

City Council Chamber, City Hall, Tuesday, March 3, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 3, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department, Ms. Jo Wiginton, Division Chief, Contract Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance, Mr. Xavier Herrera Citizens Assistance Office; Ms. Marty Stein Agenda Director present. Council Member Wanda Adams absent on personal business.

Note: Council Member, District H Position, vacant.

At 2:17 p.m. Mayor White called the meeting to order and stated that he wanted to acknowledge the presence of a very special guest and asked Council Member Khan, chair of the International Committee, to escort Mayor Kamal to the podium; Mayor White stated that Mayor Kamal was Mayor of Karachi, Pakistan, and Karachi was one of the largest cities in the world with some 18 million people, it was a great port and trading center for all of South Asia and a great cultural center with human habitation being there for a matter of millennia and like all urban areas it had both beauty and challenges; that the Mayor was present to inaugurate sister city relations and it would be the largest city by population that would participate in the Sister City Program; and they honored Mayor Kamal and thanked him for being present; and Mayor Kamal thanked Mayor White and stated that he thanked them for himself and the people of Karachi and he wanted to convey the message of love and attraction from their part of the world to our part of the world; that city relations would bring many opportunities to both cities and this was a positive step Council Member Johnson would begin presentations. Council Members Johnson, Sullivan and Holm absent.

Council Members expressed opportunities of the sister city relationship, thanked all who helped to make it happen; and recognized those in the Pakistan community who were present. Council Members Sullivan and Holm absent.

Council Member Rodriguez invited those present with Buffalo Marine Service to the podium and stated that today they were joined by Mr. Patric Studard, president/CEO of Buffalo Marine Services, Inc., Thomas B. Marion, vice president, Captain Al Schmidt, from the N.V. San Patricio and former Council Member Ray Driscoll and Sam Wanelli of Bayou Diesel Plus; that on September 13, 2008, 4:20 a.m., the height of Hurricane Ike, a super flex deep sea container ship broke away and three Buffalo Marine Service push boats immediately responded in the face of Ike's 90 to 100 mile an hour winds and confronted with a large ship out of control; that ahead of the ship there were two barges loaded with 50,000 barrels of flammable bunker fuel and the 610 bridge over the Ship Channel; that together the three boats pushed the ship against the barges and the bank to keep it from hitting the bridge and causing a massive disaster and today because of their historic and heroic actions presented them a Proclamation proclaiming today as "Buffalo Marine Services Day" and recognized the push boat captains, of the San Carmen were Captains Bethshey and Lopez and of the San Rafael were Captains Ellis and Kane and of the San Patricio Captain Schmidt; and Mayor White stated that he and Judge Emmett were kept abreast of what was happening and he wished all citizens knew of what they did; that if they had not done this it would have been the image and headline throughout the world in the wake of Hurricane Ike. Council Members Sullivan and Holm absent.

A Spokesperson for Buffalo Marine Services thanked all for the recognition and stated that they had been here 75 years and refueled 86% of the ships in the Port of Houston; that Captain Schmidt had been on a Navy aircraft carrier; Tom Marian was a commander from the U. S. Coast Guard; so many went over the 610 bridge daily, if it wasn't for Captain Schmidt two

girders could have been taken out and 50,000 barrels of black oil would be in the Houston Ship Channel and the 610 bridge still would not be repaired and he should get all the credit.

Council Members expressed their thanks to Buffalo Marine Services and to the heroic efforts of those present; and concerns of what would have happened if the bridge had fallen; and Captain Schmidt stated that the ship broke loose and came across the channel as the hurricane was approaching and they got it pinned with its anchor down before it did damage, but as the hurricane passed and winds changed direction it got blown on the 610 bridge and that was when they got on it; and Council Member Lovell stated she thought it should become a movie. Council Members Sullivan and Khan absent.

Council Member Brown invited Mr. Frank Stats and Mr. Andy Bergman to the podium to talk about two important events to be in Houston; Mr. Bergman stated that with him was Mr. Thomas Glenn and they were joined by Ms. Sandra Strahan and Ms. Christina Garza and Mr. Ron Wright and the Lights Out Houston Program was in its second year and it was born with about five of them thinking it would be great if Houston buildings would turn off unnecessary lights and while it sounded simple, it had not been done in many cities and in 30 days they were able to get support and a total of 300 buildings committed to the program and it accounted for over 100 million square feet; that last year many participated including the Humble School District, Memorial City Mall and the Johnson Space Center Complex, one issue they wanted to emphasize was the dollar savings such a simple effort would produce and with the help of Center Point Energy they compared that weekend to other weekends and a sample of the 10% of the 100 million square feet and found on an annualized basis if they were continue the effort that weekend it would result in \$8 million of savings; that this year their goal was 150 million square feet and it was the equivalent of 5 Houston downtowns and to save over \$15 million; that in addition to Lights Out Houston on April 24th, the City of Houston was participating in Earth Hour on March 28th at 8:30 p.m. and they were joining prestigious cities around the globe, it was geared to residential homes turning off lights; and www.lightsouthouston.com had all information. Council Members Sullivan, Khan and Lovell absent.

Mayor White stated that he commended their efforts; the city understood tightening the belt and avoiding waste and thanked them for their leadership. Council Members Sullivan, Khan and Lovell absent.

Council Members Brown thanked all involved for their volunteer work and expressed hope to carry it further; and Mr. Glenn stated that Houston liked to be number one in all they did and Dallas was also participating and they did not want that city to outdo them. Council Members Sullivan, Khan and Lovell absent.

Upon questions by Council Member Brown, Mayor White stated that he thought their focus on commercial and retail was appropriate and although they were not adverse to symbolic actions they liked to think of Houston as a city with real results and did want to raise awareness of property owners and managers and in the city they cut power consumption by 6% from the year before to last year and residences have started to show savings also; and he thought targeting those who owned commercial and retail properties for maximum participation was a good idea; and to Mr. Eugster they should explore ways to get the word out. Council Member Sullivan and Lovell absent.

At 2:53 p.m. Council Member Brown Reverend Joseph Hubbard, Pastor of the New God Missionary Baptist Church in the Third Ward and also leader of the Guiding Light Community Development Corporation to lead all in prayer and Council Member Brown led all in the pledge. Council Member Sullivan absent.

At 2:57 p.m. the City Secretary called the roll. Council Member Adams absent on personal business. Council Member Sullivan absent.

Council Members Khan and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Sullivan absent. MOTION ADOPTED.

At 2:57 p.m. the City Secretary began calling the public speakers. Council Member Sullivan absent.

Ms. Ramona Davis, 712 Main #110, Houston, Texas 77002 (713-216-5000) appeared and stated that she was executive director of the Greater Houston Preservation Alliance and was present to speak in full support of amendments to the preservation ordinance; that it was over a year long process, it represented much work; and urged support by Council. Council Members Sullivan and Brown absent.

Council Member Lawrence stated that she appreciated all her hard work, but had concerns, most of the concern here was for neighborhood homes and setbacks and as they increased the board from 11 to 13 they only had two homeowners on the board and in her thinking they were insignificant and she would like many residential people in historic areas to be a part; that also with the time as it was now, the 180 days, if she were to redo a home in the Heights and she goes to the bank for a loan and says she would not add on for six months she did not think in this time of day the six months, the 180 days, a banker would laugh at it as hard as it was to get a loan and in a regular neighborhood she would hate her neighbor to have a four by eight sign, she would prefer it smaller, and she was looking for answers; and Ms. Davis stated that she would prefer to send her something which would be answers for her. Council Members Johnson, Sullivan, Brown, Noriega and Green absent.

Mayor White stated he would invite people, this was a good way to avoid unintended consequences to work through key studies, it was not his intent to substitute his judgment for the home market or purchase and if people needed to add something on there needed to be an opportunity and he invited those who crafted to go through case studies so they would not have unintended consequences on the issue of representation; and Council Member Lawrence stated that between herself and her chief of staff she hoped someone from Planning could come speak with them and she had listed her issues. Council Members Johnson, Sullivan, Brown, Noriega and Green absent.

Mr. Jonathan Smulian, 1231 Arlington, Houston, Texas 77008 (713-863-9047) appeared and stated that he lived in the Heights and the process which resulted in the nine amendments had been one of good will and it had been discussed at length with the city; that Houston had the weakest of such an ordinance of any city in Texas and at the moment they were speaking of under 4,000 houses which contributed as historic to Houston, it was a minute area, and urged support of Council. Council Members Johnson, Sullivan, Brown, Noriega and Green absent.

Council Member Lovell stated that Mr. Smulian had the best presentation of Heights history, architecture and how it came to be of any she had seen and hoped it could be institutionalized so it would not go away; that it was a small portion, but given opportunity others would start preserving their neighborhoods and history. Council Members Johnson, Sullivan, Brown, Noriega and Green absent.

Council Member Lawrence stated her concern was having residential people at the table; and upon questions, Mr. Smulian stated that many of the people on the board did live in historic districts and provided a dual role, a role of expertise and preservation in construction and remodeling and the other was they were also homeowners, he had no problem with more than

two being homeowners on the board. Council Members Johnson, Sullivan, Khan, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. David Beale, 316 W. 15th Street, Houston, Texas 77008 (713-594-2199) appeared and stated that he lived in the Houston Heights historic district and supported the amendments to the historic preservation ordinance and asked those in support to stand to be recognized; that to answer Council Member Lawrence's question about adding onto or restoring a house that was what they wanted and what the ordinance wanted; that present amendments did not change the procedure for restoring or adding onto historic houses, most discussed was the 90 day and 90 day wait, the way the ordinance was administered was if someone wanted to demolish they had to file a certificate of appropriateness and wait 90 days, if they wanted to build an entirely new building they filed an application for certificate of appropriateness and if approved they could immediately do it and if not approved they could wait 90 days and do it and they were two different events with demolition being one and new building being the second and the way the city presently administered the ordinance they said you could do them both at the same time. Council Members Johnson, Sullivan, Khan, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones thanked all who came in support of the historic preservation ordinance amendments and stated that many in Houston did not appreciate history and thought newer was better; that those on the board had important positions being architect, landscape architect, two having a homestead in the area, etc., it was well rounded and covered all bases and they needed to preserve whatever was left of Houston's history. Council Members Johnson, Sullivan, Khan, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Holm stated that she was confused on the certificate of appropriateness and discussed her understanding of it with Mr. Beale who stated she was correct and many wanted it to be 180 days and 180 days and the two 90 days instead was a compromise made after six months. Council Members Johnson, Sullivan, Khan, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Mark Williamson, 1433 Columbia, Houston, Texas 77008 (713-864-4230) appeared and stated that he was the immediate ex-president of the Houston Heights Association and speaking for himself today being a homeowner in the Houston Heights; that he was endorsing the ordinance amendments as he understood the purpose for the compromise and it did not require the second 90 day wait unless it was the building was not approved by the commission; that more residents were better, but many on the board fulfilled both roles. Council Members Johnson, Sullivan, Khan, Brown and Noriega absent.

Mrs. Sharie Beale, 316 W. 15th Street, Houston, Texas 77008 (713-594-2199) appeared and stated that she was chair of the committee who made the recommendations, the Houston Archaeological and Historical Commission, and to simplify things, right now they had four members who lived in historic districts on the commission and they wanted to at least be sure they always had at least two who were homesteaded in the districts because they were big stakeholders; that the 90 day plus 90 day was because they thought at first the 90 day would be a cool off period to work with the community in finding an alternative to demolition as demolition of a historic house they thought was very bad because demolition and relocation left an empty lot and it tore away the fabric of the historic district; and somehow the city policy allowed the 90 day wait of demolition and construction of an inappropriate or appropriate construction to go at the same time and on the commission they thought why approve the new construction when they had demolition of a historic house and the community had not been involved and thought they should separate the demolition from construction by having another 90 day wait if it was an incompatible new construction and they felt this would encourage building the right thing; and

encouraged Council's support. Council Members Johnson, Clutterbuck, Sullivan, Khan, Brown and Noriega absent.

Council Member Lovell stated that she knew they had spent much time with the stakeholders and thought the 180 day total was a great compromise in preserving neighborhoods; and thanked Mrs. Beale and all who worked on the amendments. Council Members Johnson, Sullivan, Khan, Brown and Noriega.

Council Member Holm stated she would like to know who was on the stakeholder committee in bringing the ordinance forward; and Mrs. Beale stated that three were from the HHAC Committee and two were commission members and one was part of the committee who was a resident in another historic district and they had Mr. Ashman with the Greater Houston Builders Association and Mr. Gordon with Whitestone Builders and several other builders and intense negotiations; and upon further questions stated that the 180 day wait was the maximum and that was if you did the two worse things. Council Members Johnson, Khan, Brown and Noriega absent.

Upon questions by Council Member Lawrence, Mrs. Beale stated that she had no problem if there were 7 members of the board being homestead residents, but they also needed...; and Council Member Lawrence stated her point was to be sure residents had a majority say so in their neighborhoods; that was how she governed and residents were her concern; and Mrs. Beale stated she would love to see it; and Council Member Lawrence stated that this board had it but it did not mean boards in the future would. Council Members Johnson, Khan, Brown and Noriega absent.

Mayor White stated that some of these origins had come from residents and what they were doing here did require people of expertise as they needed professional judgment involved; and Council Member Lawrence stated that was why she wanted half and half; and Mayor White stated the best would be if you had residents with the professional judgment and he thought she would find they were pretty close to that right now. Council Members Johnson, Khan, Brown and Noriega absent.

Ms. Barbara Skerrett, 247 W. 16th Street, Houston, Texas 77008 (713-861-4333) appeared and stated that she lived in the Houston Heights and was in favor of the ordinance amendments, she believed it would be beneficial in maintaining the history and character of her neighborhood which was very important to her; and urged Council's consideration. Council Members Johnson, Khan, Brown and Noriega absent.

Ms. Betty Chapman, 6166 Olympia Drive, Houston, Texas 77057 (713-974-4970) appeared and stated that she and others today were present on what they felt to be very important; pertaining to Council Member Lawrence's concern she was very passionate about this, just as if she lived in a historic district, and felt every member of the commission was regardless if they were a resident though maybe they could have more meetings with neighborhoods to communicate; that most had been said, but they were passionate about historic preservation as it was very important to know history, the past was inclined to be repeated whether good or bad and those familiar with Houston's history knew it reoccurred over and over again and it could help plan for the future; that they could read about the history as a narrative but there was nothing like experiencing it; and commercial buildings were a part of this and many were endangered and needed protection also; and urged approval by Council. Council Members Johnson, Khan, Brown, Noriega and Green absent.

Council Member Jones stated that all should see the Julia Ideson Building in all its ornamentation and then they would understand this. Council Members Johnson, Khan, Brown, Noriega and Green absent.

Council Member Holm stated it was about taking pride and really learning first hand about the city and where they came from; and she thanked and commended Ms. Chapman on her work on the Texas Avenue markers which was a great walking experience. Council Members Johnson, Khan, Brown, Noriega and Green absent.

Council Member Lovell displayed the Glenbrook Valley News Letter and stated that it read in trying to get historic designation they had come across wonderful documentation of their history so this was happening in many neighborhoods all over the city, some had a much younger history but they were interested in preserving it and it was very good; and thanked Ms. Chapman for all her work; and Ms. Chapman stated that the Houston History Association was a new organization which came out of the Mayor's Taskforce and they were establishing a "How to Manual" on how neighborhoods could research their history and it was almost completed and then they would have workshops and if they qualified as a historic that was fine and if not they still would know the history of where they lived. Council Members Johnson, Khan, Brown, Noriega and Green absent.

Mayor White stated that members of the commission worked long and hard hours and it was all volunteer civic duty and at it's finest; and he thanked Ms. Chapman and each member of the board. Council Members Johnson, Khan, Rodriguez, Brown, Noriega and Green 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 Johnson, Khan, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Khan, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Sheila Carter, 5050 Yale #93, Houston, Texas 77018 (713-225-8548) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Khan, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Sharon Lockett, 14365 Cornerstone Village Drive #1215, Houston, Texas 77014 (281-608-5588) appeared and stated that she wanted to share her struggle as a DHAP Ike victim; that Houston Housing did not pay all they were supposed to pay in a timely fashion, but the work was turned in when it was due; that she moved December 23rd and her rent was paid for January and February on February 9th and late charges and several eviction notices later they paid her rent but it was only after a call to the HUD Office and spoke to Mr. Rodriguez who said he would look into it and two weeks later her rent was paid; that she had been there six times before it happened; that security deposits were not paid, she was told they would pay up to \$400.00 for a security deposit for electric and whatever the rental deposit was they would pay, but her lights were turned off January 19th and as of today were still off; thanks to Mayor White and his office and Council Member Jones after one day of calls she got a check for the lights and they processed her rental deposit, she had made hundreds of calls and was told she could not speak to the head of Housing; and suggested all be fired there, she had experience and she could cleanup the place if hired, they were rude, non-compassionate and noncompliant. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she was sorry Ms. Lockett had gone through so much and they needed to work on getting a better Housing Authority, she agreed with her and she

wanted to commend her staff person Ingrid as once assigned she took off on it; and she, herself, wanted to work with Housing and she heard all kinds of excuses from them, if someone was getting evicted not because of what they did but because they had internal whatever did not make sense and she was thankful she was able to assist her; and if you were a renter and you lost your job, etc., the Houston Housing Authority had to adjust your rent, they were obligated under the Code of Federal Regulations. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that Ms. Vasquez with Citizens Assistance thinks she spoke with her and they had her check and would release it to her; that rude was not acceptable and if she would give Ms. Vasquez the names they would be more than happy to take care of it, and with Council Member Jones getting to know them they would give the information to her. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Gabriel Cserei, 8189 Sands Point, Houston, Texas 77036 (713-270-1108) had reserved time to speak, but the speaker appearing stated that his name was Stewart Drier and Gabriel Cserei was with him, but he would be speaking; and Vice Mayor Pro Tem Lovell stated that there needed to be a suspension of the rules to allow him to speak. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck moved the rules be suspended for the purpose of allowing Mr. Stewart Drier to speak in place of Mr. Gabriel Cserei, seconded by Council Member Jones. A vote was not recorded as a quorum was not present. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Stewart Drier presented information and stated that they represented the Houston Table Tennis Association, Inc., a 501c3 organization in Houston; and members of their club included three national champions within the last year ; that they had been in existence 10 years and promoted table tennis very effectively with probably the best players in the United States and one was present today; that now they had run out of a place to play and he hoped the city could help with a facility between 10,000 and 20,000 square feet where they could promote international Olympics as they did in 2001 when they hosted the Olympic trials in Houston; that the club had several hundred members with the youngest being 8 years old and the oldest 85 years of age and she was the women's 75 and over silver medalist; that they would like to be able to continue. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Drier stated they were renting space at the corner of Boone and Bellaire and the owner now has other plans for the space and after April they would be homeless; that if they were to rent it then it would need to be cheap and they were wondering if the city, since they acquired real estate, perhaps they had some they did not know what to do with and would rather it not sit empty. Mayor White, Council Members Lawrence, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that her chief of staff would come get his information so he could be contacted; and congratulated them on their impressive record. Mayor White, Council Members Lawrence, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Demas Mitchell, Houston, Texas 10922 Village Bend, Houston, Texas 77072 (281-678-9183) appeared and stated that she had a complaint against Section 8 housing, she was terminated from housing in May without cause and as a result she and her children were homeless; that she did all she was told to do, but still terminated; that she called and spoke to supervisors and they told her the termination was upheld and she had to reapply in five years and find another source of housing; that they were rude and did not want to help and said they sent her a letter for termination but she had not received it yet; that she received termination notice by going into the office and getting it from her worker and when she gave it to her she was rude and threw it into her hand and told her to go downstairs and file an appeal and when she did she already knew it was past the 10 days but she did not tell her and she kept calling and was told they sent a letter but she still had not received a letter from Housing. Mayor White, Council Members Lawrence, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that her office called her number twice yesterday and the second time a child answered; and Ms. Mitchell stated no one called her; and Council Member Jones stated that she would make sure what was going on but wanted to be sure she had a good number to contact her. Mayor White, Council Members Lawrence, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Ms. Marnine Thomas and Ms. Claudia Vasquez were present and they would speak with her at this time. Mayor White, Council Members Lawrence, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Sherlene Mitchell, 10922 Village Bend, Houston, Texas 77072 (281-678-9183) appeared and stated that and she also had a complaint against the Houston Housing Authority; that she was on housing and Hurricane Allyion flooded the house she was in and it was unlivable and she called Housing and they came out and the house failed; that when she talked to them to see if she could move they said it was time for her to be recertified so she did all the paperwork and they claimed they sent the form but she did not receive it but she went and talked to a supervisor who was rude and disrespectful and used all kinds of profane language, that was in 2001, she went back downstairs to fill out a paper to get back on the waiting list and was told she would not have to wait but would get back on the list and had heard nothing from them; that she submitted another application in 2006 and had been calling, half the time they did not answer the phone and some put you on hold and didn't come back and some acted like they were the ones paying your rent; that it was hard trying to find a place to live and upsetting when no one responded to your calls or gave the answer you were looking for; and if you did not want to do your job you should not have gone to work. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she too was more than welcome to call her office, they needed to do a better job with the Housing Authority; and upon questions, Ms. Mitchell stated that what happened was in 2001 when she was terminated unjustifiably, she had no control over the flood, the landlord wanted to file for eviction so he would not have to fix it and Housing said it was not livable but she was still terminated; that Council Member Jones stated that they did not have a large stock of affordable housing and once taken out of the system there was an extremely long list to get back on, it was important to her that things they could control be controlled such as how people spoke to people, if they were responsive and if they were not she should come and speak and welcome to call her office; and they did call and leave a message

for her. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that what disturbed her was when they spoke of not being treated right, rude attitudes were not acceptable and if it happened they should call and give names. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. John Nechman, 20423 Tamarron, Humble, Texas 77346 (832-837-9880) appeared and stated that he would like to have a motion reverse the order for him and the next speaker; and Council Member Clutterbuck moved the rules be suspended for the purpose of allowing Mr. Steven Vargas to speak in before Mr. John Nechman, seconded by Council Member Jones. A vote was not recorded as a quorum was not present. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Steven Vargas, 204 Clifton, Houston, Texas 77011 (713-926-9491) appeared, presented information and stated that in 1995 his mother passed away from HIV/AIDS conditions and now 14 years later they were seeing rising numbers of women of color, that includes Hispanic women, infected with HIV and many found themselves HIV infected even though they did not live lives of high risk behavior, not drug users and in marriages some time before knowing they were infected; that today they were addressing the specific issues which were relating to this group in terms of medical and legal issues and family life; that he chaired the Latino HIV Task Force spearheaded by the Houston Department of Health and Human Services and was comprised of dedicated volunteers all unified in reducing HIV infections with the Hispanic population and they were strengthening the awareness about HIV and AIDS spreading in the communities and did it with free HIV/AIDS testing events and they tried to organize information sharing events; that March 10th was National Women and girls HIV/AIDS Awareness Day and the Latino Task Force was hosting an event at the Offices of Katine & Nechman; and Dr. Hunter Hammill would be speaking about HIV medical issues as they pertain to women and Mr. John Nechman who would follow him and would be speaking on legal issues of the same population; and today they were inviting the Mayor and Council Members, Wednesday, 6:00 p.m. to 8:00 p.m. Mayor White, Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that if she was available on that date she would be at the event and if she had a pre-existing commitment she would make sure someone from her staff was at the event; that she used to draft wills for the NAACP for people who had full blown AIDS and learned through that work that if you had a Mom who had HIV or AIDS you wanted to make sure who would take care of your children so they drafted wills and she was happy to help anyway she could. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Mr. Vargas stated that the event would be Tuesday, March 10th at 6:00 p.m. at the offices of Katine & Nechman; and Council Member Johnson stated that HIV had impacted all of the City of Houston, in particularly the minority had been tremendously impacted, he hoped through their work communities could come together to eradicate the disease; and thanked him for what he did; and school systems with an abstinence approach was right but they must catch up, teen pregnancy was very high and something was going wrong with the abstinence approach and they needed to talk about ways for protection.

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

Vice Mayor Pro Tem Lovell stated that she was a founding board member of the AIDS Foundation Houston and it was difficult and hard wait and she thanked him for all he did and for the information and Ms. Barton was in the back and she should also be provided the information. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. John Nechman, 20423 Tamarron, Humble, Texas 77346 (832-837-9880) appeared and stated he taught HIV and the law at South Texas College of Law and at the University of Houston Law Center and was a member of the Task Force and various other groups that worked on behalf of the vulnerable communities in Houston affected by HIV and as Council Member Jones said the face of HIV and AIDS had changed so much over the years and now chances were the face was female and of color; that some think HIV and AIDS were no longer a crisis but over a quarter of all new infections were women and the leading cause of death in Black women and the rate of infections in the Latino community were increasing at enormous and disturbing rates and in that light was why the community event had been planned; that on the second Tuesday of every month his law firm dedicated the entire day to helping people with HIV and AIDS, they had three attorneys and often met with 15 people during the day and more often than not, now they were women; that he was asked if there were really issues specific to girls and women with HIV and he could easily teach an entire semester at the law school just on those topics alone. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones allowed Mr. Nechman to continue; and Mr. Nechman stated that immigration was gigantic in the community because the US was one of 12 countries in the world which barred entry of people with HIV and deported them and it was enormously important here because of the number of relief options available to women and children; that they were covering an enormous number of issues; and urged support of the Mayor and Council for their organization and the event coming on March 10th. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Mr. Nechman for his work and stated that while the face of AIDS might change the pain had not and it devastated families; that the gay community learned the only way to beat the disease was through education and she hoped the same message could get to other communities and families could be saved. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Sherry Harris, 7305 Regency Square Court, Houston, Texas 77036 (713-226-5398) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Jose Rios, 8113 Way, Houston, Texas 77018 (713-245-9325) appeared and stated that right now he was going through a situation where he received social security benefits and he was having to apply for food stamps because they said he could get \$300 a month and he did not want to abuse the system, but he would need a document to prove his absence from 8113 Way Street because he was working the political campaign for Mayor White and all this was controversial in his family because he relapsed in the past and they were withholding all his

money and now he needed it, he wanted justice; that he had his AA Books and his 2 Holy Bibles and did volunteer work, he was a workaholic even though he made no money; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she did not know if the city could help him; that Tanya with citizens Assistance was present and would speak with him at this time. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Noel Freeman, P. O. Box 66656, Houston, Texas 77266 (713-880-2004) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Mr. Ronald Banks, 7107 Peerless, Houston, Texas 77021 (713-823-2681) appeared, presented information to Council Members and stated that he wanted to ask the City of Houston what they could do to help him resolve a land lease agreement he had with Cahaba for storing debris, they had not paid nor returned the property to the proper condition and he wanted to know if the city could provide resources to return the land back to its prior condition. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Ms. Darlene Williams with Solid Waste Management was present and could speak with him at this time. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Mr. Banks stated that he leased the land to Cahaba for vegetation debris and Council should have copies of his lease agreement, but they had paid him no money at all, they did not put anything on the land at all but it was leased and prepared in case they needed it, they placed crushed rocks for a temporary road and that needed to be removed; and the contract he had was essentially with the city because Cahaba had a contract with DRC and DRC had a contract with the City of Houston; and Council Member Johnson stated that while the city had a contract with DRC but were not directly related to his contract though they should look at them when wanting work; and Mr. Banks stated that he was asking the city to return the property back to the prior condition; that the city had gone out of their way to help him, but he wanted to stay vigilant on getting his funds; that he did not want to hire a lawyer, he knew it was the responsibility of whoever had the contract to make sure subs were paid. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Mr. Heilman with Legal was present if he could speak at this time; and Mr. Heilman stated the contract Mr. Banks had was with Cahaba Disaster Recovery and he was in privity of contract with them and they agreed to restore the premises to the condition prior to the lease and DRC had a contract with Cahaba, he was not in privity of contract with DRC; that his claim lied against Cahaba and if they were not willing to

restore the conditions he may pursue legal action, but DRC was not in a position and the city was not in a position to restore the premises. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Banks stated that Cahaba drafted the lease not his company; and Council Member Jones stated that she agreed with Legal and his privity of contract was with Cahaba and that they as the city could try and be facilitators but had a contract with DRC and if they did have a lot of these complaints they could decide in the future if they wanted to deal with DRC if they could not get people they negotiated with to do what they were supposed to, unfortunately if DRC or Cahaba did not do what he wanted legally he needed a lawyer whether he wanted to or not; and that she would call DRC but they did not have to listen. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Ms. Williams with Solid Waste Management would speak with him and if they could in any way encourage DRC to get Cahaba to comply they were more than willing to do it. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he would like someone from Solid Waste Management to let him know how much money was still owed to DRC on the particular contract; and Mr. Banks stated that he did appreciate all their help as they had gone above and beyond. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Labricia Scyrus, 1520 Gillette #305, Houston, Texas 77019 (832-605-4075) appeared and stated that her complaint was with the Housing Authority and their management; that she was a resident of Victory Apartments and was present about three weeks ago with the same complaint; that she was being told she had to move because her income was not as it was when she moved in, they wanted them to move in the middle of the school year and she had asked for legal documents but only had received a letter from the Housing Authority saying she had to move; and she wanted to know what could be done; that February 10th she came and spoke with Mr. Mikelman and a few others with Housing. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she had been speaking with Mr. Lynwood Johnson and made an offer to meet with a group of people with Housing issues; he told her two weeks ago people were not ready to meet with her yet but she just received an email stating they were now ready to meet with her and she would try and help get documentation; that if Housing was not doing what they were supposed she was happy to try and motivate them, but she talked about federal regulations and they had to re-examine and verify her income and if it changed, whether it had gone up or down, they had to make modifications and she may have to move out. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that the discussion today and the many who had preceded her had reminded her how far they had come as a country from the original founding principles of this country and personal responsibility, individual initiative, self reliance, thrift, and religious faith, the five principles she was raised on and she did fear what was originally

intended to be a public safety net for the most vulnerable and poorest in our society for a temporary period of time had cultivated and fostered a culture of dependence and it was very unfortunate the Housing Department was treating people this badly, but since this had fostered such a culture of dependence from able bodied individuals she suggest the department of Housing be abolished and she was not being facetious . Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that what she was hearing over and over today, and they could debate if they wanted a Housing Authority or not, but it was people were being treated badly and rudely and with no respect and it was not acceptable; that anyone calling any city department should be treated correctly; and Council Member Clutterbuck stated absolutely she could not agree more, though the public needed to know that if no was the answer..., sometimes no matter how kindly or politely those in city departments said no because someone had graduated out of the program, the public often did not hear that, they wanted yes, the culture of dependence programs like this fostered made it so when someone had graduated out of the program, when someone's income was such that their electric bill or housing would not be paid for any longer they got frustrated and angry and sometimes she would encourage the public to accept no as an answer if they were able bodied and had been on the program quite a long time. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that because someone was on housing it did not mean they had the culture of dependence, her Mom had 5 children and worked and sometimes they had no lights or water or electricity; that right now people could not get jobs and if they accepted money from HUD for the express purpose of having a Housing Authority and people did what they were supposed to do and qualified it was plain and simple. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she again was present speaking for Willow Run, she was president of restoration and they had the park land and wanted it used for a YMCA; that the city was asking where was the money coming from and they would work for the money and Ms. Sheila Jackson Lee... they would get the money; that they did not want a trail they had one on Ella and again asked the Mayor and Council to do what they could. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he just filed his paperwork to run for the Special Election in District H; and to all those who came speaking on historical preservation where were they when his house at 1611 Holman was not preserved; that when White people came the city did all they could, but when Black and Hispanic people came about their houses no one cared and they would just be torn down; and he expected money for his house being demolished. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Lenwood Johnson, 1111 Cenese, Houston, Texas 77019 (281-709-3001) appeared and stated that standard procedures applied and all Council Members who had subsidized housing in their districts he needed them to help lobby and to Mayor White he was battling over 300 from the January 13th meeting; that two were housed, but one they set up meetings for with the same supervisor the Mayor asked about and when she got there the supervisor was gone

and had to be referred back to the same person she complained about in the first place and the Mayor should know that. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 4:47 p.m. City Council recessed until 9:00 a.m., Wednesday, March 4, 2009. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, March 4, 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, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

Note: Council Member, District H Position, vacant.

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

At 9:35 a.m. Mayor White recognized Council Member Jones for a point of personal privilege. Council Members Khan and Lovell absent.

Council Member Jones stated that she wanted to recognize Ms. Sylvia Brooks, a former head of the Houston area Urban League, who was with some graduate students of the Department of Social Work at the University of Houston, that they were affecting social policy and were present at City Hall to see how things worked. Council Members Khan and Lovell absent.

At 9:36 a.m. Mayor White called the meeting to order and recognized Ms. Annise Parker, City Controller and Ms. Michele Mitchell, Director of Finance for the Monthly Financial Report. Council Members Khan and Lovell 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 – was presented.

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

Mayor White stated that ordinarily they did invest funds that they had in other government entities, typically the federal government, was that right, and Ms. Parker stated that primarily the federal government but many other government entities as well, that they were looking for safe investments that would earn the City money. Council Members Johnson and Lovell absent.

Council Member Sullivan stated that as to the Harris County Flood District debt the Controller mentioned, the return sounded pretty good, 6 1/4% to 8% and asked if she could tell him what the aggregate total value of that paper, roughly, was Ms. Parker stated that she did know if they even had any more right now and would get that answer to him, that it was a very fluid market and that was a snapshot in time and as soon as they could get to where they were

paying less interest they rotated them out, that she did not know if they held any more at the moment. Council Member Jones absent.

Council Member Sullivan stated that he heard what Ms. Mitchell said about the sales tax numbers and asked if they had anyway of knowing where retail sales were in that, and Ms. Mitchell stated that she could get that number for him, but knew when they looked at the trend it was mainly construction and material, that she knew that the holiday retail was down. Council Member Johnson absent.

Ms. Parker stated that they no longer had any of the Flood Control District, that they found a lower interest rate that they could pay out there. Council Member Johnson absent.

Council Member Holm stated that as they used the term "tightening the belt" what were they actually doing, she wanted to know exactly what they were doing inside the fiscal year; that one other thing that came up, and was on the news, was that they would be voting on the increase of water rates; that in 2004 when they restructured the combined utilities, one of the things that several of them asked was why were they having an automatic increase each year and at that time the administration said the reason it had to be automatic was to build reserves for those times when it was going to cost them more so she wanted to know was how had they spent those reserves, that she would like a report, some graphs and information of how they had spent their money and why they were in the position; that they heard their expenses were costing more and she would like to see a true comparison of a past year where their consumption usage was the same as their consumption usage now, to see their cost of supplies at that point, to see exactly what the increase was, that she thought they needed to be accountable and be able to explain the increase if they were going to charge it to their citizens; that the other thing to know were the MUDs and other people that received their water, that they supplied, were they also getting an increase in rates; was there a way to look at some of the ways they used the combined utilities for, that some of their drainage projects came out of the utilities fund, that maybe they should look at reassigning some of those General Funds, that she was just throwing out options because she did not know what discovery and analysis had been done, that she was just looking for that information, that maybe they should be reevaluating all of their departments spending to see if there was some money they could put into combined utilities to subsidize and prioritize all of their spending to make sure they were spending on just the core service delivery, that she would like to see the information before she saw it on the agenda. Council Members Lawrence and Rodriguez absent.

Mayor White stated that he knew that he and Council Member Clutterbuck had been at the meetings and they did have the figures, for example electricity and chemical costs were at the time of the restructuring several years ago and what they actually turned out to be, and there was a huge and dramatic change on those line items and they could get those to her; that on the issue of drainage, which was the impact of sharply higher costs on the combined utility system and what caused them to both not use the combined utility system more than was projected and represented to the voters by the body, and further drainage improvements and where they set up as a body a dedicated fund for drainage out of the ad valorem tax and the projects that were deferred in October when they made the announcement of the deferral of various Capital Improvement Projects to tighten the belt, where the combined utility system was a significant portion of that and those projects had been identified by name and they would get that list to her. Council Members Rodriguez and Lovell absent.

Council Member Lawrence stated that they had talked about tightening the belt and thought the Mayor had asked for a 2% to 3% possible cut and hoped that followed through for City Council and hoped they cut their budgets and really looked at how they were spending money; that she would also like to get some reflection of what had happened due to the software at the Municipal Courts, that how last month compared to last year at this time, what

was their average at this time of the year and see what was going to do to their budget, any implementation they had done to help out their situation, that there were a number of recommendations made in the past, what were they doing, that it was not all software's fault. Council Members Rodriguez and Lovell absent.

Council Member Khan stated that as to the taxable 2008 A Bonds, which they were paying a 6.9% rate to Harris County, what was the total underlined value of those bonds, and Ms. Parker stated that it was a tiny fraction of the overall bonds, that she did not know at the top of her head, and Council Member Khan asked why were they not retiring those and save that 6.9%, and Ms. Mitchell stated that they looked not just at that debt but on all of their investments, that what she and the Controller did was to look at what they could do in the market at this time, that she thought they took a large interest rate of 15% and got it to 6.9%, that it was something that they looked at on everything, that if they can do it they retire it, but they were not always able in the market to make those kind of deals, and Ms. Parker stated that they had an out on that one but they were constantly looking at all of these, whether it made sense to defease bonds or to continue to hold them, and Ms. Mitchell stated that on all their future contracts they were putting in a clause in there that they were able to "out of", which they did not have in the other agreements, and Ms. Parker stated that there was some reason that they had to eat this one and she would get that to him later; and Council Member Khan asked about building permits, what was the trend and how was it reflected in their reports, and Ms. Mitchell stated that they were talking about platting fees, which they reduced, the platting fees on the buildings and her understanding was that they had platting fees that were out now on the buildings that were up and they were not issuing any new platting fees at this time, at this market, not to say they were not going to but at this time their trend was showing that was not going to happen, so they had reduced those platting fees, that as far as the building permits she would have to get that answer for him, and Ms. Parker stated that they had reduced their projections for licenses and permits by nearly a million dollars this month, and Council Member Khan asked if next month they could give them a trend, like the last three months. Council Members Johnson and Adams absent.

Mayor White stated that the permitting activity as well as the impact fees for new development they projected to be down, that first, none of them knew how long and deep the recession would be but they both needed to invest in the future, they needed to tighten their belts, they needed to keep up a spirit that they were building for the future in their community and not compromise something like public safety or anything else in order to do that, but this was just an observation that he made to everybody around the table because the impacts would occur in the out fiscal years that permitting activity was going to go down and had been going down and would mean that they had to have budgets that were tighter; that last year they were about the only community in the Nation to show job growth, but as he said in the State of the City address that did not mean that Houston would be immune from something as a global recession. Council Members Johnson, Adams and Holm absent.

After further questions by Council Member Khan, Ms. Parker stated that on page 45 of their book they already had the trend that Council Member Khan had asked for so they could see the ups and downs of the building permit issue and that it was tailing off; and Ms. Mitchell stated that as to the Houston Ike Recovery Fund, the difference between obligated and submitted was that obligated was when FEMA approved it to go to the State and submitted was when they submitted it to FEMA for FEMA to write a PW, that FEMA had approved everything that they had obligated, all dollars, that they submit it to FEMA with all documentation then FEMA validates it and then writes a PW, that the reason that they had the large amount that they had not received yet was that FEMA did not have enough people to write the PWs so they had a backlog of everything they had given them, that she was told that FEMA would have the PWs written within the next couple of weeks, once they write them they would go to Washington into what they call a million dollar queue, then it took another couple of weeks for Congress and

then it went to Austin, that they had been approved at 100% return on the emergency work, that on the permanent work it could be 80%/90% depending on what it was for or 75%/25% . Council Members Johnson, Adams and Holm absent.

Council Member Jones stated that if the whole purpose of the automatic increase was to help in times when things were rough she just needed to know, for example, if their departments were all being as efficient/frugal as possible, they spent a ton of money outsourcing and based on the little research she had done they overpaid for the services they were outsourcing, that for example, she had asked Legal how much money they spent every year outsourcing and she would like to know from all of the departments how much were they spending on outsourcing. Council Member Adams absent.

Council Member Clutterbuck stated that for the public who were watching she thought it was important to note that this was extremely complicated information, as municipal finance often was, that they had a number of funds and expenses and competing interests and just as the public was a consumer they were also and they paid what the public paid on a number of issues and she would like to address some of the comments that had come up alleging a lack of information that had come forth to the body, that she would draw her colleagues attention to the number of meetings that they had, they had the meetings on a monthly basis to go over the information in extreme detail, that all of the information was in front of them and with regard to issues relating to the Combined Utility System she would remind her colleagues that they did have a briefing on it September 30, 2009 and she would call their attention to the August MOFAR where these issues first came up and they may recall that this summer they had extremely high gasoline prices, that gas prices drove up the cost of chemicals that they used to keep their water safe and they saw extreme increases in their water budget to pay for those chemicals and they did discuss it back in August and September and continued to, that she did appreciate the meetings and the openness with which he discussed the detail finances and she would like to assure her colleagues that she brought them to the committee afterwards also, they always had a committee meeting about it, they had it as an item on the agenda, any issue that Mayor White discussed with her and she offered the services of her office, they could figure it out all together, that she wanted to compliment the Director of Finance and the City Controller for always being open and providing insight and explanations behind it, that the information was all in front of them, that it was complicated and very difficult to understand and took, frankly, several years and she thought was one of the difficulties of their term limit system, that she wanted to thank them for trying to make it a little bit more clear to all of them and would invite the public, if they had questions about it everything was out in the open and they were eager to accept as much help as possible as they grabbled with these difficult issues. Council Members Lawrence, Adams and Khan absent.

After discussion Council Member Brown stated that he had one suggestion, that they should move permits more swiftly through the process so that people who had been waiting two or three months to get a permit they could get under construction right away, and Mayor White stated that he thought it was an excellent suggestion and was going to ask for a report back on that. Council Members Lawrence and Adams absent.

Council Member Green stated that he thought the public needed to know that they had been a good steward with all of their funds, they had made good decisions but they also needed to know that when their water bill goes up the City was paying more for the services to treat the water, that when they had to buy electricity it went up as well, that they had to buy police cars, they had to buy all of the things that the consumer had to, that the City of Houston was not a producer, they were a consumer, that they consumed the same things that everyone else around the City consumed, and just like CenterPoint passed on rate increases or anybody they had to pay those increases as well, that he was in Council in 2004 and voted for the increases and knew that the model showed that they probably would not run a deficit like they probably

would in 2014 or 2015 or some of the out years; that the flip side of that was hopefully the models they had today may be all wrong and they may be at a surplus, but they had to make the best decision with the individual information they had now and he thought the public needed to know that any decisions they made was going to be based on reasonable thought and the advice of finance professionals, and Ms. Parker stated that she wanted to remind the citizens who may be watching that the information that the Council Members had was available to the public as well, they could see the budget or monthly report, that to the questions of the Combined Utility System if they went into the monthly report on page 12 where they saw the Combined Utility System Fund and came down to operating expenses and went across every category was up except personnel and the personnel category was down, that there was a lot of information included in these and they could see that the Combined Utility System was making an effort to cut costs where they could but it was hard to cut costs on electricity and chemicals in this environment. Council Member Noriega absent.

Council Member Adams asked what was their communication to the departments about spending when it came to the shortfalls that were occurring, and how would the shortfall affect next year's budget when the departments would be asking for more to help support, for instance the things that happened with Hurricane Ike; and on Item No. 22, if they could explain, that they knew that City employees needed the uniforms but when they were looking at saving and not hiring the necessary personnel that they needed, how was it affecting the budgets in the various departments, and Ms. Mitchell stated that she and the Mayor had been communicating with the individual departments, specifically in the director's meeting the Mayor had addressed certain issues on tightening the belt, that she had recently met individually with all directors about their 2010 budget, as well as what they were doing in 2009, and if they were to look at page 3 they would see they were already showing a \$4 million savings and there would be more, that the Finance Department had made the decision to save over half a million dollars this year and not spend that in attrition, that was a management decision on her part, that she thought that other department leaders were looking at that same thing, that she and the Mayor had asked them to not go out and spend their budget at the end of the year and buy things that they could do without, that they were not micromanaging their budgets, but were asking them to be sensible about it; that for 2010, when they were talking about the cuts, these were things that she was going to work with the Mayor on, that she had asked the departments to come back with that, that did not mean that was the number that she and the Mayor would work on and ultimately come to a decision on, but it was going to give her and the Mayor an idea of where they needed to get to to close the gap and balance the budget, so that was what they were doing on next year's budget, that they had looked at hedging on electricity, they were going to have a lot lower cost on electricity for next year so that was going to be a help, that obviously fuel was clearly also going to be down so that would help the budget as well, that they were looking at a number of areas on certain funds and things that they did not need anymore an closing them down, so they had a variety of things they were looking at and hopefully by next month they would be able to come back with a firmer statement to them about what they were doing; that as far as the uniforms were concerned, she was going to look at that and have to get back with her. Council Member Johnson absent.

Mayor White stated that this afternoon they would conclude with meetings they had with each of the Members of City Council about budget priorities and he would encourage City Council Members to think about the following, that there were things that the City might defer for a period, say a year, but remember that based on what they believed and what had been said by people in both political parties and all levels of government and economists, if they defer an expenditure a year from now that would put more pressures on those budgets a year from now; that was something they needed to take into account; that it was their intention to prepare a sort of pro forma or example of a budget that would be in 2011 with some assumptions that there would be no growth in the various categories and then there would be scenarios around that so one thing they would like they, without being presumptuous, was to have that scenario planning

done in order to anticipate, that he thought that was important both because of change in the administration and also because of the economic uncertainties. Council Member Johnson absent.

Ms. Mitchell stated that she did not use the term shortfall, that this body authorized a draw down of funds of \$51 million, if there was a shortfall it would have been the \$12 million which the Controller said because it went over the initial \$51 million approved, that she kept hearing shortfall and it almost sounded like they were in trouble, which they were not financially, they were in great shape, that what they were working on right now was bringing the \$12 million down which she and the Mayor would be able to do in another direction and they would have that information later; and Ms. Parker stated that she and the administration were both showing revenues below what they had anticipated and right now they were close and were about \$12 million but they (the City) had built healthy reserves over the last five years and the reason they were not in trouble, were not having layoffs, was that even though the current budget had anticipated drawing down reserves they were still well above the minimum, basically in the savings account, and that was what they had been tapping and the other thing was, and she was also a department director, they had been asked to project two year budgets instead of one year at a time so that they were always one year in advance. Council Member Johnson absent.

Council Member Lawrence stated that on page 45 what was going on in September 2006, that they would see the unemployment rate quite a bit higher, and in December 2007 what was going on and the same thing with building permits, what was going on in December 2007, that she would like for her to look at that and compare to today, that she would encourage the directors and Mayor to do in their meetings was to look for things that they could do to abate, come up with programs that they could get homeowners or builders to build in areas that they were not, besides just HOPE projects, but also commercial, also a way to draw people into the City, and what followed, if there was something they did they could look at it now and maybe do something else. Council Members Johnson, Adams and Brown absent.

Mayor White stated that Council Member Lawrence made a good point, that it was a focus they were going to be having and looking at over the next several months, some of the things that they might have excluded that would be designed to encourage people to break ground in the next 12 months, that there was a role for the TIRZ, permits and making sure that affordable housing funds were expended and not accumulating balances that was critically important and they might take extraordinary actions in order to try to keep the momentum that they had up. Council Members Johnson, Adams and Brown absent.

Council Member Jones asked how long would it take for the departments to get back with the Members of Council on how much they spent on outsourcing, and Ms. Parker stated that there was no doubt that the City could tighten it's belt enough to meet the budget difficulties they were looking at right now, that to the outsourcing question there was no one place where they could go to find a list of outsource contracts, the most appropriate place to see that was during the budget process and she would respectfully suggest that she might ask the departments to come in during the budget and lay out what their outsource contracts were and why they had them, that they had a current audit going on of long term contractor relationships, she had also been concerned with that issue, that they were focused on one small aspect of it and had a lot of Public Works long term outsource contracts, an outsource contract that went on for years and years needed some justification so they were in the process of one small piece of answering her question, and Ms. Mitchell stated that both she and the Mayor had visited with the directors about looking at their contracts and their contract escalations, especially given the economy, and what was going on now was looking at going out to rebid them, that they did had a clause in there for 30 days and they could do so, that the Controller was talk about doing an audit on these. Council Member Sullivan absent.

Council Member Clutterbuck moved to accept the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0102

MAYOR'S REPORT

At 10:47 Mayor White stated that they would move to the consent agenda. Council Member Sullivan absent.

CONSENT AGENDA NUMBERS 1 through 50

MISCELLANEOUS - NUMBERS 3 through 4

3. ORDINANCE appropriating \$53,033.81 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Construction of Water Line Replacement in Mary Bates North Area under Construction Contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** (approved by Ordinance No. 2007-0137) - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0164 ADOPTED.
- 3a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$145,989.97 for Water Line Replacement in Mary Bates North Area on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** - **DISTRICT F - KHAN** – was presented, moved by Council Member Khan seconded by Council Member Green. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0103 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$920,499.00 permit fee to the **HARRIS-GALVESTON SUBSIDENCE DISTRICT** for Permit Year 2009 aggregated groundwater withdrawal and accrual of over-conversion credits - Enterprise Fund – was presented, moved by Council Member Khan seconded by Council Member Green. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0104 ADOPTED.

ACCEPT WORK - NUMBERS 6 through 9

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,465,851.28 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Chimney Rock Paving Project from Benning to Yarwell - 0.63% over the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan seconded by Council Member Clutterbuck. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0105 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,098,042.53 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.**, for Hillwood Area Water Line Replacement Project - 6.51% 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. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0106 ADOPTED.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,040,768.98 and acceptance of work on contract with **PRELOAD, INC** for Concrete Ground Water Storage Tank at Katy Addicks Repump Station - 5.18% under the original contract amount - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan seconded by Council Member Clutterbuck. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0107 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,234,768.91 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Buxley Area - 1.96% 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. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0108 ADOPTED.

PROPERTY - NUMBERS 13 and 14

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Nelson Wiggins, for the sale of ±16,807 square-feet of excess, fee-owned Blalock Drive right-of-way, within Lot 56, Block 59, located in the Neuen Manor Addition, out of the Michael Cronican Survey, A-219, Parcel SY9-033 **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan seconded by Council Member Lawrence. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0109 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Heather Guillen, Walter P. Moore and Associates, on behalf of LU12 Houston Waugh, L. P [LU12 Houston Waugh GP, LLC (Thomas G. Bacon, Manager), General Partner), for abandonment and sale of Dickson Street from the west line of Lot 7, Block 1, east to its terminus and a 10-foot wide prescriptive sanitary sewer easement in exchange for the conveyance to the City of a cul-de-sac located at the terminus of Dickson Street, all located in the John Austin Survey, A-1, Parcels SY9-012A, SY9-012B and AY9-023 **DISTRICT H** – was presented, moved by Council Member Khan seconded by Council Member Lawrence. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0110 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 17 through 19

17. ORDINANCE appropriating \$9,985,076.00 out of Airports Improvement Fund for Purchase of Used Passenger Loading Bridges from Southwest Airlines Company at William P. Hobby Airport; declaring the City's intent to reimburse the Airports Improvement Fund with future bond proceeds – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0165 ADOPTED.
- 17a. **SOUTHWEST AIRLINES COMPANY** for Used Passenger Loading Bridges and Associated Equipment for the Houston Airport System, Project No. 417T – was presented, moved by Council Member Khan seconded by Council Member Green. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0111 ADOPTED.

18. ORDINANCE appropriating \$911,715.40 out of General Improvement Consolidated Construction Fund for Purchase of Uninterruptible Power Supply (UPS) Units, Natural Gas Generators and an Automatic Transfer Switch through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology Department – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0166 ADOPTED.
- 18a. **FLAIR DATA SYSTEMS, INC** - \$476,785.00 and **HEWLETT-PACKARD COMPANY** - \$434,930.40 for Purchase of Uninterruptible Power Supply Units, Natural Gas Generators and Transfer Switch through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology Department – was presented, moved by Council Member Khan seconded by Council Member Green. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0112 ADOPTED.
19. **AMERICA'S NATIONWIDE NETTING, INC** for Installation of Netting, Poles and Associated Materials for Parks & Recreation Department - \$194,500.00 and contingencies for a total amount not to exceed \$204,225.00 - Park Special Revenue Fund – was presented, moved by Council Member Khan seconded by Council Member Green. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0113 ADOPTED.

ORDINANCES - NUMBERS 24 through 49

24. ORDINANCE **AMENDING ARTICLE IX OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the submission and review of Parade Permit applications; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0167 ADOPTED.
26. ORDINANCE consenting to the addition of 10.122 acres of land to **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 4**, for inclusion in its district – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0168 ADOPTED.
28. ORDINANCE approving the issuance of Bonds and Notes by the **MEMORIAL CITY REDEVELOPMENT AUTHORITY**; containing other provisions related to the foregoing subject; providing for severability; and declaring an emergency - **DISTRICTS A - LAWRENCE and G - HOLM** – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0169 ADOPTED.
30. ORDINANCE approving and authorizing various contracts for Elderly Services provided through the Harris County Area Agency on Aging between the City and (1) **THE CITY OF JACINTO CITY, TEXAS**, (2) **THE JEWISH COMMUNITY CENTER OF HOUSTON, TEXAS**, and (3) **TEXAS SOUTHERN UNIVERSITY**; providing maximum contract amounts - \$2,552,000.05 - Grant Fund – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0170 ADOPTED.
31. ORDINANCE approving and authorizing the Mayor to apply for and accept Department of Homeland Security Federal Emergency Management Agency Grant offer up to

\$640,000.00 for Electronic Fire Extinguisher Monitoring Systems for George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport; declaring the City's eligibility for such grants – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0171 ADOPTED.

33. ORDINANCE approving and authorizing District Office Lease Contract between the City of Houston, Landlord, and the Committee on House Administration for the House of Representatives of the State of Texas, Tenant, for Office Space for Representative Carol Alvarado, at the Park Place Regional Library - Revenue - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0172 ADOPTED.
38. ORDINANCE appropriating \$405,000.00 out of General Improvement Consolidated Construction Fund and approving and authorizing Contract between the City of Houston and **TRIRIGA, INC** for Integrated Workplace Management System Software and Implementation – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0173 ADOPTED.
40. ORDINANCE determining that the Design-Build Alternative Delivery Method offers the best value to the City for the Combined Heat and Power System at the Almeda Sims Wastewater Treatment Plant – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0174 ADOPTED.
43. ORDINANCE appropriating \$17,600.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **WILBUR SMITH ASSOCIATES, INC** for Herman Brown Park Trail Phase II (Approved by Ordinance No. 2001-0922) - **DISTRICT I - RODRIGUEZ** - had been pulled from the Agenda by the Administration, and was not considered. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding.
44. ORDINANCE appropriating \$36,602.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** for the Monroe Road Paving from Fuqua to Beltway 8 (approved by Ordinance No. 2005-557) - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0175 ADOPTED.
45. ORDINANCE appropriating \$1,090,100.00 out of Water & Sewer System Consolidated Construction Fund, and approving and authorizing Contract between the City of Houston and **CH2M HILL, INC** for Design of 69th Street Wastewater Treatment Plant Improvements **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0176 ADOPTED.
46. 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 San Felipe Street Improvement Paving Project (Sage to Interstate 610); authorizing the acquisition by donation, purchase, or eminent domain proceedings of fee simple title to three (3) parcels of land situated in the William White Survey, Abstract No. 836, in Harris County, Texas, such property being more specifically situated out of Blocks “C” and “D” of the M. M. Levy corrected subdivision of the R. B. Gaut Subdivision

as recorded in Volume 1, Page 29 of the Map Records Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0177 ADOPTED.

47. ORDINANCE appropriating \$182,324.00 out of Water & Sewer System Consolidated Construction Fund and awarding Construction Contract to **INLAND ENVIRONMENTS, LTD**, for Asbestos and Lead Based Paint Abatement, Demolition and Disposal at Six Public Works and Engineering Department Water Plants; 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, construction oversight and Air Monitoring Services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON; E - SULLIVAN; F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0178 ADOPTED.
48. ORDINANCE granting to **K & S CONSTRUCTION SERVICES, LLC, A Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0179 PASSED FIRST READING IN FULL.
49. ORDINANCE No. 2009-159, passed first reading February 25, 2009
ORDINANCE granting to **ACE SEPTIC AND PLUMBING COMPANY, 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; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0159 PASSED SECOND READING IN FULL.

REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION from Director of the Affirmative Action and Contract Compliance Division of the Mayor's Office for MBE and WBE participation goals for contracts funded under Environmental Protection Agency grants or loans – was presented, and tagged by Council Member Green. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding.
2. RECOMMENDATION from Chief of Police for Extension of Leave of Absence without pay for Sr. Word Processor **B. N. MITCHELL** – was presented, and tagged by Council Member Holm. Mayor White and Counsel Member Noriega absent. Vice Mayor Pro Tem Lovell presiding.

ACCEPT WORK

5. ORDINANCE appropriating \$170,593.37 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the contract between the City of Houston and **TOTAL CONTRACTING LIMITED** for Neighborhood Street Reconstruction NSR 440A (approved by Ordinance No. 2003-0792) - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0180 ADOPTED.
- 5a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,205,965.37 and acceptance of work on contract with **TOTAL CONTRACTING LIMITED** for Neighborhood Street Reconstruction NSR 440A - 7.55% over the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0114 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,080,395.40 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for On-Call Water Main and Sanitary Sewer Extensions - 27.97% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; G - HOLM; DISTRICT H and I – RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Green.

Council Member Jones stated that Item No. 10 did not get voted out of the MWBE Committee so that was why she would be voting “no” when it came time to take that vote. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

A vote was called on Item No. 10. Council Member Jones voting no, balance voting aye. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0115 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,444,890.52 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.**, for Generic City Wide Overlay Package #10 (Work Order Contract) - 1.93% over the original contract amount - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN and DISTRICT H** – was presented, moved by Council Member Khan, seconded by Council Member Green.

Council Member Jones stated that she was voting “no” for the same reason on Item Numbers 11, 12 and 21, that none of them made it out of the MWBE Committee. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

A vote was called on Item No. 11. Council Member Jones voting no, balance voting aye. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0116 ADOPTED.

12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$9,549,916.50 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Neighborhood Reconstruction, NSR 436B - 8.56% over the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Member Jones voting no, balance voting aye. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0117 ADOPTED.

PROPERTY

15. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. Barbara Schumann & Sherra Williams, et al., Cause No. 892,621; for acquisition of Parcel AY6-037; for the **LONG POINT @ WIRT INTERSECTION IMPROVEMENTS PROJECT (Pine Chase - Johanna) - DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0118 ADOPTED.
16. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and withdraw objections to the award in connection with eminent domain proceeding styled City of Houston v. Union Pacific Railroad Company, a Delaware corporation, et al., Cause No. 908,309; for acquisition of Parcel AY5-042; for the **HERITAGE CORRIDOR BAYOU TRAILS EAST HIKE & BIKE TRAIL PROJECT - DISTRICT H** – was presented, moved by Council Member Khan seconded by Council Member Sullivan.

After discussion by Council Member Brown, a vote was called on Item No. 16. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0119 ADOPTED.

PURCHASING AND TABULATION OF BIDS

20. **GRAPHIC DESIGNS INTERNATIONAL, INC** for Automotive, Police Car Decals for Police Department - \$545,241.30 - General Fund – was presented, moved by Council Member Khan seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0120 ADOPTED.
21. **GTSI, CORP.** for High-Capacity Cashier Remittance Processing System and Software through the City's Intergovernmental Agreement with the County of Fairfax, VA, for Computer Products and Services under Section 791.025 of the Government Code for Department of Public Works & Engineering - \$340,936.29 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. Council Member Jones voting no, balance voting aye. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0121 ADOPTED.
22. **UNICO CORPORATION** for Uniforms through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Cooperative for Various Departments - \$1,131,866.28 - General, Enterprise, Storm Water and Fleet Management Funds – was presented, and tagged by Council Member Holm. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

ORDINANCES

23. ORDINANCE **AMENDING ARTICLE VII OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Historic Preservation; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause – was presented.

Council Member Khan moved to postpone consideration of Item No. 23 to the end of the agenda, seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0122 ADOPTED.

25. ORDINANCE approving and authorizing agreement between the City of Houston and **THE CNA CORPORATION** for Professional Services for the Drafting of a Regional Catastrophic Preparedness Plan for the Mayor's Office of Public Safety and Homeland Security; providing a maximum contract amount - \$2,509,444.00 - Grant Fund - was presented, and tagged by Council Member Jones. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.
27. ORDINANCE amending Ordinance No. 2008-517 relating to the Fiscal Affairs of the **MAIN STREET MARKET SQUARE REDEVELOPMENT AUTHORITY dba DOWNTOWN REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Three, City of Houston, Texas (Main Street Market Square Zone); approving an amendment of the Fiscal Year 2009 Operating Budget and the Fiscal Years 2009-2013 Capital Improvement Budget for the Authority - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0181 ADOPTED.
- 27a. ORDINANCE approving the issuance of Bonds and Notes by the **MAIN STREET MARKET SQUARE REDEVELOPMENT AUTHORITY dba DOWNTOWN REDEVELOPMENT AUTHORITY**; containing other provisions related to the foregoing subject; providing for severability; and declaring an emergency - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2009-0182 ADOPTED.
29. ORDINANCE approving and authorizing the submission of an application for grant assistance and award acceptance from the **OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD)**, for the State Criminal Justice Planning Fund (Fund 421) Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. ORDINANCE 2009-0183 ADOPTED.
32. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **HOUSTON GOLF ASSOCIATION** for certain space in the Parking Cents Lot at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2009-0184 ADOPTED.
34. ORDINANCE approving and authorizing first amendment to Lease Agreement between **WAYSIDE BUSINESS CENTER, LTD., Landlord**, and the City of Houston, Texas, Tenant, for Office Space at 4300 South Wayside Drive, Houston, Texas, for use by the Engineering and Construction Division of the Department of Public Works and Engineering - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2009-0185 ADOPTED.
35. ORDINANCE appropriating \$1,157,035.00 out of Equipment Acquisition Consolidated Construction Fund; approving and authorizing contract between the City of Houston and **ASSETWORKS, INC** for Fleet Management Information System for Various Departments; providing a maximum contract amount; authorizing the issuance of purchase orders \$1,443,899.00 - Enterprise and Central Services Revolving Funds - was presented, and tagged by Council Member Holm.
36. ORDINANCE approving and authorizing contract between the City of Houston and **MLA CLAIMS, LLC** for Property Loss Consultant Services; establishing a maximum contract

amount – was presented. All voting aye. Nays none. ORDINANCE 2009-0186 ADOPTED.

37. ORDINANCE appropriating \$377,399.00 out of Limited Use Roadway & Mobility Capital Fund and approving and authorizing Contract between the City and **STATEWIDE SERVICES, INC** for the Cullen Boulevard Beautification Project; providing a maximum contract amount - 1 Year with two one-year options - **DISTRICT D – ADAMS** – was presented.

Council Member Lawrence stated that there was a tremendous number of esplanades over there, that it would make a difference in the community, that she would encourage as they were pulling up the cement and putting in sprinkler systems and trees, that they start, and she hoped that Parks would develop a program with probationers, that they had to get people involved, that she urged the community to get some people organized in the area, that it was possible to do it, it was just a matter of finding the right people who really cared about their community.

Council Member Adams stated that they had been working on the project for a year and she wanted to thank Mayor White for taking time out of his schedule and drive down Cullen, that she thought it was a great added beautification project that the community needed, that she hoped it would bring attractiveness to Cullen so that businesses would want to grow.

A vote was called on Item No. 37. All voting aye. Nays none. ORDINANCE 2009-0187 ADOPTED.

39. ORDINANCE amending Ordinance 2005-0241 to increase the maximum contract amount; approving amendment to Contract between the City of Houston and **FULCRUM POWER SERVICES L.P.** for Professional Energy and Fuel Management Services - \$500,000.00 - Central Service Revolving Fund – was presented, and tagged by Council Members Jones and Green.
41. ORDINANCE appropriating \$2,540,000.00 out of Fire Consolidated Construction Fund to the In-House Renovation Revolving Fund for the Renovation/Reconstruction of Various City Facilities for the Houston Fire Department – was presented. All voting aye. Nays none. ORDINANCE 2009-0188 ADOPTED.
42. ORDINANCE amending Ordinance No. 2005-0161 (passed on February 23, 2005) to increase the maximum contract amount for contract between the City of Houston and **HOUSTON INSTALLATION SERVICES, INC** for Furniture Relocation Services for Various Departments \$229,140.00 - General and Enterprise Funds – was presented, and tagged by Council Member Jones.
50. ORDINANCE No. 2009-134, passed second reading February 25, 2009
ORDINANCE granting to **CONTRACTORS ROOFING & SUPPLY OF TEXAS, LLC, A Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. ORDINANCE 2009-0134 ADOPTED THIRD AND FINAL READING IN FULL.

MATTERS HELD - NUMBERS 51 through 52

51. ORDINANCE appropriating \$329,915.38 out of Equipment Acquisition Consolidated Fund

for Purchase of Personal Protective Gear for Houston Fire Department – **(This was Item 8 on Agenda of February 25, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. ORDINANCE 2009-0189 ADOPTED.

- 51a. RECOMMENDATION from Purchasing Agent to award to **LION APPAREL, INC (Bid No. 1)** for Personal Protective Gear for Various Departments - 3 Years and two option years \$5,905,073.95 - Equipment Acquisition Consolidated and Enterprise Funds – **(This was Item 8a on Agenda of February 25, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0123 ADOPTED.
52. ORDINANCE amending Ordinance No. 2005-1308 (passed on November 30, 2005) to increase the maximum contract amount for contract between the City of Houston and **COASTAL PUMP SERVICES, INC** for Dry Pit Pump Repair Services for the Public Works & Engineering Department - \$600,000.00 - Enterprise Fund – **(This was Item 26 on Agenda of February 25, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. ORDINANCE 2009-0190 ADOPTED.
23. ORDINANCE **AMENDING ARTICLE VII OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Historic Preservation; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause – was again before the City Council.

Council Member Lawrence presented the following written motion to amend Item No. 23:

“I offer a motion to amend Sec. 33-211 (c) of agenda Item 23 to read as follows:

- (c) At least four members of the HAHC shall own or reside in a historic landmark or contributing structure in a designated historic district designated pursuant to this section”

Council Member Lawrence stated that all they were doing was adding more homeowners to have input, that by doing that those were the people that were much more affected than businesses and that was why she had increased the number on the board.

Council Member Green stated that he would tag Council Member Lawrence’s amendment to Item No. 23 and the main item.

Council Member Clutterbuck stated that she thought it was important to note that Item No. 23 only applied to historic districts or buildings that had a historic designation, that she had a question about the times that the committee would meet, that the ordinance said that the committee shall adopt a regular meeting schedule and schedule of submittal deadlines for applications filed under the article and wondered how often they planned to meet because it was not outlined in the ordinance, and Mayor White stated that they would get her that information.

Council Member Brown stated that he wanted to know whether the historic preservation movement in Houston supported Council Member Lawrence’s proposed amendment, and was it retroactive, would it cost any members of the commission to tender their resignation, and Mayor White stated that the answer to the second question was that both members of the Commission and Ms. Boesel thought that it would be an improvement and a good thing.

After further discussion by Council Members Lovell, Jones and Noriega, Council Member Green stated that he would remove his tag on the motion to amend Item No. 23 and the main

item.

A vote was called on Council Member Lawrence's motion to amend Item No. 23. All voting aye. Nays none. Council Member Noriega absent. MOTION 200-0124 ADOPTED.

A vote was called on Item No. 23 as amended. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0191 ADOPTED AS AMENDED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sullivan stated that last night the Houston Fire Department graduated almost 40 new firefighters, that they were out on the street and on the job; that he would like to thank the Houston Livestock Show and Rodeo for their hard work and all the work they do in the community; that Andy Icken and Doug Anders had another apartment project where the owner had not paid the water bill, that he went out to tour the project, which was in his community, that they were supportive of what Public Works was doing; that he wanted to thank Coastal Water Authority for hosting, yesterday, an Alternative Project Delivery Workshop for the Luce Bayou Project, that they spend about four hours looking at financing alternatives, that they were not sure what contracting method yet to chose, that it was well attended and there was a lot of attention on the project, that they were working very hard on it and Coastal Water Authority was being very cooperative, they intended to have these meetings probably quarterly or at least twice a year and they were looking to have another one in about three or four months, and Mayor White stated that in consultation with Council Member Lovell they would get out some formal announcement and solicitation of Council interest, that both Council Member Sullivan and Council Member Lovell had decided that given the attention of some things involving long term water issues that it would be appropriate to have a full committee concentrated on that subject, and Council Member Sullivan, on their request, had agreed to chair that. Council Members Noriega and Jones absent.

Council Member Lovell stated that she wanted to thank all her colleagues on the historic preservation ordinance and the amendments, that she wanted to thank everyone who worked on the issue; that they received a note from Joy at New Hope Housing, Inc., the Houston organization that strived to provide affordable apartment homes for adults to live on limited incomes, they were honored in January by the Urban Land Institute Houston as the 2009 Development of Distinction, that the Urban Land Institute was the premier real estate forum dedicated to providing leadership and responsible land use and in creating and maintaining thriving communities, that Canal Street provided 133 units of single room occupancy and was the first such development in a neighborhood in Houston, that the judge at ULI said that Canal was probably the finest example of this type of development that they had seen any where in the Country; that National Women and Girls HIV/AIDS Awareness Day was coming up, that on March 10, 2009 the Latino HIV Task Force would host a symposium to address the incidents of AIDS among women, that the symposium would be held from 6:00 p.m. to 8:00 p.m. at the Law Firm of Katin and Nishman at 1111 North Loop West, Suite 180 on March 10, 2009, that for information they could call the Latino AIDS/HIV Task Force at 713-987-4740; that next Tuesday they would be joined by the Champion "Stump", that he won the Champion of the Westminster Kennel Club Dog Show, that he set two records with his achievement, that first, he was 10 years old, in dog years it was 70 and he was the oldest dog to win the Westminster Show and the first Sussex Spaniel to win, that he was very sick and the vets at Texas A&M were able to save him, that he would be at City Hall on March 10, 2009, that they would honor him from 12:00 p.m. to 1:00 p.m. Council Members Clutterbuck, Noriega and Jones absent.

Council Member Lawrence stated that there were only 19 more days until the rodeo was over, that many people thought that the rodeo was just going to an event and did not realize how many children were affected by the rodeo, that she urged them to go the stock area, that

there were arenas there and the kids were participating in various events. Council Members Clutterbuck, Lovell, Noriega and Jones absent.

Council Member Johnson stated that yesterday the TAKS Test started at HISD and he wanted to wish all of the students good luck, that he thought it was the worst test ever known to man when it came to evaluating their students and teachers, that it did not evaluate their children's ability to learn or the teachers' ability to teach because at this time they were only teaching the test, which he thought was killing the educational opportunities for their children, that he brought it up because his son, who was in the third grad and taking the TAKS test, was worried sick about the test, that he was afraid he was going to fail, that unfortunately their schools had implanted that into their children's heads and they thought they were going to be failures if they did not pass the test because they had put so much emphasis on it, that it was not only about the children, but the rating system of acceptable or exemplarily or not acceptable was power before their City overall, because it was when these schools were unacceptable was when the developers began to talk about not wanting to locate their new development into that community because the schools were bad, that of course they knew if they did not have good development in their neighborhoods they would not have good commercialism in their neighborhoods, that good commercialism brought the jobs for the young people so that they were not involved in criminal activities and what they saw around these unacceptable schools was probably the most crime, that he thought they as a City had to step in at some point or another, that he knew it was a State issue, it was not just germane to HISD, but all across the State, but it was hurting their ability to develop their City when the ISDs were not putting forth their best effort to create a new culture for their children, that he hoped they would get to a point where they did away with the test and the rating system so that their children would begin to go to schools in their neighborhoods, which would increase the capacity for that school, that HISD was closing schools down because children did not want to go to schools that were unacceptable and of course they understood the political fight that it had ramifications on when they were closing schools down or combining schools because the schools were not acceptable; that this week would be Previn Jones, Chief of Staff, last week in his office, that he would be going into the private sector and he wished him well; that tonight would be a battle of the ages, Wheatley versus Yates, that they would play at Texas Southern University. Council Members Lawrence, Sullivan, Lovell, Noriega and Jones absent.

Council Member Holm stated that she wanted to congratulate Council Members Clutterbuck and Noriega who were chairing tomorrow the League of Women Voters Repast as they celebrated political pioneer Anna Russell, that it would be at 11:30 a.m. at the Omni and she encouraged anyone who was interested to please call and be a part of it, that it would be a great celebration for someone they all loved and respected and was truly one of the greatest pioneers of their City; that she wanted to commend Mayor White and Council Member Lovell for really embracing historical preservation through the entire term that they had been there, that it had been consensus building and inclusiveness and thorough investigation and had come out with balanced outcomes; that one of the things that had been in the news the last couple of nights was the Mobility Response Team, that there was a lot of discussion when the team came forward and she could tell them that she had personally witnessed when it was one of the most effective programs they had put into place, that through all sort of instances it had been a good program, but what their citizens had seen warranted and merited some questions and investigation and some accountability to make sure of the oversight of the program and that they were responsible and accountable for it, that she hoped that they would not be defensive or critical of people's opinions or how they presented it but to seize it as a positive component to improve what they did and to celebrate how well they do some things. Council Members Lawrence, Johnson, Sullivan, Noriega and Jones absent.

Council Member Khan stated that the Department of Health and Human Services, along with Southwest Multi Service Center would hold the first Health and Human Services Community

Garden planting ceremony and Community Planting Day on Saturday at 11:00 a.m. at the Southwest Multi Service Center at 6400 High Star, that they welcomed everybody to join in, that it was the garden groundbreaking and planting ceremony. Council Members Lawrence, Johnson, Sullivan, Noriega and Jones absent.

Council Member Green stated that March was Women's History Month and the National Black MBA Association was kicking off the month by having a forum entitled "Women in Leadership Values, Vision and Voice" and would feature six women from the Houston business community who would cover a range of topics from the commitment to their jobs and family and personal responsibility and accountability, that if they wanted information they could contact the www.HoustonBlackMBE@Gmail.com, that the event was on March 12, 2009 at the Crowne Plaza Downtown from 6:00 p.m. to 8:00 p.m. or they could contact his office if they had questions about that; that the Houston Fire Department and Blue Cross Blue Shield was once again offering free immunizations at the fire stations on Thursday, March 5, 2009 at Fire Station No. 59, at 13925 South Post Oak in District D, on Thursday, April 2, 2009 at Fire Station No. 70, 11410 Beamer Road in District E, also Thursday, at Fire Station No. 18 at 619 Telephone Road in District I and Thursday, May 7, 2009 at Fire Station No. 29 at 4831 Old Galveston Road in District I, that the times were from 4:00 p.m. to 7:00 p.m., that for anybody who needed information please call HFD, Houston Fire Department at 713-495-7900 or email www.carevan.org Council Members Lawrence, Johnson, Sullivan, Noriega and Jones absent.

Council Member Brown stated that he wanted to congratulate Rice University for a forum on Sustainable and Humane Cities that they put on this week, that there was an enormous amount of information from people around the world about how they built and maintained great cities; that he wanted to second what Council Member Johnson stated about neighborhoods schools, they needed to attract the middle class back to Houston and thought the administration needed to take a leadership role in improving the public education in the City and knew the Mayor had taken a firm stand on that; that an important document came before the Transportation and Infrastructure Committee, the phase one of the City's mobility plan, that it was a very interesting document because it began to address issues that in the past had left by the wayside, that one of the startling pieces of information in phase one of the plan had to do with commute times in Houston and it's ETJ, that the commute time by 2035 would be almost 3 hours, that was an enormous red flag that they needed to start thinking about, it was not a situation that they could postpone but would require not business as usual but some new and bold decision making about how they really addressed the enormous challenge of mobility in the City, that ULI presented a very thoughtful and fact filled recommendation for their transit corridors, if they wanted to make transit oriented development work in the City of Houston they needed to follow their recommendations, that one other initiative that was part of the process was retooling the Washington Avenue Corridor, that it was a great opportunity area for the City of Houston but was not developing the way it should, that they had an initiative coming out of the Mayor's office to do a development plan for Washington Avenue and set some performance standards, not restricted standards, but opt in standards that really could make a big difference and begin to build a compatibility between attractive commercial development and the adjacent residential areas. Council Members Lawrence, Johnson, Sullivan, Noriega, Green and Jones absent.

Council Member Clutterbuck stated that she wanted to thank Council Member Holm for mentioning the League of Women Voters luncheon tomorrow, that it was a very exciting opportunity to honor Anna Russell the City Secretary for her many years of service, that it was the annual fundraiser for the League of Women Voters; that she wanted to thank the Houston Livestock Show and Rodeo, that she participated this past weekend in their annual fun run sponsored by ConocoPhillips; that yesterday they had six people come down and speak to them about public housing issues, that all of them were complaining about the Housing Department, that she was not sure what the complaints were or how to evaluate the complaints, that they uniformly had a complaint about what they perceived as the rudeness of their public housing

employees, that of these six, five of them appeared to be able bodied individuals, one of whom was a Katrina evacuee and now was an Ike evacuee, she feared that what was originally intended in many cases to be a public safety net for the most vulnerable in their community, and certainly she knew it was not easy to tell who was vulnerable and who was not just by appearances, to allow them to get back on their feet appeared in some instances to be a form of entitlement that some people felt they were entitled to and she thought that sometimes when they came down and were complaining about the rudeness of the Section 8 Housing administrators was perhaps that they were confusing the word "no" with rudeness and she did not know what the answer was, but knew what the questions were, were the Section 8 Housing individuals being rude to the citizens, if so that needed to be addressed, were they actively enforcing their standards so that they could move people off of the public housing problem rolls and put the truly vulnerable back on, that she had a conversation with Council Member Jones, who chaired the Housing Committee, and in her opinion was the example of self reliance, personal responsibility and individual initiative, somebody who had come up out of the public housing sector and understood what it took to get back on their feet again and the law around this, that she would encourage Council Member Jones have a hearing on this because they seemed to be having more and more people come before them at public session complaining about the activities at their Housing Department. Council Members Lawrence, Johnson, Sullivan, Noriega, Green and Jones absent.

Mayor White stated that he and the Housing Authority for sort of a philosophy and direction that those individuals who were capable of working, not disabled or seniors, if they had vouchers where the federal government had extended the program for Katrina, it was their policy within the Housing Authority that individuals who were able bodied should be transferred out of it and it did create a bit of tension but thought it was consistent with commitments that they made to the community and there was no excuse for any public employee being rude to an individual. Council Members Lawrence, Johnson, Sullivan, Khan, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that they had people who had lived in Section 8 for some many years, that she thought they needed to look at the same formula that WIC used for the food stamp assistance because they were only allowed to get WIC for so many years and eventually they had to be transitioned off to a better way of life, so she thought they needed to look at partnerships with Section 8 as well as the Houston Workforce to see what they could do to transition; that she wanted to thank the administration for the ordinance passed today about the Sunnyside beautification project; that the Fort Bend County Boys and Girls Club had a panel discussion this past weekend and she wanted to thank Matala Edie of her staff for presenting this weekend and addressing college students about financial aid; that last night they had a wonderful meeting about the Southmore Boulevard proposed suffix name change, that there were about four or five streets in the community, that they came together to see what they could do to make it one street name change; that this past Saturday was the South MacGregor Civic Community Alley Cleanup, they had over 30 people who came out with Charleston, Parkwood, Ardmore and Oakmont Communities to help clean out the alleys; that they had a Public Safety Forum on Thursday, February 26, 2009 in the Fort Bend area and she wanted to thank Chief Hurtt, Constable Ruben Davis of Fort Bend County Precinct Two and Judge Clouser for coming out and addressing the citizens, that the next forum would be held on March 19, 2009 in the Hiram Clarke area in New Faith Church and she wanted to thank Pastor T. R. Williams, that they would be coming to the Montrose area in April to address the crime concerns; that there would be a JRBT Caucus meeting tonight to discuss issues in the Montrose and Neartown Community; that she wanted to thank Issa Dadoush for making sure that the Sunnyside Community Service Center got some needed improvements after Hurricane Ike and also Dr. Lawson and Issa for looking at the needs at the Blue Ridge Library because they were affected by Hurricane Ike; that Council Member Johnson mentioned the rivalry between Wheatley and Yates, District D versus District B, that she was sure that Yates would come out dominating; that

today they passed something for protective gear for the Houston Fire Department and she wanted to continue to support the administration when they were looking out for their firefighters to make sure they were protected when fighting fires, that she wanted to give her prayers out to the families of the firefighters who were burned at the Reed Road fire, that they were from Fire Station 45. Council Members Lawrence, Johnson, Sullivan, Khan, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Mayor White stated that he wanted to share information that was important to all Council Members and those who served them on HGAC and took an interest in infrastructure, that the federal government allocated something in the neighborhood of \$2.2 billion to \$2.3 billion for transportation related stimulus funds to the State of Texas for highways, bridges, thoroughfares and the like, that the City of Houston represented about slightly over 10% of the population of the State of Texas and if course there were transportation needs, that they try to budget responsibly within the City of Houston, that there was a project involving Little York which had gone up through the channels where much of the engineering was complete but they waited, they had it in the CIP for a long time, that TxDOT was supposed to be a partner but the TxDOT funds never came through, that there were many other projects that were in that category, they were in the books, in the CIP, to be shared with TxDOT but TxDOT said that it had some budget crunch, that it had been the policy of the City of Houston for good reasons having to do with wise management of the taxpayer funds not to design projects and spend all the money on engineering where they did not know whether they could be built, perhaps that had not always been the case with them or perhaps that had not always been the case with other governmental bodies but was sure most citizens would agree that it was not a good idea to spend money on design when they were not going to build something, and at least one project he was reviewing, the issue where TxDOT denied it for approval was that they were going to plan to spend CIP dollars anyway on something that was fully designed therefore it should not be eligible, he would just say it would be bizarre indeed if they had a governmental body that had fully designed a project that was not in the Capital Improvement Budget, that this specific issue was raised at the White House ten days ago, and if something was shovel ready and they could put the funds there and then fund a project using those monies that was not as far along they were told by the Secretary of Transportation that it would be acceptable, that he wanted to circulate to both Members of Congress and to Members of the City Council various projects that they thought could be funded through the use of the stimulus funds, if the criteria was that it had to be both fully designed but not within anybody's budget then frankly he hoped that every project that was on that list met that criteria, that he asked for Members of City Council's help and members of the community, that it was something that he was going to be working on and spending some significant amount of time working on, that people of this community never wanted more than their fair share nor did they think there would be strict quotas about how funds were expended between governmental entities, that they knew they were part of a region and they all benefitted when there were construction jobs in the region and greater mobility within the region, but he was concerned if one criteria was applied to one governmental entity, the City of Houston, but not applied equally to other governmental entities, that just did not make sense to him, so he would be circulating that particular list and thought there would be about three projects on the list, one he knew had been a very important project for a senior member of Congress in a leadership position within their region, Congressman Gene Green, having to do with the Clinton Road improvements around Wayside and these projects had been pushed back or not proceeded for years because of lack of funding or where there were some funding commitments that would need to be made by other governmental organizations, that other projects that they had within their CIP that were to be TxDOT managed and funded, based on representations of TxDOT, TxDOT said that their own engineering was not to the point that would allow them to be shovel ready, but he hoped that equal standards were applied to all projects that they saw within that particular area, if it is that there was final design of things and the construction projects would be let then there was a question that if that was the case why were they not in somebody's CIP to begin with, that he would share that information and ask

each of them to be a help and advocate, that as they talked about tightening their belts it was important to remember that the purpose of some of the money appropriated by Congress, whether they agreed with the bill or disagreed, mostly was administered through State and local government entities and would be relied on very heavily in order to meet the needs of their citizens through State and local entities. Council Members Lawrence, Johnson, Sullivan, Khan, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Lovell stated that she and Council Member Holm were at the TPC meeting last Friday and a lot of this came up, that tomorrow, she understood, was when the commission would meet and vote on the projects, were they, the City of Houston, going to have their people there, on public record, in front of the commission, expressing just what the Mayor expressed today, because she thought that it was very important that they go and do so, that it was very clear at the committee, what was going to move forward, but she thought that tomorrow in Austin was really important the City of Houston have somebody there in official capacity to express what Mayor White said, the stimulus package was not to substitute what TxDOT could not fund, that was the State's responsibility, that stimulus was to be separate and to be able to come into the inner cities and stimulate jobs, in the inner cities of which what was passed by TPC she could tell them did not really do that, and Mayor White stated that there should be no issue of inner governmental rivalry, for example, the Clinton drive project had always been envisioned as being managed by Harris County with the City of Houston and TxDOT as participants, that there were other projects where TxDOT was responsible for the engineering and thought the contracting on those projects, but would have to check project by project, that they had no quarrel with the fact that there were needs within TxDOT, that TxDOT who was just like the City of Houston and Harris County and others, faced financial shortages, there was a lowering of the gas and diesel taxes that were available to do transportation infrastructure but he wanted to make sure and clear that people realized in the population centers there were mobility needs and she was correct, whether one agreed or disagreed with the language in the stimulus package, there was a preference that was expressed within the appropriations, particularly for those projects which were located in areas where there was a high concentration of low to middle income Americans, and to understand how that criteria had been applied. Council Members Lawrence, Johnson, Sullivan, Khan, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Rodriguez stated that he wanted to thank Mayor White for sharing the information with them, that he knew it was very timely and Clinton Drive certainly was a priority for his district and constituents; that Dress for Success Week was this week and on Monday he joined Dress for Success Houston in sending an SOS, which stood for Send One Suit, that the SOS drive was officially a week long event but their City Hall Annex drive had been extended to March 25, 2009, that the mission of Dress for Success was to promote the economic independence of disadvantaged women by providing professional attire, a network of support and career development tools that could help women thrive in the workplace and life, that the agency had served more than 20,000 Houston women since opening it's doors in October 1998, that he urged everyone to participate in the City Hall Annex, first floor lobby, until March 25, 2009; that on Saturday the District H staff would be participating in the March on Crime Parade and would like to invite the community to participate in the 2009 Near Northside BOND March on Crime Parade on Saturday, March 7, 2009 at 11:00 a.m. at Holy Name Church, 1217 Hogan Street; that Super Neighborhood No. 22 was hosting the Wave Eco Fair at Spotts Park, South Heights at Memorial, that the event would take place between 1:00 p.m. and 5:00 p.m., that it was presented in collaboration with the Mayor's office. Council Members Lawrence, Johnson, Sullivan, Khan, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Lovell stated that she wanted to thank Mayor White for bringing up the stimulus package and funding because she had been getting calls also; that she wanted to join in with Council Member Clutterbuck and her concerns about the Houston Housing Authority,

that universally she heard across the City complaints about how people were treated when they went over there, that she knew that "no" was a hard thing to hear, that she heard from agencies, people providing services that having to work with that agency was just a very difficult thing and they were not treated with respect, that nobody could really tell her who appointed that board, that she thought Horace Allison was the head and how he got his job, that she could not find out who they were responsible to, or did they just operate on their own, and Mayor White stated that he believed that he reported to Mr. Etuk and he in turn reported to the board, that was the reporting relationship and he expected the board members to evaluate all aspects of the performance of management and make recommendation to replace management where they do not meet the defined criteria, that the board was appointed by this body, that she thought that Council Member Clutterbuck had a very good idea about engaging Council Member Jones in the relationship with the Houston Housing Authority, that she seemed to know what the regulations were and it was something that she had been involved in and she would like to see some accountability, if they needed to come to the committee she would support that totally, and Mayor White stated that he would encourage Council Members to remind individuals that the Houston Housing Authority had public sessions, there were board members who were representatives of the community, that there would come up a point whether it be Harris County, Metro or the Houston Housing Authority that if individuals wanted to monitor those meetings, City Council Members wanted to monitor the hearings they had before the Houston Housing Authority, that were public hearings, then he encouraged Council Members to go and audit those, but there would be a little bit of an issue if everybody had two hearings, one before City Council and one before the Houston Housing Authority. Council Members Lawrence, Johnson, Sullivan, Khan, Brown, Noriega, Green and Jones absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 12:04 p.m. Council Members Lawrence, Johnson, Sullivan, Khan, Brown, Noriega, Green and Jones absent. (No Quorum Present)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary