSoto, Council Member Johnson's district; and she was learning too much about the city and the law than she should, she was doing her own groundwork; that laws were in place to protect her and for them to do the right thing, now they recognize a mistake was made and they should not be there, it was concrete or sand facilities and they moved between two homes. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Mr. Drabek was present and it appeared work needed to be done, it seemed it was an estate; and Ms. Wilkerson stated that was another property; and Vice Mayor Pro Tem Lovell stated that Mr. Drabek could check and see if permitting was wrong, etc. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Lee Perry, 4940 Main, Houston, Texas 77002 (713-876-4571) appeared and stated that he wanted to speak about the Permit Section in Neighborhood Protection; that after the hurricane a tree went through his friends house and there were 14 trees down and he was on the roof trying to get it off and someone from the inspectors pulled up and said come off the ladder because he had to get a permit to do the work so he did, but he had to get his friend to get the permit as she was the owner, but they got the permit and did the work; that now another group of people moved next door in a house that had been vacant about 15 years, a group of men sit out back and drink beer and in the front take target practice with a BB gun and the police said there was nothing he could do, but the house had no electricity or gas so they cooked in the back and the Fire Department had to come and put out two fires, but they went and got a permit to do work and he checked and they did not own it so he went to Legal and they checked and they were not owners and the permit said if you signed the permit and you did not own the house you were committing perjury and that was what they did; that Neighborhood Protection came out now and gave a ticket to them for four trees down in the backyard you could not even see from the front and they had gotten rid of ten out of fourteen already, but gave them nothing and they had an illegal permit, etc., Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Mr. Drabek was busy today and she did not know whether to refer him to Mr. Drabek or Captain Curran with Neighborhood Protection, but it appeared there were two things, the illegal activity and then the permit but she would ask he start speaking with Mr. Drabek first. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. David Bracher, P. O. Box 38292, Houston, Texas 77238 (713-822-6062) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Shirley Gonzales, 1618 Longacre Drive, Houston, Texas 77055 (832-816-7759) appeared, presented information and stated that she was an active community volunteer serving on three Super Neighborhood Councils, a trustee at Spring Branch Memorial Hospital and worked in Real Estate and today was present regarding the City of Houston lawsuit against Candlelight Trails which they heard about earlier; that the biggest problem was those living there and taking care of their property were being taken advantage of by the criminal element and yet they were getting off scot free; that she had been on the board of directors three years trying to make a difference but the other two members would out vote her; that she filed a civil lawsuit in 2005 to only find out she would not recover any legal expenses and had to stop, then they took over the board; that the others owned about 140 units of the 200 units and with that were able to accomplish, in reality, the property being shut down because they stopped paying their dues and now it was routinely vandalized and all copper wire, hot water heaters, etc., were gone; that she was for the property being torn down and the city would see a recapture of taxes ...; that if they would check they would see all property values around the area had dropped, but the city would gain with the property being torn down because the others value would come

back up. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she thought her issue was she wondered why the complex was not torn down; and Ms. Gonzales stated that it was not torn down because of a lawsuit and she was one of them being sued; and Vice Mayor Pro Tem Lovell stated that they spoke on that and here they were in unchartered waters, but she understood after today a House Bill would make it easier for the city to move and demolish; and Ms. Gonzales stated that she spoke in favor of that Bill, but she also would like her property taken because of the finances; and Vice Mayor Pro Tem Lovell stated that because of the Bill passing hopefully this would be taken care of soon. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Nicole Houston, 4834 Southwind, Houston, Texas 77033 (713-264-6297) appeared, presented information and stated that she was a concerned homeowner, prior to 2008 she received a violation notice from Neighborhood Protection regarding her home being vacant and not kept up properly; that she and her husband made Mr. Walker aware they did not have financial resources to repair it, but could patch it and close it up so he came back out and in August of 2008 they received a letter stating it was sufficient, but she lost the letter moving back and they had consistently been making repairs to bring the property up and in July 2009 she spoke to Mr. Walker about an empty lot across from her and not being maintained and instead of doing anything with that came into her backyard and talked to her again about what he previously said was okay and they had materials back there but it was from work being done; that heavy trash did not run until the last Tuesday in her area and that was why the debris was there, but he would not give her an option and sent her and her husband to a hearing with Neighborhood Protection and she could not show work done, the only question asked at the hearing was her intent and that was to bring the value back up to \$80,000 in due time, but in reading the order it said she basically needed a new house. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he had comments on this, some of the policies of the City of Houston and he was saying this to all involved and Captain Curran was in the back, but he said this on more than one occasion and various meetings; that they had different categories of dangerous structures; and upon questions, Ms. Houston stated that they had been living in the house since October 2008; and Mayor White stated that he said this to all involved including city employees, they had a triage of the way structures were put into categories and first was if it was unoccupied and abandoned, dilapidated and taxes owed; and Ms. Houston stated that hers was exempt, she owed no taxes; and Mayor White stated that they had categories of housing where people lived in the house and up on their taxes and on that there was a different approach, they had programs in Housing and Development; and Ms. Houston stated that she was denied \$7,500 for home repairs as she had not been the recorded property owner for the last five years, she had only owned it for two years; and Mayor White stated to Ms. Vasquez that he knew, as a matter of federal law, there was no five year continual home ownership requirement; and upon questions, Ms. Houston stated the property was at 4834 Southwind, Section 3 South Park; and Mayor White stated that they had programs through Rebuilding Houston Together which did home repairs and there was more than enough funds than they had applications; and Ms. Houston stated that this was over \$50,000 worth of work with foundation, electrical, etc.; and Mayor White stated that they were going to talk about a resolution and she made a good point, they could not make some home repairs where the home could not pass current code inspection at the end of repairs and they were in a predicament and what he was saying to her was ...; that he was asking Captain Curran and those in Citizens Assistance, when a house was occupied but someone did not have the means to bring repairs up to code...; to kick people out because they had no occupancy permit; and Ms. Houston

stated that they were doing all they could and her husband working two jobs; that they cut yards when they were not cut; and Council Member Adams stated that one concern was they were given 48 hours to vacate their home; and Mayor White stated that he had been here 5-1/2 years and could say he was proud directions he gave concerning occupied structures had been complied with, there had been on occasions issues Council Members helped him resolve concerning modular housing and he would leave it at that and to Ms. Vasquez stated he wanted her to work with Council Member Adams for them to understand the policy, he had not encountered this and it was different, he did not understand what it was where city employees would confuse city policies and directions concerning abandoned properties and occupied properties; that he had not had to contend with people being evicted from their own property and was not sure why he was having to do so now; and they would try and figure out what it was and get her some relief. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that it seemed no commonsense was used in dealing with this, how did they as a city, contribute to homelessness as it seemed that was what they were trying to do; that here a family was doing the best they could and she could not understand this and wanted to apologize to Ms. Houston and her family, but also it concerned her as she tried to control what she could by cutting grass and this seemed as if it was retaliation; and Mayor White stated that he knew they did things complaint driven, but since he had been here whenever they had a situation people knew to go to him, they were not in the business of evicting people, the only exception to it was when looking at all alternatives on the multifamily structures with slum lords and he did not know what was broke with this communication and he was saying this to Code Enforcement. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown and Green 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, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Mr. Anthony Domenech, 13415 W. Bellfort, Sugarland, Texas 77478 (832-642-2851) appeared, presented information and stated that he was present regarding a common situation, he was a single parent of two children and PTO president and sat on two youth organization boards and on leave from his personal job here regarding the situation of blinking lights for a school, a charter school, people thought charter schools were private and they were not, they were publicly funded and opened to all; that in looking at the map Sections 32 to 33 between Sections C and D on West Bellfort, the corner section southbound and not written on was their lot; that on West Bellfort east and west was city controlled and on Eldridge which was Sections 33 to 34 on Section C and turned into Synott on Sections 33 to 31 between Sections C and D that was an FM road controlled by TXDOT and today he was asking for guidance and commonsense and support for the youth who had to walk home and ride their bikes; that the pictures the Mayor had showed him walking on westward on West Bellfort and showed the corner of Eldridge and West Bellfort and the corner of West Bellfort and Eldridge where traffic was congested and the intersection blocked with cars and that was not safe and he believed placing traffic beacons along West Bellfort one block prior to the school to one block prior to the intersection west of Synott and Eldridge would slow down traffic and beacons placed on Eldridge one block prior to the school and on Synott one block prior to the school would reduce the speed of traffic. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Domenech for coming and stated that Mr. Drabek was present and when this was brought to the city's attention in August some work was done and he understood what he was saying and thought a work order was going out sometime this week to have a flashing beacon light and he thanked him for bringing this to their attention; and Mr.

Drabek would speak with him at this time. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Ms. Michelle Harris, 12731 Braewood Glen Lane, Houston, Texas 77072 (832-873-0339) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

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

Mrs. Teresa Andrews, 4828 Tonawonda, Houston, Texas 77035 (713-598-6766) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mr. J. Garcia, 12728 Hollandale, Houston, Texas 77082 (281-556-5195) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Lacy Hedrick, 3131 Timmons Lane #226, Houston, Texas 77027 (713-963-8863) appeared and stated that he was 83 years old and blind, but what he wanted was to be able to navigate across the street without being run over by a truck; that recently someone made a left turn illegally and yelled at him, "What are you blind or something?"; and he said, "Yes."; and then heard the reply, "You are really not blind old man."; that sometimes he counted seconds for a rotation to happen and he was not aware but maybe during a certain period of time it would change; that in San Diego they had a sound system which gave you the location of your destination and also had something for people who could not hear, it made their hand shake and he understood it was in effect here in Houston to some degree and he was trying to verify ; that the intersection he was speaking of was Alabama and Timmons and it was almost like a boulevard now going straight to Highway 59. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Hedrick for coming and bringing his concerns to Council's attention. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Hendrick for coming and stated that they would work hard to get his traffic light, she would come out and speak with him personally. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Pastor Kendall Baker, 3750 Tanglewilde #1, Houston, Texas 77063 (832-858-4831) appeared, presented information and stated that he was with Straight Up Ministries and today present representing the Houston Loves Prayer Committee; that on September 19th from 7:00 a.m. to 8:00 a.m. area churches would gather around the 610 Loop and pray on the sidewalks and they would be a blessing to the City of Houston and the neighborhoods; that they planned to pray about crime, homelessness and other needs of this city; and they were asking for the blessings of the city, the Mayor and the Council and that they alert the Police and Fire Departments of the event. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to emphasize the Houston Loves Prayer Day, it was a two day event and she wanted to give kudos to Ms. Jean Gabriel; that many watched TBN, Join Our Town networks and saw the Christian praise worship services and she was co producer of the TBN program and visionary of this program; that all anyone had to do was pick an area around 610 and get out and hold hands with local churches there; and she asked that the city all come together as one; that she would be a part of it; and thanked Mr. Hendrick for being a part of all the planning. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Pastor Matthew Bismark, 13615 Masor Drive, Houston, Texas 77041 (832-794-3512) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 6367 Cattails, Houston, Texas 77035 (no phone) appeared and stated that again he was present to discuss the repeal of the METRO Q-Card; that on his previous visit he felt Council was not engaged with his concern of the Q-Card so he came again; that Council may not be aware of the severity of the problem but he hoped to enlighten them; that the card was hurting the city economically as the weekly fare had been \$9.00 for a week pass and now it had skyrocketed beyond the \$25.00 mark and \$14.00 more than the previous fare and it was affecting his wallet and that of many METRO riders; and with gas coming down there was no reason for the extra fees to the riders, it was not justifiable and now he could not vote for future METRO bonds or Bill White as his confidence was shattered. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that her son rode METRO and she did agree with him; that she believed she read METRO was written up for charging poor people more than they could afford and the Q-Card should be looked at; and Mr. Omuari stated that it was like a crack head, you went to bed with money on the card and woke up and it was gone, it was a cyber bandit. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Eugenia Brown, 14250 Kimberly Lane #282, Houston, Texas 77079 (832-258-0731) appeared, presented information and stated that she had a problem as she and her family were evicted illegally and on the streets; that the apartments was not putting money they gave for rent where it was supposed to go; that they said she was \$10,000 in the hole for lights and electric and it was not true; that her apartment for the Section 8 voucher failed inspection and it failed because it rained in and the electric was bad and they asked to be moved to another apartment and was told it would not happen; that she was told a Sheriff was supposed to send the eviction notice and her maintenance man gave it to her and her daughter had one to and they were sick from the mold; and asked that they do what the words in Council said and provide justice and see that she and her children received a roof over their heads. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she did calling and she was on the Harris County Housing Authority and not the Houston Housing Authority and the city was not over that and she needed to speak with Harris County; and upon questions, Ms. Brown stated that she had a Legal Aid lawyer who misrepresented her; and Council Member Jones stated that her program was not the City of Houston and she needed to go to Harris County. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Mayor White stated that someone with the DEHAP Program was present and Council Member Jones was right, the city could not have decision making authority, but worked with a number of people who had vouchers before and someone was here who could at least listen; and Ms. Brown stated that she had a voucher, but the apartments was closing and that was why they were evicting people; that she filled out paperwork for Crescent Park, but was told since she was evicted they could not place her; and Mayor White stated that Gwen could help her think through the problem. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that Ms. Vasquez had a number she could give her that was specific to a social service agency and this was what they did and they could help her through the steps; that they had a federal grant to deal with these problems; and she could give her the number at this time. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Hoa Tran, 1731 Ansbury Drive, Houston, Texas 77018 (713-426-1446) appeared, presented information and stated that she was a medical doctor and inventor of a Chinese nutritional medicine and spoke on ordering information, etc., and stated that she hoped Council would help her and allow hr to open her business. Council Members Lawrence, Johnson, Adams, 0Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Mr. Bennie Freeman, 4530 Firnat, Houston, Texas 77016 (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Adams, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present again for the YMCA; that Mayor White was running for a seat in Washington, D. C., after he left Houston; that he was refusing to give the YMCA to a community where it was needed. Council Members Lawrence, Johnson, Adams, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that September 1, 2009, www.mayorgalvan.com; that Sue Lovell owed Mr. Johnny Mata an apology for belittling him in assuming he gave Council Member Jones documents and not to her; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Adams, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Mary Ellen Arbuckle, 10002 E. 25th, Houston, Texas 77009 (713-516-8828) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Adams, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Adams, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

Mr. Lenwood Johnson, 1109 Genesee, Houston, Texas 77019 (281-709-3001) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Adams, Khan, Holm, Brown and Green absent. (NO QUORUM PRESENT)

At 4:30 p.m. City Council recessed until 9:00 a.m., Wednesday, September 2, 2009. Council Member Jones absent on personal business. Council Member Noriega absent due to

being ill. Council Members Lawrence, Johnson, Adams, Khan, Holm, Brown and Green absent.
(NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, September 2, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E. , Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:25 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:35 Mayor White called the meeting to order and recognized Council Member Lawrence. Council Members Johnson, Adams, Sullivan, Gonzalez, Brown and Jones absent.

Council Member Lawrence moved to suspend the rules to consider Item No. 3 out of order at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Adams, Sullivan, Gonzalez, Brown and Jones absent. MOTION 2009-0639 ADOPTED.

3. REQUEST from Mayor for confirmation of the reappointment of **MR. J. KENT FRIEDMAN**, as Chair of the **HARRIS COUNTY- HOUSTON SPORTS AUTHORITY**, for a term to expire August 31, 2011, and the reappointment of the following to the **HARRIS COUNTY- HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**:

- Position One - **MS. SYLVIA K. BARNES**, for a term to expire August 31, 2010
- Position Four - **MR. CURTIS V. FLOWERS**, for a term to expire August 31, 2011
- Position Five - **MS. JANIE REYES**, for a term to expire August 31, 2011
- Position Eleven - **MR. ROLAND GARCIA**, for a term to expire August 31, 2011

- was presented, moved by Council Member Khan, seconded by Council Member Lawrence. Council Members Johnson, Adams, Sullivan, Gonzalez, Brown and Jones absent. All voting aye. Nays none. Council Members Johnson, Adams, Sullivan, Gonzalez, Brown and Jones absent. MOTION 2009-0640 ADOPTED.

Mayor White recognized the new appointees and thanked them for their service on the Harris County-Houston Sports Authority and asked that they stand and be recognized. Council Members Johnson, Adams, Sullivan, Gonzalez, Brown and Jones absent.

Council Member Holm stated that she wanted to thank Mr. Garcia and Mr. Friedman for their service, and everybody on the sports authority and asked if there was still a seat to be filled on the Harris County-Houston Sports Authority, and Mayor White stated that he would get her that information. Council Members Johnson, Adams, Gonzalez, Brown and Jones absent.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

At 9:38 a.m. Mayor White recognized Ms. Annise Parker, City Controller and Ms. Michele Mitchell, Director of Finance for the Monthly Operations and Financial Report. Council Members Johnson, Adams, Gonzalez, Brown and Jones absent.

Ms. Parker stated that she wanted to continue a discussion that they had yesterday about

how quickly the financial issues could change and apparently there were some Council Members who were actually shocked that the revenue numbers changed so quickly, that she had an entire stack of 12 months of her monthly report and each one of them started with "we are projecting a shortfall of", that in the July 2008 report, exactly one year ago, they were projecting a shortfall of \$70 million, it was based largely on the revenue projections included in the Controller's Office Trends Report issued in May 2008, however there were three revenue categories for which they had revised their projection since May, that their \$70 million figure included the Fund Balance draw down of \$51 million, etc., so a year ago \$70 million, that this year they were projecting a shortfall of \$103 million, that it consisted of a \$38.5 million revenue deficit, that she projected in the trends report, back in May, \$51 million plan draw down of the Fund Balance that City Council approved in adopting the FY2010 Budget and revisions to their projections in five revenue categories, so again, Council Members may be shocked and surprised all they wanted but the evidence and the information had been there; that as she had stated in May and again in June when she presented her trends report they predicted that the revenue estimates that the administration had put forward were \$38.5 million to optimistic, that she would much have preferred to be wrong, however revenue trends had declined; that their projection for Property Tax Revenue was down by \$13.5 million, that this was tied to a lower estimate of the total taxable value that was attributed to a high number of successful appraisal protests and those numbers were just received in the City; that their projection for Sales Tax Revenue was down by \$5.1 million, that was about 1% lower than Dr. Barton Smith's latest projects, that they believed their lower number was more realistic given the ongoing recession; that their projection for Charges for Services was down about \$1.3 million due to declining ambulance and plating fees; that their projections for transfer from other funds was \$1.9 million lower in accordance with the transfers included in the adopted budget; and their projection for Gas Franchise Revenue was actually up \$451,000 to reflect the final contractual amount to be received; that expenditure projections were lower across the board, as they were all now all City departments experienced a 1% cut, all but City Council experienced a 1% cut, that these cuts were expected to generate \$14.3 million in savings, \$10 million of which had originally been budgeted in General Government as management savings to be determined later; that there were no significant changes in the Enterprise Funds so she would not report further on those, that any further details were available in the written monthly report, a copy of which is in the City Secretary's office for review. Council Members Adams, Gonzalez, Brown and Jones absent.

Ms. Parker further stated that she wanted to make note of the fact that they did unwind one of their SWAPs, as she had been reporting to Council, because of a downgrade in AMBACK, an insurance company that provided credit support, that they had given their counterparties an opportunity to cure the problem, they did not, they unwound the SWAP and back paid the City \$2.4 million, received last Thursday, that total receipts over the life of the SWAP were about \$7.6 million so they believed it was a very successful transaction for the City but because of the current economic climate, taking off of their books would free them up to seek more beneficial arrangements in the future, and that concluded her report. Council Members Adams, Gonzalez, Brown and Jones absent.

Ms. Mitchell stated that this was the Monthly Financial Report for the period ending July 31, 2009, that she would also like to draw their attention to what the Controller was saying on the \$100 million, which included the drawdown, that to her the essential point was that the drawdown was approved by the Council in the budget so when she looked at a shortfall she looked at what was the gap, and they were showing a gap of \$34 million, which was what she and the administration focused on bringing down, that hopefully as they did last year, they had a \$50 million drawdown and they brought it down to approximately \$16 million to \$20 million so they were hoping obviously that they could do the same, but their focus on the shortfall was the \$34 million and they were already taking steps to bring that down; that approximately one week after the FY2010 Budget was adopted the trends, as they knew, began surfacing in a very apparent way, the employment data became available that clearly showed how the job market

had deteriorated in a very short amount of time, that as of July, the Houston Sugarland Baytown Metropolitan statistical area had sustained a net loss of 80,800 jobs, which resulted in approximately \$20 million, or \$240,000 per year per 1,000 jobs lost in sales tax and it affected other key revenues as well, that as a of the recent economic trends their projection for the General Fund Revenue was approximately \$46.6 million lower than the FY2010 adopted budget; that Property Tax Revenues were projected at \$894.2 million, a \$15.5 million lower than the budget, that this decrease in revenue was a result of a lower projection in the assessed value from the Harris County Appraisal District, as well as higher than anticipated hearing losses; that Industrial Assessments decreased by \$7.8 million due to an earlier payment from Lyondell reported in the June 2009 MOFAR, and as a result the 2009 Ending Fund Balance was increased; that Sales Tax decreased by \$23.3 million due to the downward trending in the economy, as well as the higher job loss rate; that the Sales Tax receipts for June was 6.25% lower than the prior year, that additionally in the past three months their Sales Tax receipts had been approximately 5.4 lower than the prior years; that Council approved a \$10 million Management Initiative savings in the FY2010 budget, they had addressed this savings goal by reducing the expenditure budgets of the departments, including General Government, by approximately 1% and/or \$15 million, that as a result of their projection for General Fund Expenditures was approximately a \$5.3 million than the FY2010 adopted budget, which would help close the gap caused by lower revenues; that they were currently projecting the Ending Fund Balance to be approximately \$141.2 million, which was 8.4% of estimated expenditures less debt service, that as a result of the early payment from Lyondell in 2009, which was included in the adopted budget for 2010, they had increased the additional usage of Fund Balance by approximately \$7 million therefore with the decrease in revenues for Property and Sales Tax there was now only a budget gap of \$34.4 million; that as stated by the Mayor in his letter on Monday, in August they had identified certain new sources of funds to reduce the revenue shortfall by a additional \$9.4 million, for example, \$2.4 million for the Katrina appeal, Ike reimbursements, etc., that this would leave a gap of approximately \$25 million which they would eliminate by year end, that with some additional suggestions by the Mayor that \$25 million, right now, should stand at about \$19.5 million, so they were addressing that \$34 million gap aggressively and through the 10 months they were confident that they could bring that gap to zero; that in going to the Enterprise Funds, she and the Controller were in total agreement with that; that the Auto Dealers Operating Expenses decreased by \$236,000 due to anticipated vacancies in the first half of the year; that DARLEP Operating Expenses decreased \$656,000 due to projected lower payment to the State of Texas because of increased overhead in the fund. Council Members Adams, Gonzalez, Brown, Lovell, Noriega and Jones absent.

Ms. Mitchell further stated that she would give them a short report on FEMA status by the numbers, 530 projected PWs with the City project cost of approximately \$206 million was what they would estimate the FEMA damage to be, that out of those 530 , 451 had been obligated for \$155.8 million, that as of July 31, 2009, the City had received cash of \$121 million from the State, that as of today the City had received cash of \$129.3 million; that debris status, projected City cost, \$121.9 million, FEMA obligations to date were \$101.1 million, that they had met with FEMA and they had agreed to have all FEMA PWs written by September 15, 2009 so that they could move forward in getting them obligated by FEMA and the reimbursements sent to the City, and that concluded her report. Council Members Adams, Gonzalez, Brown, Lovell, Noriega and Jones absent.

Mayor White stated that he would pickup on the report of the administration with certain points and was doing so at the request of certain Council Members and then there had been some informal media inquiries or questions that had continued, that this was not about the Controller versus the Mayor, the Controller was doing a great job, so had Council Member Brown and other people seeking office for both the City Controller's office and the Mayor's office, that it had been a good working relationship characterized by professionalism; that if they walked through the numbers they may have some differences in numbers principally having to

do with a pretty obscure issue when a certain Lyondell receipt would be collected, they were relying on the advice of Council not on some judgment otherwise and he did not think it was at all contentious; that from time to time they would find, and he had a whole stack of reports from the administration at the year ends, he had discouraged the use of the term surplus because they would remember that lots of times, on this body, so much so one Council Member and some of the members of his staff said that he was to repetitious, that he had said as they had more revenues and more cost savings than projected do not think of that as cash in their pocket, that it was time and time again on the monthly financial report that he would chip in and say that they had in effect made plans for the use of that money, principally for increased police staffing and the firefighter contract, that the reason that they did that was if they increased one budget category faster in one year than their projected revenues then they had to pay for that somehow and over time than the economic growth of the City would catch up, but if they were going to make some one time or the surge in the police force as they did or the firefighter pay increase than they needed a source of payment for that and what they did was set aside cash for that future contingency, that was what they called the drawdown of the reserves, which were, as they saw, were about \$85 million in the budget that he inherited and by the end of a couple of fiscal years ago was about \$253 million and they had drawn them down; that his goal was to leave them about double what it was before this administration, which was about the level of \$171 million that they presented in the budget projection that they originally did back in May before the Fiscal Affairs Committee, that provided some cushion for the next administration, had they figured out how to reach that goal yet, not completely, but that was work in progress; that second, was there a shortfall of revenues from what they had projected or budgeted and the answer was yes, it was about 2.5% of the entire General Fund Budget and that amount was some \$46 million and that was because they wanted to take into account the Sales Tax data, the Sales Tax was positive year to year until it began turning, that he thought their first report was in June that the Sales Tax was negative, that in addition to that on property taxes they used valuations that were given to them by HCAD and one of the things that HCAD was seeing was a somewhat lower collection rate than they had in prior years, and that was based on their actual collection experience which had transpired during the summer, was it manageable, yes, of that amount they had, as of the date that these type of numbers were prepared, some time in August, they thought it was the \$34 million gap that Ms. Mitchell was referring to because there were actions that had been taken by the administration to lower expenses, or there were unrealized revenues, that in addition to that during the month of August 2009, and they would anticipate giving this to Council Member Clutterbuck's Fiscal Affairs Committee, and Council Member Clutterbuck had been involved in these discussions at length, that they had identified steps that could bring that gap down to approximately \$20 million to \$22 million, but there were others things that they would do and they would manage through this as they had done as a body and his goal was to bring that \$22 million down to zero, that he would encourage the people around the table if there were questions about the numbers and how to characterize them he knew there were dealing with a situation in which people were nervous about the recession, there were issues involving various elections going on right now, etc., but this was nothing that the City could not deal with, would there be belt tightening, yes, but he would tell them that he and Ms. Mitchell and others had done a fair amount of contingency planning and they needed to use that planning because during the course of the year if the recession was deeper than expected, or if they came out of it fast than expected, they would need to make some adjustments during the year.

Upon questions by Council Member Holm, Mayor White stated that they did revenue projections based upon what the professionals and the Finance and Administration come up with and they believed, for example, the property taxes based on HCAD; that second, to say that they planned was what he said, what they planned was that they wanted the Fund Balance to be approximately \$170 million to \$171 million, which was double the amount that was on the books when they took office and was in the presentation the first pro forma that they made, how do they close the gap or have other sources of revenue and that there would be budget cuts,

and some of those budget cuts had already been made; that he would remind them all at the Council table that he could think that this was a collegial and consensus based process, that he could remember one specific amendment that cut, were two of them voted for it and the rest against it, that he hoped they would take collective responsibility with this administration for making the hard choices that they needed, that they did oppose many different proposals around the table at budget time to increase the amount spent on the budget if they worked through this in a way that was fact based, that it was not correct to say that the reserves were at the bottom, that today the reserves were almost triple what they were before the administration started and they could go back for years before the downturn and the discussion that they had around the Council table about how they would build up the cash balances, they were not cash reserves they were balances, in order to pay for the out year, but did they need to cut more, yes they did need to cut more. Council Members Johnson and Lovell absent.

Upon questions by Council Member Clutterbuck, Ms. Mitchell stated that some day back the Mayor had requested that all directors look at their contracts for renegotiating and seeing where they stood on some contracts and the helicopter contract was clearly one of those, were they looking at areas for savings, absolutely, that when they looked at the Police Helicopter Contract, all five helicopters were due to be delivered to the City on June 30, 2009 and they were not delivered to the City so it was decided that they would not accept the helicopters, that two were already in production and they contacted the company and they would be delivered by September 30, 2009 but the other three had not even begun production, so yes would it be a savings and would it be the thing to do in this economic time was to push off at this time because they had not even begun production and in truth the contract was in default on June 30, 2009 when they were not delivered, that the news appeared that the Mayor cut the helicopters to save money and that was not the case, it was the contractor, and Mayor White stated that they were adding helicopters, not as many as they planned to, that they were exercising rights under the contract and he was asking every director to go through every single contract with vendors and look at ways under the contract where they could get lower rates, for professionals, engineers, consultants, less services where the services were not critical. Council Members Johnson, Adams and Rodriguez absent.

Upon further questions by Council Member Khan regarding the SWAP, Ms. Mitchell stated that they reached the cure date, and Ms. Parker stated that they had another party step in, and Mr. Jim Moncur stated that the SWAP was terminated, and Ms. Parker stated that they were to the good over the life of the SWAP, about \$7.5 million and they got a \$2.6 million payment back to close the transaction, and Mr. Moncur stated that the SWAP was swapped against some underlying debt that was still there so their debt had not gone down, but the SWAP had gone away and they thought that had reduced the risk profile of the City and should make it easier to maintain their credit rating and get liquidity agreements in the future, that they did not plan to enter into another SWAP agreement. Council Members Rodriguez and Noriega absent.

Mayor White stated that they had spent a lot of time reviewing the Debt Service Accounts of the City and came up with a plan on that and would leave substantial excess cash balances, excess of the minimum requirements for their Debt Service this year in the Capital Account, that maybe \$80 million to \$90 million this year, that they wanted to be able, even in a recession, to plan a capital budget that they budgeted and make it predictable and be in a position in 2017 and 2018 where if they continued the capital budget they would get close, they would bring the excess down, that they could continue an orderly capital spending project, that their capital budget would be left in good shape despite a recession and they would not have to do what was done in other cities, which was just slash all capital spending and equipment purchases. Council Member Rodriguez absent.

Council Member Clutterbuck moved to accept the Monthly Operations and Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member

Rodriguez absent. MOTION 2009-0641 ADOPTED,

MAYOR'S REPORT - Reach out to Drop-Outs Walk

At 10:43 Mayor White recognized Ms. Linda Clarke and Ms. Cynthia Wilson for a presentation titled "Reach out to Drop Outs Walk".

Ms. Clarke and Ms. Wilson reviewed the "Reach Out to Drop Outs" program, a copy of which is in the City Secretary's office for review, and Ms. Clarke introduced a returning student, Mr. Deadrick Ford, Wheatley High School and Mr. Ronald Mumphrey, Principal of Yates High School. Council Members Lawrence, Gonzalez, Rodriguez, Lovell, Noriega and Green absent.

Mr. Deadrick Ford stated that he had moved to Houston from Tyler, Texas, that he was struggling for a while until the CIS Drop Out Prevention Specialist and Fifth Ward Enrichment came and gave him support, making sure that he got to school on time, as well as making sure that he had school supplies, that he was grateful for their efforts because he wanted an education, that he felt like he came to far not to graduate, which was his first goal in life and his second goal was to go to college, that he also worked at a fast food chain and played football and would like to continue, but he needed to work extra hours, that it was getting very hard on him and he was starting to struggle because he could not afford to go to school, play football and work at the same time, that he was trying his best to survive and not be homeless with many bills to pay, that if it was not for CIS some nights he would eat and a lot of nights he would not, that he never complained because he was grateful to be alive and in school, that he wanted to do something productive with his life, he wanted to change lives and help the world but first he had to help himself, that with the support and help from his school mentors they helped him believe that anything was achievable, that was why he chose to major in Forensic Science when he went to college, that in his heart he felt like anyone could make a difference and he would, that with no money for school clothes or supplies he realized how grateful he was for CIS and all of his other mentors who were supporting him, they were the people who drove him to get an education and make it possible, that even though other students made fun of him he was dedicated to his education and to be a better person, that he wanted to thank Mayor White for reaching out to students with the Expectation Graduation Program. Council Members Lawrence, Adams, Gonzalez, Rodriguez and Green absent.

Mr. Mumphrey stated that he was the principal of Yates High School and they would like to welcome them on September 12, 2009 to their school, that they started a new program, a consortium of five schools, plus the High School for Law Enforcement, Scarborough, Reagan, Lamar, Waltrip, Yates and the High School for Law Enforcement, that they had come up with a unique program to help students like Mr. Ford, who said he had to work, that from 4:00 p.m. to 8:00 p.m. they would have school at those six locations and on Saturday they would have school from 8:00 a.m. to 12:00 p.m. and Sunday from 1:00 p.m. to 5:00 p.m., that they called it the Eagle Academy, that it allowed a kid to have a flexible schedule, for instance if a kid a Yates High School needed economic's, but his or her teacher was at Waltrip High School, that by the internet and video cameras that teacher would teach that kid on that campus, that he or she was allowed to go to the closet high school, in the area they lived, so that they could service them and not have drop outs because of a scheduling conflict, that their new program would be flexible for all kids, regardless if they go to those six schools or not. Council Members Lawrence, Adams, Gonzalez, Rodriguez and Green absent.

Mayor White and Council Members Jones, Johnson, Khan, Adams, Brown and Noriega thanked Mr. Ford for his presentation and Ms. Clarke, Ms. Wilson and Mr. Mumphrey for the program. Council Members Adams, Rodriguez and Jones absent.

At 11:05 a.m. Council Member Clutterbuck moved to suspend the rules to consider Item

No. 53 out of order, seconded by Council Member Khan.

After discussion by Council Members a vote was called on the motion to consider Item No. 53 out of order. All voting aye. Nays none. MOTION 2009-0642 ADOPTED.

53. ORDINANCE approving and authorizing contract between the City and **GERRY FUSCO CONSULTING** for Professional Services relating to the Bureau of Animal Regulation and Control (BARC); providing a maximum contract amount - \$135,000.00 - General Fund – **(This was Item 22 on Agenda of August 26, 2009, TAGGED BY COUNCIL MEMBERS GREEN AND HOLM)** – was presented, and tagged by Council Member Jones.

After discussion Council Member Clutterbuck moved to override Council Member Jones tag on Item No. 53 and stated that she hated to see an issue that was going to be delayed or killed by a procedural move, seconded by Council Member Brown.

After further discussion Council Member Jones stated that she was not present last week but before she left she read the backup to agenda Item No. 22, which was this contract, and sent an email to the Mayor's office specifically and the subject was concerns about BARC/Fusco contract on August 21, 2009 at 6:57 p.m., that in the email she documented what happened in the meeting with Mr. Fusco earlier that day, that she received an email from the Mayor's office on August 24, 2009 at 7:00 a.m. which said "thank you Council Member Jones, your email has been printed for the Mayor", that she had asked Mr. Fusco a number of questions and they did not get answered, that he was concerned about them destroying his business, that he was concerned about "embarrassing the Mayor", that he said he was promised \$208,000 and she asked who promised him \$208,000, that he said he was not going to answer it because he was not going to go around the people he worked for, that she asked him for specifics and he did not give any, that she would like to have answers to make an informed decision, that Mr. Fusco could volunteer time until the questions get answered, if it was not about money, that they just had a very large budget discussion on whether they cut Council departments, that they were always asking for lower rates for attorneys, engineers and consultants, that she thought it was irresponsible of taxpayer dollars, that the tag was what it was and she was not doing anything that other people do not do on a regular basis, that there were a lot of questions, that she wanted to know if Mr. Fusco had a staff or whether he worked by himself, that would be very important to her and she had not had that easy question answered.

After further discussion by Council Members, Council Member Holm moved to suspend the rules to hear from Ms. Elena Marks so that Council Member Jones could have her questions answered, seconded by Council Member Clutterbuck. All voting aye. Nays none. MOTION 2009-0643 ADOPTED.

Mayor White stated that they had suspended the rules and Ms. Marks was available to answer particular questions, but there was no Council Member seeking recognition to ask questions of Ms. Marks.

Council Member Green moved to call the question on overriding Council Member Jones tag of Item No. 53, seconded by Council Member Sullivan.

Council Member Clutterbuck asked if the motion to call the question was on the motion to override the tag, and Mayor White stated yes, and Council Member Clutterbuck stated that she too had made the motion to bring Ms. Marks up because she thought they all would benefit by having Council Member Jones questions answered and she would like to see a resolution of this without a motion to override the tag and without a tag.

Mayor White stated to Ms. Marks that there had been a question posed about whether Mr. Fusco had others within his firm and whether there were deliverables and penalties associated with the contract.

Ms. Marks stated that Mr. Fusco did not have others who were on this job, although he might have others who were employed with him, that this contract was just for individual services, that he had access to other City staff to help him do the job because it was obviously a job that was going to take a team effort, that the contract detailed 71 deliverables, each of them had a timeline associated with it and the terms of payment required that they only pay in response to invoices where he described what he had done and that he had met the timeline for each deliverable.

After further discussion by Council Members, Council Member Jones stated that this was a conversation, in her opinion, that should have happened in her office, that she had been willing and was there, so to suggest that because Ms. Marks was sitting at the table and that her questions may or may not be answered was showing what something really was and she did not think they should be having the conversation around the table, that they had been complaining, since she had been on Council, about people getting stuff at the last minute, that she did not make uninformed decisions, that when she had conversations in her office she may ask a question and get an answer that may cause another question just based on the answer. Council Members Lawrence, Johnson and Noriega absent.

After further discussion a roll call vote was called on the motion to override Council Member Jones tag of Item No. 53.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Gonzalez voting no
Council Member Lawrence voting aye	Council Member Rodriguez voting no
Council Member Johnson absent	Council Member Brown voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Adams voting no	Council Member Noriega voting aye
Council Member Sullivan voting aye	Council Member Green voting no
Council Member Khan voting aye	Council Member Jones voting no
Council Member Holm voting aye	MOTION 2009-0644 FAILED TO RECEIVE A TWO THIRDS VOTE OF THE CITY COUNCIL.

At 12:03 Mayor White stated that they would move to the consent agenda. Council Member Johnson absent.

CONSENT AGENDA NUMBERS 1 through 49

MISCELLANEOUS - NUMBERS 1 through 4

1. CONFIRMATION of the appointment of **MR. R. MAVERICK WELSH III** to Position 13 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term that will end March 1, 2011 – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Johnson absent. MOTION 2009-0645 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment of **MR. CHRISTOPHER L. KNAPP** to Position Six of the **GARDEN CENTER ADVISORY BOARD**, for a term expiring June 30, 2012 – was presented, moved by Council Member Khan, seconded by Council

Member Clutterbuck. All voting aye. Nays none. Council Member Johnson absent.
MOTION 2009-0646 ADOPTED.

4. RECOMMENDATION from the Director of the Finance Department that the City Council receive the 2009 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw and Jennifer Chen to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code - had been pulled from the Agenda by the Administration, and was not considered. Council Member Johnson absent.

ACCEPT WORK - NUMBERS 6 through 15A

6. RECOMMENDATION from Director General Services Department for approval of final contact amount of \$2,459,508.71 and acceptance of work completed by the surety, **TRAVELERS CASUALTY & SURETY CO. OF AMERICA** on contract awarded to **J.O.A. CONSTRUCTION CO., INC** for Renovation of Teague Fleet Maintenance Facility - 4.76% over the original contract amount - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0647 ADOPTED.
7. ORDINANCE appropriating \$704,903.21 out of Drainage Improvements Commercial Paper Series F, Fund, as an additional appropriation for Construction Contract with **OSCAR RENDA CONTRACTING, INC** approved by Ordinance No. 2004-373 (passed by City Council on April 28, 2004); approving and authorizing the execution of Compromise and Settlement Agreement for North MacGregor Outfall Project from Fannin Street to Brays Bayou (TMC/SWMP) - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0798 ADOPTED.
- 7a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$13,071,460.21 and acceptance of work on contract with **OSCAR RENDA CONTRACTING, INC** for North MacGregor Outfall Project from Fannin Street to Brays Bayou - 10.99% over the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0648 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,305,299.24 and acceptance of work on contract with **BRH-GARVER CONSTRUCTION, L.P.** for Brays Bayou Detention Site - 3.26% under the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0649 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$887,029.49 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Safe Sidewalk Program D1 Project - 9.42% under the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0650 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,284,250.95 and acceptance of work on contract with **ADS ENVIRONMENTAL SERVICES, INC** for Citywide Intensive Flow Monitoring - 1.08% under the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - KHAN; G - HOLM and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0651 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,836,398.47 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Treewater and Kirkwood No. 1 and No. 2 Lift Station Replacement - 3.90% under the original contract amount - **DISTRICT F - KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0652 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,109,219.50 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Water Line Replacement in the Mary Bates Middle Area 0.01% under the original contract amount - **DISTRICT F - KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0653 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,175,214.81 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Water Line Replacement in Garden City Park Area - 3.74% over the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0654 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,344,680.04 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, LP.** for 42-inch Water Line along Holmes Road and Knight Road from W. Bellfort Street to 4,300 linear feet west of Kirby Drive - 9.22% under the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0655 ADOPTED.
15. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **HEYL CONSTRUCTION, LTD.** to settle a lawsuit; authorizing payment to **AACON, INC** as Disbursing Agent for the Bankruptcy Estate of Heyl Construction, Ltd. – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0799 ADOPTED.
- 15a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,958,249.06 and acceptance of work on contract with **HEYL CONSTRUCTION, LTD.** for 54-Inch Water Line along Ella Boulevard from West 24th Street to West 43rd Street - 7.48% under the original contract amount - **DISTRICTS A - LAWRENCE and H - GONZALEZ** – was presented, moved by Council

Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0656 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 17 through 21

17. ORDINANCE appropriating \$533,637.50 out of Police Consolidated Construction Fund for Installation of a Pre-Engineered Metal Building for Houston Police Department – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0800 ADOPTED.
- 17a. **BLUESCOPE CONSTRUCTION, INC** for Pre-Engineered Metal Building from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Houston Police Department - \$485,125.00 and contingencies for a total amount not to exceed \$533,637.50 – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0657 ADOPTED.
18. **AMEND MOTION #2007-601, 6/20/07, TO INCREASE** spending authority from \$528,890.00 to \$661,112.50 for Remote Activated School Flasher System Parts for Department of Public Works & Engineering - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0658 ADOPTED.
19. **ALTIVIA CORPORATION** - \$1,745,592.07 for Chemical, Caustic Soda and \$4,746,889.03 for Emergency Purchase of Caustic Soda for Department of Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0659 ADOPTED.
20. **NORTEX MODULAR SPACE** for Modular Office Building from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$229,474.40 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0660 ADOPTED.
21. **TURTLE & HUGHES, INC** for Electrical Lighting Parts and Fixtures for Various Departments \$1,090,786.54 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2009-0661 ADOPTED.

ORDINANCES - NUMBERS 22 through 49

22. RESOLUTION designating certain properties within the City of Houston as historic landmarks:

Henderson-Scurlock House	3663 Del Monte Drive	<u>DISTRICT G - HOLM</u>
T. J. and Ruth Bettes House	1059 Kirby Drive	<u>DISTRICT G - HOLM</u>
James L. Autry House	5 Courtlandt Place	<u>DISTRICT D - ADAMS</u>
St. John Missionary Baptist Church	2222 Gray Avenue	<u>DISTRICT I – RODRIGUEZ</u>
Jones-Hunt House	24 Courtlandt Place	<u>DISTRICT D - ADAMS</u>

– was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. RESOLUTION 2009-0022 ADOPTED.

23. RESOLUTION designating certain property within the City of Houston as a landmark and a protected landmark (Francois and Marie Tajan House - 1801 Lubbock Street) - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. RESOLUTION 2009-0023 ADOPTED.
26. ORDINANCE amending City of Houston Ordinance No. 2008-1053, which amended City of Houston Building Code and adopted additional local amendments to the International Residential Code for one–and two-family dwellings relating to Land Use Regulations at the City’s Airports, to correct a scrivener’s error – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0801 ADOPTED.
27. ORDINANCE appropriating \$1,100,000.00 out of Airports Renewal and Replacement Fund and approving and authorizing contract between the City of Houston and **TEXAS DRAIN TECHNOLOGIES, INC** for Evaluation, Repairs and Cleanup Services for the Sanitary Sewer Systems in all Terminal Buildings at George Bush Intercontinental Airport/Houston (Project No. 642) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0802 ADOPTED.
28. ORDINANCE deappropriating \$71,857,659.00 out of Airports Improvement Fund that was previously appropriated under Ordinance 2009-0365 for Project 417F (CIP A-0141); and appropriating \$71,857,659.00 out of HAS Consolidated 2004 AMT Construction Fund for Project 417F (CIP A-0141) for contract between the City of Houston and **CLARK CONSTRUCTION GROUP - TEXAS, LP** for Renovations of the East Terminal, Main Terminal Building, Baggage Make-Up and Baggage Claim areas at Hobby Airport – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0803 ADOPTED.
29. ORDINANCE making certain findings concerning the use of a portion of Hermann Park for (1) the roadway and bridge construction at Brays Bayou and South MacGregor Drive, (2) the realignment of the paving of portions of North MacGregor Drive currently located in Hermann Park, and (3) associated temporary construction easements, all through Hermann Park, by the Department of Public Works and Engineering; said findings made after a public hearing held at 9:00 a.m. on Wednesday, May 9, 2007, in the City Council Chambers, Second Floor of City Hall, Houston, Texas, pursuant to the provisions of Chapter 26, Texas Parks and Wildlife Code; making other findings and stating other matters generally relating thereto; providing for the effective date of such findings and approval - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0804 ADOPTED.
30. ORDINANCE accepting into the City Collection the sculpture, Great Confucius, a Cast Bronze Statue by Sculptor Willie Wang, for placement in the International Sculpture Garden of the Houston Garden Center in Hermann Park and approving and authorizing agreement between the City of Houston and the **CONSULATE GENERAL OF THE PEOPLES REPUBLIC OF CHINA** in Houston for donation of such work of art - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0805 ADOPTED.
31. ORDINANCE relating to the Fiscal Affairs of the Uptown Development Authority on behalf of **REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF HOUSTON, TEXAS (UPTOWN ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Year 2010-2014 Capital Improvement Budget for the Zone - **DISTRICTS C -**

- CLUTTERBUCK and G - HOLM** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0806 ADOPTED.
33. ORDINANCE approving and authorizing the City of Houston to enter into contract with **YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA** to administer an After School Achievement Program ("ASAP") - **DISTRICTS F - KHAN; G - HOLM and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0807 ADOPTED.
35. ORDINANCE amending Ordinance No. 2006-0976 (Passed on September 27, 2006) to increase the maximum contract amount for contract between the City of Houston and **CENTRAL LANDSCAPE & MAINTENANCE** for Landscaping Services for Convention & Entertainment Facilities Department - \$245,000.00 - Enterprise Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0808 ADOPTED.
36. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Kirby Drive (from Airport to Sims Bayou) and Mowery Road (from Edwina to future Kirby Drive) Project; authorizing the acquisition by donation, purchase, or eminent domain proceedings of a permanent and perpetual easements in, over, under, upon and across seven (7) parcels of land situated in the James Hamilton Survey, Abstract No. 877, in Harris County, Texas, such property being more specifically situated along and abutting the east and west lines of Airport Boulevard and along the north line of a Harris County Flood Control Drainage Easement and the north and south line of Mowery Road as these parcels intersect with Kirby Drive; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0809 ADOPTED.
37. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Mowery Road (Parcel SY9-061), from the west right-of-way line of the proposed Kirby Drive 246.08 feet west to its terminus, containing 0.1908 acre (8,311 square feet) of land, more or less; vacating and abandoning said tract and approving abutting owner, Headway Estates, Ltd.'s conveyance to the City of new street right-of-way (Parcel AY9-030) containing 0.6181 acre (26,927 square feet) of land, more or less, all located in the James Hamilton Survey, A-877, Houston, Harris County, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0810 ADOPTED.
39. ORDINANCE appropriating \$162,500.00 out of Reimbursement of Equipment/Projects Fund; awarding Construction Manager At Risk Contract to **MANHATTAN CONSTRUCTION COMPANY** for Central Permitting Center - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0811 ADOPTED.
40. ORDINANCE appropriating \$221,000.00 out of Reimbursement of Equipment/Projects Fund; approving and authorizing Professional Services Contract between the City of Houston and **TC HOUSTON INDUSTRIAL DEVELOPMENT, INC** for Project Management Services for the Central Permitting Center; providing a maximum contract amount - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0812 ADOPTED.

41. ORDINANCE approving and authorizing Supplemental Agreement to Professional Landscape Architectural and Engineering Services Contract between the City of Houston and **LAUREN GRIFFITH, INC** for Hermann Park Trail Improvements - \$40,698.00 - Grant Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0813 ADOPTED.
42. ORDINANCE appropriating \$6,800.00 out of Parks Special Fund for Demolition of Restroom/Shelter Building at Jaycee Park for Parks & Recreation Department - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0814 ADOPTED.
43. ORDINANCE appropriating \$120,500.00 out of Julia Ideson Library Contribution Fund and awarding construction contract to **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition at Julia Ideson Building; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management and construction oversight services and contingencies relating to construction of facilities financed by the Julia Ideson Library Contribution Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0815 ADOPTED.
44. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **BRIONES CONSULTING & ENGINEERING, LTD.** for Rehabilitation and Renewal of Wastewater Lift Stations - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0816 ADOPTED.
45. ORDINANCE appropriating \$1,979,429.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **CAMP DRESSER & MCKEE, INC** (Approved by Ordinance Nos. 1999-0001 and 2001-0417) for the Southeast Water Purification Plant (SEWPP) Expansion - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0817 ADOPTED.
46. ORDINANCE appropriating \$2,308,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Neighborhood Sewer System Improvements; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - ADAMS and G - HOLM** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0818 ADOPTED.
47. ORDINANCE appropriating \$3,616,512.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LTD.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was

presented. All voting aye. Nays none. Council Members Johnson and Adams absent.
ORDINANCE 2009-0819 ADOPTED.

48. ORDINANCE No. 2009-785, passed first reading August 26, 2009
ORDINANCE granting to **A-GAIA AMERICA, A Texas Sole Proprietorship**, 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 - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0785 PASSED SECOND READING IN FULL.
49. ORDINANCE No. 2009-759, passed second reading August 26, 2009
ORDINANCE granting to **RW JAYNES, LLC, d/b/a INTRA-SERVICES WASTE TRANSPORT, A Texas Limited Liability Company**, 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2009-0759 ADOPTED THIRD AND FINAL READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

5. RECOMMENDATION from Acting Director of Human Resources Department for approval of the amended Holiday Schedule for Calendar Year 2009 - was presented, moved by Council Member Khan, seconded by Council Member Green, and tagged by Council Member Rodriguez. Council Member Johnson absent.

Mayor White recognized Mr. Anthony Hall, and Mr. Hall stated that this was an awkward item in that it was not moot but they would be not in compliance with State law if they did not pass it because of the break week next week, that the law required it, that it took effect September 1, 2009 and required them to have made this a holiday by September 11, 2009, that Council would not meet again until after September 11, 2009, that from a strictly legal standpoint they obviously, he supposed, could violate State law, but that was not making it moot.

Mayor White stated that he gave some specific and emphatic instructions to his staff because he expressed concerns about this, that some of them knew exactly how he felt about tags and tag weeks, that he probably felt stronger about that than any Council Member, that there were issues concerning the negotiations that were occurring with City employee groups, including firefighters, that did take some time, that he thought that it had been resolved with Council Members before the meeting, apparently not, that just showed how invaluable Ms. Stein was. Council Members Lawrence and Johnson absent.

Council Member Gonzalez stated that he wanted to tag Item No. 5, specifically if there was a different proposal for the holiday, that he understood that Ms. Aldridge with Human Resources was looking at some other proposals and alternatives, that he was trying to get that information right now as well. Council Members Lawrence and Johnson absent.

Mayor White stated that he thought that each Council Member had been briefed by members of his staff about this, but asked Mr. Hall to do so. Council Members Lawrence and

Johnson absent.

Mr. Hall stated that the Legislature passed a law that frankly they were made aware of in June, at the close of the Legislature, that required them to designate September 11 as a holiday specifically for firefighters, that it did not mandate an additional holiday, just that they designate one of them a holiday, that part of their dilemma was that Council adopted a holiday schedule at the end of last year so that they had to have a bridge for this year because frankly three fourths of the firefighters had already taken their floating holiday so that they had an awkward situation just for this year, that the plan next year was to obviously give firefighters the option of having September 11 designated as one of them, that this dealt with just this year in an effort to comply with the law for this year so that the plan next year would be able to accommodate whatever it was, frankly, was desired because they did not have any particular opinion about what it was, that this year was critical and frankly they did not want to be forced into a position of having not complied with the law and this tag would put them in that position unquestionably. Mayor White and Council Members Lawrence, Johnson and Noriega absent. Vice Mayor Pro Tem Lovell presiding.

After further discussion Council Member Green moved to remain in session beyond the scheduled noon recess, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Johnson and Lovell absent. MOTION 2009-0662 ADOPTED.

After further discussion by Council Members, Council Member Jones stated that she would also tag Item No. 5. Council Members Lawrence, Johnson, Holm, Brown and Lovell absent.

After further discussion by Council Members, Mayor White stated that this was at Council briefing and he was assured personally and repeatedly that at the Council briefing people knew that it was non taggable which was not a matter of overriding tags, it was a matter of law, that he did not attend those Council agenda briefings and Ms. Stein was not present and asked Ms. Marta Crinejo, who was present at the Council briefing to address it, and Ms. Crinejo stated that Ms. Stein was presiding at the agenda briefing at 2:00 p.m. on Monday and she did very clearly state that this item was not taggable because they would not be able to vote on it before the passage of the September 11 holiday.

After further discussion by Council Members, Council Members Rodriguez, Gonzales and Jones released their tags on Item No. 5 and a vote was called on Item No. 5. All voting aye. Nays none. Council Members Lawrence, Johnson, Rodriguez and Brown absent. MOTION 2009-0663 ADOPTED.

PURCHASING AND TABULATION OF BIDS

16. **STATE OF TEXAS COMMISSION ON FIRE PROTECTION** for payment of Annual Certification and Re-certification fees for Firefighters for Fire Department - \$190,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Members Lawrence, Johnson and Brown absent. MOTION 2009-0664 ADOPTED.

ORDINANCES

24. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2008-193 by adding one (1) Assistant Chief Position; four (4) Master Identification Officer Positions; and by deleting three (3) Police Communication Specialist III Positions; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance – was

presented. All voting aye. Nays none. Council Members Lawrence, Johnson and Brown absent. ORDINANCE 2009-0820 ADOPTED.

25. ORDINANCE amending City of Houston Ordinance No. 2005-607, passed on May 11, 2005, which approved and authorized the submission of the 2005 Consolidated Plan to the United States Department of Housing and Urban Development, including a grant application for the thirty-first year of the Community Development Block Grant ("CDBG") Program, among others – was presented, and tagged by Council Member Jones. Council Members Lawrence, Johnson and Brown absent.
32. ORDINANCE amending Ordinance No. 2009-0031 for the purpose of correcting various errors in the listing of voting precincts affecting certain single member districts – was presented. All voting aye. Nays none. Council Members Lawrence, Johnson and Brown absent. ORDINANCE 2009-0821 ADOPTED.
34. ORDINANCE amending Ordinance Number 2008-1003 to increase the maximum contract amount for contract between the City and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS**, for transit fare media for City Employees - \$230,000.00 - General and Other Funds – was presented. All voting aye. Nays none. Council Members Lawrence, Johnson, Gonzalez and Brown absent. ORDINANCE 2009-0822 ADOPTED.
38. ORDINANCE appropriating \$6,560,000.00 out of Equipment Acquisition Consolidated Fund for a Houston Municipal Courts Case Management System ("SYSTEM"); approving and authorizing contract between the City of Houston and **SOGETI USA, LLC** for Software Design and Development Services; providing for expenses relating to the design and implementation of the system – was presented, and tagged by Council Member Holm. Council Members Lawrence, Johnson, Gonzalez and Brown absent.

NON CONSENT AGENDA - NUMBER 50

MISCELLANEOUS

50. RECEIVE nominations for Position 10 of the Houston Municipal Employees Pension System Board of Trustees, for current unexpired term ending June 30, 2011 – was presented.

Council Member Clutterbuck nominated Mr. Justo Penn Gonzalez for Position 10 of the Houston Municipal Employees Pension System Board of Trustees. Council Members Lawrence, Johnson, Gonzalez, Brown and Noriega.

Council Member Green moved to close nominations for Position 10 of the Houston Municipal Employees Pension System Board of Trustees, seconded by Council Member Khan.

After discussion by Council Members Adams, Green and Jones a vote was called on the motion to close nominations. All voting aye. Nays none. Council Members Lawrence, Johnson, Adams and Brown absent. MOTION 2009-0665 ADOPTED.

MATTERS HELD - NUMBERS 51 through 54

51. MOTION by Council Member Khan/Seconded by Council Member Sullivan to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by Joint Referral Committee, on request from William Bickerstaff of W. W. Bickerstaff and Associates, Incorporated, on behalf of Candlelight Development Joint Venture (Alvin L. Freeman, Manager and Tom L. Shepard, Manager), for abandonment

and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4 and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544, Parcel SY9-096 - **DISTRICT A - LAWRENCE** – **(This was Item 8 on Agenda of August 26, 2009, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. All voting aye. Nays none. Council Members Lawrence, Johnson, Adams and Brown absent. MOTION 2009-0666 ADOPTED.

52. ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Solid Waste Management – **(This was Item 14 on Agenda of August 26, 2009, TAGGED BY COUNCIL MEMBER SULLIVAN)** Council Members Lawrence, Johnson, Adams and Brown absent.

Council Member Sullivan stated that he wanted to remind them that this item would increase a lot of fees for both residential and nonresidential customers and also impose a restriction that yard waste must be put in a biodegradable bag, that double some of the fees 100% sends a bad message, that with respect to No. 4, the Dead Animal Category, the chart that Solid Waste provided him showed a large number of deer that had been collected out of District E, they had a lot of trees and deer, but those deer were not dying in people's yards, they were dying in the streets and the City would have the responsibility to pick them up period, so when they say they picked up 68 dead animals in District E it looked disproportionately high to the district, but was a cost that should not be borne by homeowners because it skewed the cost, that in other words the number of dead animals that were on private property in District E was not reflective of dead animals that were picked up. Council Members Lawrence, Johnson, Brown and Green absent.

Mayor White stated that he would work with Council Member Sullivan, that they should not be charging for picking up dead animals in the public right-of-way, and Council Member Sullivan stated that they were not and he apologized if that was the way that he phrased it, that what he was saying was if Solid Waste said that they were incurring \$100,000, and he was making the number up, to remove dead animals, and was using District E as an example, and they needed to raise the fee to pickup dead animals from people's homes, that he was saying that for the 10% of the people that did in fact have a dead animal on their private property they should not have to bear the cost of removing a dead animal from the public right-of-way, and Mayor White stated that he would personally review the calculations and see if there was an appropriate revision. Council Members Lawrence, Johnson, Brown and Green absent.

After further discussion a vote was called on Item No. 52. Council Member Sullivan voting no, balance voting aye. Council Members Lawrence, Johnson, Brown and Green absent. ORDINANCE 2009-0823 ADOPTED.

54. ORDINANCE approving and authorizing first amended and restated agreement among the City of Houston, Texas, Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), and the **MEMORIAL-HEIGHTS REDEVELOPMENT AUTHORITY** to finance certain public infrastructure improvements - **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and H - GONZALEZ** – **(This was Item 23 on Agenda of August 26, 2009, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. All voting aye. Nays none. Council Members Lawrence, Johnson, Brown and Green absent. ORDINANCE 2009-0824 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Adams stated that she was really excited about the partnership for "Reach out to Drop Outs" and was asking those who could volunteer on Saturday to please do so, that they were meeting at Yates High School about 8:00 a.m.; that this weekend two football

games were occurring in District D, the University of Houston Cougars and Texas Southern University; that on Sunday morning her office members went to various churches in the community to partner with the Houston Police Department to bring public awareness about burglary and wanted to thank the churches who participated this week and to thank her staff for coming out; that they had been having an issue at Almeda Plaza and their office had been going out there in the morning to help with traffic deterrents on Almeda to deal with some of the cut through, that she wanted to thank the Southwest Division for helping them deter some of the traffic that had been affecting their community; that there would be a ribbon cutting tomorrow at 11:00 a.m. at Kip Spirit Academy on Scott Street, they would be opening up their new school; that on Saturday morning their office would be joining Constable Ruben Davis for a prayer breakfast, so for those who lived in the Fort Bend area to contact Constable Davis; that Saturday at 9:00 a.m. their office would be partnering with Hearts and Hammer, it was a project that would help with a senior citizen's home at 1038 Teresa; that on Friday, September 11, 2009, Sunnyside Ike Recovery Fair, their office was sponsoring with them and they would be having an event at Saint Francis Xavier Catholic Church Hall at 4600 Reed Road, that they were finding out that there were still people dealing with the effects of Ike; that there would be a "We Have a Dream Summit Breakfast" at the University of Houston Downtown on September 12, 2009 to look at some of the possibilities that their young people had, that she wanted to thank the University of Houston for partnering with their office to make dreams come true in the district. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that he wanted to thank the Near Northside Community for attending a townhall meeting he had yesterday at Jeff Davis High School, that they had some good questions and dialog, that tomorrow he would be hosting another one at the Monty Beach Community Center; that he wanted to send out some props to Avenue CDC for their recent open house at former Fire Station No. 6, that they had done a wonderful job with that facility and were doing tremendous work around the Near Northside area; that he wanted to remind them that they were in hurricane season and if they knew of someone who was disabled or elderly make sure that they register with United Way via 2-1-1. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that there would be a concert commemorating September 11, that it would be on Thursday, September 10, 2009, 7:00 p.m. to 8:00 p.m. at the University of Saint Thomas, Cullen Theater, 3800 Montrose, that it was sponsored by Sister Cities of Houston and Fullbright Association, that there would be a performance by Lanier Middle School Concert Ladies and vocal and jazz ensembles from the University of Saint Thomas; that the Museum of Fine Arts was helping the Houston Palestine Film Festival and Women in Television and Film in Houston, that it would be on September 25, 2009 at Angelika Theater, that on Saturday, September 12, 2009 at 6:00 p.m. they would be pre-opening a special screening of "Amreeka", a highly acclaimed film; that Alief was planning a second annual parade and he welcomed everyone to join in, for more details they could call the Alief Super Neighborhood Council. Council Members Lawrence, Johnson, Sullivan, Gonzalez, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that some would say that today was not their proudest day, that after today's vote, with the procedural move affectively rendering Mr. Fusco's contract non-renewable, she wanted to express her's and City Council's appreciation to everybody who worked and volunteered at BARC and read a letter from Mr. Mike Cansela, who volunteered at BARC, that they received last week; that she wanted to thank Elena Marks and all who had participated in the various collaborative meetings; that there was an article in the Houston Chronicle which said "Dallas Council Changes Rules", that it might be an idea for how they could achieve their budget savings, that it said that it would be harder for Dallas /City Council

Members to clock in at meetings and be counted present, only to clock out shortly thereafter, that under a new rule Council Members must attend at least half of a scheduled meeting to be paid, unless they received an excused absence. Council Members Lawrence, Johnson, Sullivan, Gonzalez, Khan, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Holm stated that she wanted to thank all of the people who had been committed to BARC; that she wanted to thank Mayor White for removing BARC from the Health Department, that it really gave them an opportunity to really change the environment and to transform the culture, as Mr. Fusco says; that she regretted the discussion and hoped that they learned from it because today's discussion was not really about the issue of BARC, that she hoped that they all heard something today and listened; that the second thing had to do with the media and the discussions and the financial climate of the City of Houston, that Mayor White and the City Council had over the last five years seized the opportunity of a great economic environment as well as some good Council and leadership in building up their reserve funds and being able to have a healthy balance so that they were able to address any of the issues and things that came their way, that there was an article on CNN that talked about all the cities that were cancelling projects and having economic and budgetary issues, that she wanted to have them heed that it was really important this time that they could not continue to use one time revenue sources for those reoccurring expenditures, that she hoped that the sooner they actually made solid budget adjustments the better position they would be to address the issues that came forward for them. Council Members Lawrence, Johnson, Sullivan, Gonzalez, Khan, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she too wanted to thank all of the stakeholders and people involved in the BARC issue, that the discussion today and the vote was very disappointing and she was hoping that they could move forward and let the employees and volunteers know that they had heard them, that she would ask Mayor White if he could reach out to Mr. Fusco and ask if he could just hang with them a little bit longer. Council Members Lawrence, Johnson, Sullivan, Gonzalez, Khan, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he would do so, that he urged others to do so within the community that cared about BARC moving forward; that he thought there was a misunderstanding about whether people wanted information at the Council table or not that led to an extended discussion; that they did intend to present in the FY2011, as well as 2010, some very specific things that represented hard choices, that he would say to them as colleague's that he had brought these issues up in the past and they had not had a majority support on City Council and they would take them up again, that they had put them in writing but there were some things that they needed to do and present on the FY2011 budget, that they had planned the reserves and had shown in pro formas that would take them through a period because there were some extraordinary increases, such as firefighters pay and the ramp up in police to take them approximately through Fiscal Year 2011 or 2012 and now he thought there would be some cushion for Fiscal Year 2011 but because of the recession they would not have that, that they had also cut back spending, but when they talked about anything on the increasing percentage of the City's ad valorem tax base it was going to be like 10% now within the Tax Increment Reinvestment Zones and health benefits, able bodied retirees, and they would go through things that would really have a significant impact on the budget so that people on the campaign trail could talk about those with their citizens so that they could get some buy in. Council Members Lawrence, Johnson, Sullivan, Gonzalez, Khan, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that there would be a Transportation and Infrastructure and Aviation Committee meeting on Monday, September 14, 2009 at 3:00 p.m. in Council Chamber;

that on Saturday there was an editorial in the Houston Chronicle about an historic building on the East End that they were moving forward in trying to save, that with the help of a really good coalition of Council Members, herself and Council Members Noriega and Gonzalez, they met with the community and Metro and the façade was going to be saved and moved to the Eastwood Park for a permanent place, that she wanted to tell her fellow Council Members that it was great doing the project together and to the leaders of the neighborhoods thank you and to Metro, thank you, because they understood how important the building was to the neighborhood; that tonight at midnight was the deadline to apply for the Mayor's Youth Council, that for all of them who had children between the ages of 14 years old and 18 years if they were interested in government and wanted to make a difference in the City at such a young age this was the place to be. Council Members Lawrence, Johnson, Sullivan, Gonzalez, Khan, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:06 p.m. Council Members Lawrence, Johnson, Sullivan, Gonzalez, Khan, Rodriguez, Brown, 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