

City Council Chamber, City Hall, Tuesday, April 14, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 14, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marty Stein Agenda Director present. Council Member Melissa Noriega absent on personal business.

Note: Council Member, District H Position, vacant.

At 2:00 p.m. Vice Mayor Pro Tem Lovell called the meeting to order and stated that Council Member Jones would begin presentations. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones invited Metro Officer Elliot Swainson and Chief Lambert to the podium and stated that Officer Swainson volunteered at the inauguration of President Obama this year and was beefing up security in the transit stations in Washington, D. C.; that while he was working a 68 year old woman fell and froze and the train was rapidly approaching and Officer Swainson could not get her out but remembered the crawl space and helped her there and the train passed and now she was still here; and presented a Proclamation to Officer Swainson proclaiming today as "Officer Elliot Swainson Day" in Houston, Texas. Officer Swainson stated that he had little to say, but he was glad the lady was still here and thanked Council Member Jones for the recognition. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Rodriguez thanked Officer Swainson for being present and representing the City of Houston so well; that they kicked off a safe initiative in District I today and the Metro police were partners and he thanked them for all they did. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Rodriguez stated that it was his honor today to acknowledge Pastor Leslie Smith, the CEO of Families Under Urban and Social Attack (FUSA) and invited Pastor Smith to the podium. Council Member Rodriguez stated that the Pastor's mission was 20 years of service; that he started FUSA in a set of neighborhood crack houses he acquired and refurbished for substance abuse counseling and now had over 60 employees and a budget of \$3.5 million; that he built a three story youth center and they did a lot in District I; and presented Pastor Smith a Proclamation proclaiming today as "Reverend Leslie Smith II Day" in Houston, Texas. Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent.

Council Member Jones stated that she and Pastor Smith knew each other for a long time and he was in an area which needed attention and FUSA was doing a lot to bring the Third Ward up; and thanked him for all he did. Council Members Lawrence, Johnson, Holm and Green absent.

Council Member Brown stated that right now it was Number 91 time and invited Mr. Amobi Okoye and others with him to the podium. Council Member Brown stated that Amobi Okoye had a foundation and did not only do for Houston but also for the continent of Africa and his native country Nigeria by sponsoring medical clinics, sports and learning centers; that he was the youngest draftee in the National Football League by being drafted at 19 years old and a

scholar in his own right admitted into Harvard University, but they did not have that good of a football team; and presented Mr. Okoye a Proclamation commending his great works and proclaiming today as "Amobi Okoye Foundation Day" in Houston, Texas. Council Members Lawrence, Johnson, Sullivan and Green absent.

Mayor White stated that too often in our culture people mistook a celebrity with people who were role models and this was a special person here; that it was excellence in all he did and not just on the field and it was an important lesson to many athletes who aspired to use God's gifts in their own way and he showed the barrier of age was one that could be broken down and he was a model of what a student athlete should be; and he was very much appreciated. Council Members Johnson, Sullivan and Green absent.

Mr. Okoye thanked all for the recognition and stated that their goal was to help children and communities no matter where they were and his foundation helped him; and thanked the city for their support. Council Members Johnson, Sullivan and Green absent.

Council Members commended and thanked Mr. Okoye for all he did and thanked his parents for instilling values in him. Council Members Johnson and Sullivan absent.

At 2:21 p.m. Council Member Rodriguez stated that today they celebrated wonderful heroes and this week started off with the tragic loss of two heroes from Fire Station 26 in District I, Captain James Harlow and Firefighter Damian Hobbs; that he could not imagine how this happened but knew they could only be consoled by prayer and introduced HPD Chaplain Gary Blackman who lead all in the prayer and Council Member Rodriguez led all in the pledge. Council Member Johnson absent.

At 2:25 p.m. the City Secretary called the roll. Council Member Noriega absent on personal business. Council Member Johnson absent.

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

At 2:25 p.m. the City Secretary began calling the public speakers. Council Member Johnson absent.

Mr. Gary Blankinship, 1600 State Street, Houston, Texas 77007 (832-924-3631) appeared and stated that originally he was going to speak on Agenda Item 16 dealing with beneficiary changes and healthcare insurance for retirees, but what they were opposed to was removed and the part dealing with officers critically injured in the line of duty and allowing them to keep healthcare rates at the active rate was in there and they supported that 100%; and offered condolences to the Fire Department for loss of their firefighters; and thanked the Mayor and Council for their support in the tragic event where Officer Rick Sauter was shot in the face a month ago; and requested that if changes were to be made to retirees healthcare Council Members take a very close look at the impact such had on their retired employees. Council Members Johnson, Clutterbuck, Adams and Khan absent.

Mayor White thanked Mr. Blankinship for his participation in the Health Benefits Advisory Board and stated that for all and Council Member Clutterbuck in particular all had a stake in making sure the health benefits structure was sustainable over a longtime; that they did not want to be like companies who found themselves insolvent because they did not know how to plan health benefits; and thanked him for his constructive comments and Council Member

Lawrence for late night phone call alerting him to a situation and making sure there were no unintended consequences. Council Members Johnson, Clutterbuck and Adams absent.

Council Member Lawrence thanked Mr. Blankenship for coming and making her aware of a situation and thanked Mayor White for placing the item on the Agenda; that at this time there were 9 officers qualified as catastrophic and this was very important to look after such officers. Council Members Johnson, Clutterbuck, Adams and Green absent.

Council Member Jones thanked Mr. Blankenship for coming and emailing her so she would know what was going on. Council Members Johnson, Clutterbuck, Adams and Green absent.

Mr. Robert Armbruster, 1600 State, Houston, Texas 77007 (832-924-3631) appeared and stated that when he was last present he was an active police officer receiving an award for ending a hostage situation at City Hall and today was present regarding Agenda Item 16; that he signed up opposed to the prohibition of retirees from adding new dependents and he thanked the Mayor for removing that item from the Agenda; that he was adopting a niece and nephew whose mother died and they would not have been able to enroll them in the healthcare and he thanked all for that reconsideration and in the future if it came up again he would ask for input from the retirees so it could be structured fair for all. Council Members Johnson, Clutterbuck, Adams and Green absent.

Mayor White stated that the balance of this Administration would not be the only ones to address the issue, but to frame an issue for people so they could keep their eye on the ball, in the community those who paid his salary and provided taxpayer contributions to all costs; that about 30% of all working people did not have access to group healthcare insurance and could not afford insurance and they could not solve that situation in Council, it was a state and national issue, but as they came up in a time where premiums increased faster than revenues set by state law, then there was always the issue they would confront once all had retired of them adding dependents and what should be the role of the taxpayers and the role of the individual employees, given the fact those taxpayers could not afford their own health insurance. Council Members Johnson, Clutterbuck and Adams absent.

Ms. Mona Cartwright-Biggs, P. O. Box 96011, Houston, Texas 77213 (281-678-6662) appeared and stated that she was a resident of the Allen Parkway Village Apartments since 2003 and present today to address the issue of the Allen Parkway Village Resident Council Executive Board as it related to the 24CFR964 concerning resident participation funds which were allotted annually, \$15.00 per unit, since 2004 the funds were being withheld by the Houston Housing Authority because the executive board had not produced required documentation mandated by HUD, so for 4 years the money totaling \$30,000 had not been released and though Mr. Etuck claimed to have provided an auditor to assist the board the problem remained and the Housing Authority claimed they did not police the resident council the residents did, however, the Housing Authority had not made information available to empower residents to address the ongoing issue; that she understood commissioners were appointed by Mayor White and her hopes were to have the matter addressed and corrected. Council Members Johnson, Clutterbuck and Adams absent.

Council Member Jones stated that Ms. Biggs had spoken with her office and she (Council Member Jones) had sent emails to the Houston Housing Authority and was working to figure out those issues with them; that they were in the process of setting a meeting so they could answer her questions directly and afterwards she would report to her what they found; and Ms. Biggs stated would it be permissible to have Ingrid, her staff member, make a copy of requested documentation the Housing Authority had given her on the issues; and Council Member Jones

stated that they would make copies and give her back the originals. Council Members Johnson, Clutterbuck, Adams, Khan and Rodriguez absent.

Ms. Rhonda Arias, 10515 Eve Borough Drive, Houston, Texas 77099 (713-419-1214) appeared, presented information and stated that she had an important proclamation to draw Council's attention to; that it was by Governor Rick Perry proclaiming April as Abortion Recovery Awareness Month; that Governor Perry stated ending a pregnancy through abortion interrupted the natural birth process and created a significant trauma caused by the procedure itself and cited feelings of anger, fear, sadness, anxiety, grief and guilt due to that procedure; that she did abortion recovery services as a counselor for 17 years now and worked with the Drug and Alcohol Council and knew drug and alcohol abuse was one of the symptoms they were seeing an onslaught of from the mental health issue of abortion; that Houston was building the largest abortion clinic in the world and it was a mental health issue and women were not being told the psychological affects even though legally they were to do so and she was asking the City of Houston to make an ordinance similar to the Right To Know Act and enforceable by the city because it was not being enforced by the state. Mayor White, Council Members Johnson, Clutterbuck, Adams and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding.

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 Johnson, Clutterbuck, Adams and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Curtis Morton, 12426A Ticonderoga, Houston, Texas 77044 (281-459-3964) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Adams and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Robert Kane, 8807 Grape, Houston, Texas 77036 (713-574-2335) appeared and stated that he had a problem with a red light camera, he was out of the country and he went to look at the law on red light cameras and it seemed the city was missing part of what the law called for which was a sign showing there was a monetary penalty for going through and being captured on the camera so he went to the hearing and the hearing officer said it did not count because a city ordinance did override state statute; that he called Tom Allen in the City Attorney's Office and he did research and called him back and said the city did not have to follow the rules so he looked at the city ordinance and it said the purpose of the article was to implement photographic traffic signal systems in accordance with Chapter 707 of the Transportation Code so it seemed even though the city did not have to by making the ordinance they were saying they were going to and secondly, he was present before and his phone number was on the internet and he thought there should be a disclosure and let people know their information would be public. Council Members Johnson, Clutterbuck, Adams, Rodriguez, Brown and Lovell absent.

Mayor White thanked Mr. Kane for coming and stated that they got information on the portion of his comments before he came and thanked him for providing it; and upon questions by Mr. Kane, Mayor White stated that they did not conduct the meeting in a question and answer fashion but were seeking legal council on issues he posed. Council Members Johnson, Clutterbuck, Adams, Rodriguez and Brown absent.

Ms. Regina Garcia, 2425 University Boulevard, Houston, Texas 77005 (713-522-9306) appeared, presented information and stated that she rode her bicycle to the meeting, she rode everywhere in Houston and over the last 15 years had ridden on every bicycle route and bike lane in Houston; that she wanted to point out the condition of the bike lanes on Wesleyan, it was a very important connector and she used it weekly and pavement conditions had deteriorated

over the years; that she was a bicycle instructor and would never let any friends on the bike lane with her, on that street she was frustrated and concentrating on the pavement, it did not just need asphalt patchwork, it needed good attention. Council Members Johnson, Clutterbuck, Adams, Rodriguez and Brown absent.

Mayor White stated that he would give her information to the City Bikeway Coordinator and those in the Public Works Department; that the way the streets were designed to slope on the edges this would require a lot of good people's thoughts on what to do with bikeways, if it was flat concrete there would be no problem, but it was rough; and Ms. Garcia stated that it was important to realize streets with designated bike routes and designated bike lanes really did require a higher level of maintenance as it was a safety issue and she did appreciate everyone's work. Council Member Rodriguez absent.

Council Member Clutterbuck thanked Ms. Garcia for coming and stated that Ms. Garcia was a advocate for bicycling paths and safety and this was an area she too spoke to the Director of Public Works about and in particular the intersection at West Alabama, when West Alabama was repaved for Spur 529 construction a bicycle path was added on West Alabama and it increased the usage and with Wesleyan being a major connector perhaps this was an opportunity to evaluate it; that there was a belief in the community there was commitment to reconstruct West Alabama and the intersection and Wesleyan after the Spur was completed and this may be a new opportunity to look at it. Council Member Rodriguez absent.

Council Member Brown stated that her photos were dear to his heart and she should go to Richmond and Wesleyan and see the utility pole in the middle of a handicap ramp. Council Members Sullivan and Rodriguez absent.

Mr. Joseph Ballard, 6302 Rocky Nook, Humble, Texas 77396 (281-850-0388) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Rodriguez absent.

Ms. Antoinette Daniels, 8702 Ferdinand, Houston, Texas 77051 (832-687-0907) had reserved time to speak but was not present when her name was called. Council Members Sullivan and Rodriguez absent.

Mr. Jose Rios, 8113 Way, Houston, Texas 77028 (713-635-8881) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Rodriguez absent.

Mr. Emmanuel Hurd, 6427 Rosemary Lane, Houston, Texas 77016 (281-987-1038) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Rodriguez absent.

Dr. Maria Stowe, 1525 #321/2 Independent Heights, Houston, Texas 77022 (832-767-0404) had reserved time to speak but was not present when her name was called. Council Members Sullivan and Rodriguez absent.

Ms. Katrell Gabriel, 7842 Dairyview Lane, Houston, Texas 77072 (832-731-3917) appeared and stated that she was a single parent of three and lived in southwest Houston about four years; that she came as a evacuee of Katrina and for the last months she and her family have been faced with homelessness hanging over them; that she was made aware she was terminated from the program as of August 2009 and found out she was terminated in January after calling her landlord who told her she had not been paid since August after an inspection which failed; that she had gone to Housing after the inspection and was told everything was

fine; that she received a termination letter January 13th after speaking to Mr. Chad Baker who said payments could be reinstated but he could not overturn the termination so she went back to Housing and still did not hear anything until February 13th and she counseled with the lady who did the hearing and was told they would uphold the termination based on her not having electricity in her home during inspection and she never did not have electricity. Council Members Sullivan, Rodriguez and Lovell absent.

Mayor White stated to Council Member Jones stated that from time to time he would ask that she assist the Administration; that there was something in what Ms. Gabriel said and the information provided to him by the Housing Authority raised a red flag in his mind and he would ask she be his eyes and ears in looking at this particular case; that they could not be an appeals board here but it seemed there were certain habitability standards they had which were required by HUD and sometimes they could debate those pros and cons but basically HUD would take money from them if there was not certain habitability standards, but he did not see how it would affect an individual under the program; and upon questions, Ms. Gabriel stated that she paid her utility bill and they wanted a letter from the electric company and it was like pulling teeth because it was back so far and each time she got the documentation and took it to Housing they would send her for something else; that she had everything for the month of August which they asked for, but she said it was not August, but two days in August in question; that this was a human error and not her fault. Council Members Sullivan and Rodriguez absent.

Council Member Jones thanked Ms. Gabriel for coming and stated they had been talking with the Housing Authority and it was her understanding was whether or not electricity was on during inspection and she had an email from the person they generally dealt with saying they needed to see the letter and now she just became aware they were asking for something else, but she was working on it and a concern was if this was in August why was she just notified; and Mayor White stated that in particular he was asking that she not just resolve this case but also to look at the process as it should be a straight forward issue, one issue was either the electricity was on or off and the other issue was if someone was late in paying an electric bill or if it was turned off for a brief period of time, did it mean they were disqualified from the program forever; and Council Member Jones stated that she was looking at a number of things with the Houston Housing Authority and she and Mr. Etuck were having discussions on how the Housing Authority could do better, but for Ms. Gabriel she was working on her problem and she would look at electricity issues; and Mayor White stated also whether it applied to the habitability of the residents; and Ms. Gabriel stated at the inspection when the guy left he gave her the inspection letter and came back 10 minutes later and said there was a red tag on the outside of the box, but he had already left and completed the inspection and so she went to Housing and the lady said it was fine and then in January she found she had been terminated in the program since August, but her lights were not off. Council Members Sullivan and Rodriguez absent.

Council Member Khan stated that Mayor White asked questions relating to the process and he thought that was where they needed to look; and upon questions, Ms. Gabriel stated that she lived in a single home and into this one in October 2007; and Council Member Khan stated that if an inspector found something easily correctible was it worth putting someone in the street; and Council Member Jones stated the Housing Authority told her the issue was whether the electricity was on or off so to now hear when Ms. Gabriel went there to give them what they requested and was told it was something else this was the first she heard; and Ms. Gabriel stated that this was her last resort and they gave her an extension until the 17th to give them the letter from TXU but she was not able to get the letter; and Council Member Khan stated that Ms. Gabriel did the right thing coming here and he was optimistic it would be resolved to her satisfaction. Council Members Sullivan and Rodriguez absent.

Mayor White stated to Council Member Jones that he would like her to help him in her way with process improvement as it seemed to him if someone did not have electricity and there was a habitability issue then there were assistance programs and if someone drove over and lights were on in the house then it would seem...; well, he did not want them to be like HUD and wanted substance over form. Council Members Sullivan and Rodriguez absent.

The City Secretary stated that Dr. Maria Stowe was previously called and was in the hall and was now present and would be called to speak at this time. Council Members Sullivan and Rodriguez absent.

Dr. Maria Stowe, 1525 #321/2 Independent Heights, Houston, Texas 77022 (832-767-0404), who was previously not present when her name was called was recalled, and appeared and stated that she had an important issue; that they had a home school cooperative located in Independent Heights, it was the first African American Community established in the United States and of historical importance; that her daughter was a pediatrician and Harvard Law School graduate and they came to Texas to open a clinic; that they were in Tomball and a 501c3 nonprofit organization; that they had about 12,000 patients and when the head of the hospital was being asked about demographics of Tomball he said it was an all White town; and when asked about African Americans he said they did not have that problem in Tomball, they had it in Waller and now in Washington; that she was now proposing they have a cooperative school on 32-1/2 Street, it was called the Real School, her grandson did not want to be in an all White neighborhood and they lived in Independence Heights and they would like the City of Houston to support them. Council Members Sullivan, Khan, Rodriguez, Brown and Jones absent.

Upon questions by Mayor White, Dr. Stowe stated that they wanted one in Independent Heights; and Mayor White stated that for Mr. Pederson and Ms. Vasquez he would say so all were on the same page that he directed from this seat at a previous time that lots owned by LARA be made available to individuals doing urban gardens and they were available at a designated place on the website and there were some in Independence Heights, they were below the floodplain, and it was his direction if someone wanted to plant something...; that she could be given an agreement and then take it from there and begin gardening; and Dr. Stowe stated that did not address the medical facility or school, they were also asking the city for a building; and Mayor White stated that they did not give buildings; and Dr. Stowe asked if Mayor White could be any more negative; that she and her daughter were strong and determined women and he was not being receptive or helpful; and Mayor White stated that he was trying to be helpful; and Dr. Stowe stated that he was not. Council Members Sullivan, Khan and Rodriguez absent.

Reverend James Nash, 8309 Brandon, Houston, Texas 77051 (713-725-1664) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Khan and Rodriguez absent.

Mr. Danny Robertson, P. O. Box 1083, Channelview, Texas 77530 had reserved time to speak but was not present when his name was called. Council Members Sullivan, Khan and Rodriguez absent.

Mr. Reginald Moore, 8619 Barronwood Circle East, Houston, Texas 77083 (281-495-1869) appeared and stated that he was present to represent the poor people with the Poor People's Campaign; that they had a serious problem with HUD, he had misappropriations, or stealing, from the HUD program; that Ms. Marsha Farmer was the whistle blower and she blew the whistle on millions of misspent funds and she would not see a dime; that she worked on it until her death; that there was supposed to be \$3.1 million they were to pay back and it

was supposed to be \$30 million misappropriated or stolen with no accountability and he wanted to know if there were any orders going on concerning this HUD project; that the poor could have done a lot with \$30 million and there was no oversight; that he tired to get a roof on the Mt. Carmel Baptist Church and because of funds being held and frozen they could not get the roof and the church fell down. Council Members Sullivan, Khan and Rodriguez absent.

Council Member Jones stated that Mr. Moore asked specific questions, if there would be an audit, if there were any accountability and HUD just came with a monitoring report on things that happened after what he spoke of and the city had 30 days to respond; that she was in discussion with the Mayor's Office and they would be holding a special called committee meeting to discuss the HUD Monitoring Report in about two weeks; that to the extent he was asking for an audit she knew the Controller's Office had done an audit of Housing and she believed it would be out within the next two weeks; that he spoke of recouping money and when you received money from HUD you had to follow their rules and they came back with findings years ago and said the city was penalized and they had to negotiate down to \$15 million, if they had allowed it to stay at the \$45 million the city would have to repay with non HUD money and that would have had to be figured out, so they would not get that back, but since then they began receiving money from HUD and would work out the issues of the monitoring report which just recently came out last week and if they were not doing something correctly they would develop procedures which did comply with HUD requirements so low and moderate income people would be able to get funding; and Mr. Moore asked who stole the money, they did not want the same players to be involved in the money and it was the same players. Council Members Sullivan, Kahn, Rodriguez and Green absent.

Ms. Jeanette Hurston, 14619 Ella Boulevard #409, Houston, Texas 77014 (281-873-0773) appeared and stated that she had a problem with the Police Department again at her house, they were doing the same thing she came and asked for help on; the policeman said she went to the Mayor; that she went to MHMRA to see when she was to be there and she complied; that she did not even say what she came to say, but she did not want them sending any police to her house again and did not want the MHMRA on her. Council Members Sullivan, Kahn, Rodriguez and Green absent.

Mr. Theodore Johnson, 410 Dabney, Houston, Texas 77026 (713-259-4651) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Kahn, Rodriguez and Green absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she thanked God she was alive and was glad to be present; that when people cried out needing help it hurt to hear them and people needed to solve those problems; that she was again present to speak on the YMCA in Willowrun and was asking for \$50 million, maybe someone was hearing her and would be willing to donate and help fund their "Y" as it was needed. Council Members Sullivan, Kahn, Rodriguez and Green absent.

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated April 14, 2009, www.mayorgalvan.com; that he missed the Houston Heights Association District H Candidates Forum last night because of METRO and he would be at the next METRO board meeting to let them know bus service in District H was unacceptable; the "H" in District H was for Houston, Heineken, homosexual, hemp, Holy Name Catholic Church, Heights, etc. Council Members Sullivan, Kahn, Rodriguez and Green absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he was the official President of the U. S. and he defeated Barak Obama and he was a national crime victim; that this month was National Crime

Victim Month and he was being attacked 24 hours a day by the Global Mafia; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Kahn, Rodriguez and Green absent.

At 3:33 p.m. City Council recessed until 9:00 a.m., Wednesday, April 15, 2009. Council Member Noriega absent on personal business. Council Members Sullivan, Kahn, Rodriguez and Green absent.

The Houston City Council reconvened at 9:00 a.m. Wednesday, April 15, 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; and Ms. Martha Stein, 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 9:40 a.m. Mayor White called the meeting to order and stated that the first item was the Mayor's Report. Council Members Clutterbuck, Sullivan and Khan absent.

MAYOR'S REPORT - Automated Single Stream Recycling

Mayor White stated that for today's Mayor's Report present were leaders from the Solid Waste Department and Solid Waste employees and civic club leaders were talking on what he thought was the most single and exciting initiative in the City of Houston and not a day went by where he did not hear from a citizen on the program and wanting to see it expanded; and invited Director Harry Hayes to give a report on the automated and other recycling initiatives. Council Members Clutterbuck, Khan, Noriega and Jones absent.

Director Hayes reviewed a presentation titled "Automated Recycling Update", a copy of which is on file in the City Secretary's office for review. Council Members Holm, Rodriguez and Lovell absent.

Upon questions by Mayor White, Mr. Hayes stated that as indicated they had gone from their average of 15,000 tons to 5,044 tons on pickup of trees, limbs and composting and he believed for March they would be about the same but for the year about 100,000 tons savings; that for the year they were trending toward 800,000 tons for all waste collected and that Public Works generated as well; that they were trending down and in the right direction and the tree waste program would move them much further along in controlling the waste stream; and Mayor White stated that in going back to 2003 and 2004 total tonnage and looking where they were last year and where he projected it would be by at the end of the year he would like the figures so he could circulate them to Council Members. Council Members Holm, Rodriguez and Lovell absent.

Council Member Sullivan stated that on an unrelated topic they were getting many complaints on alternating months of heavy trash and he would like it in front of a committee; that there were alternating months but the public did not seem to get it and were placing the wrong things out at the wrong time and thought they were being cheated out of service, but he wanted constituents to know he was trying to address this. Council Members Holm, Rodriguez and Lovell absent.

Mr. Hayes stated that they had invited a couple of their partners who had been tremendous in getting the word out in their community, Mrs. Virginia Livingston, who was one of the section directors in the Westbury Neighborhood and Mr. Wayne Fowkes, President of the Lindale Park Homeowners Association, and asked that they stand and be recognized. Council Members Holm and Lovell absent.

Members of Council thanked Mr. Hayes for his presentation and other employees for the tremendous amount of work that was done and the dollars recycled and that they would be glad when other neighborhoods were allowed to join in on the recycling; and upon questions, Mr. Hayes stated that for every ton diverted it was a \$32.00 savings and until the world slipped into a recession they were getting \$45.00 a ton for the single stream commodities and now it was about \$12.00 a ton and as the economy improved the revenue generated would go up; that they estimated between landfill diversion and sale of commodities they should come in at about one and a half million dollars and they were operating in the black, they were saving trucks in the scrap heap and recycling them and placing them back in service; that he challenged his team to get outside the box to come up with ways to do necessary programs and not be big spending in doing it and they had been pretty successful; and read a list of neighborhoods who were in the program; and Mayor White stated that as they rolled out the curbside recycling program which involved a substantial amount of private investment then they may even put a place holder in their five year budget plan so those who come after them could go back and reconsider some taskforce recommendations which would basically say those who sent more to the dump and did not participate in the recycling plan would bare some of the extra cost incurred; and to Ms Stein she may want to consult with Ms. Travis and have an organized Council trip to D. C. and present priorities, the business community did it yearly and with good measure and good effect and they should consider, whether they like the term stimulus funds or not the fact was Congress had appropriated certain amounts to provide incentives for more efficient fuel vehicles and alternative fuel vehicles and those could include vehicles within Solid Waste, but it was a maze and some requirements were not yet written, but it should be pursued with a game plan; and Mr. Hayes introduced his staff and team members who were present and asked they stand to be recognized. Council Member Lovell absent.

Mayor White stated to conclude the Mayor's Report tomorrow the House was scheduled to vote on an issue involving the use of red light revenues for trauma centers and many Council Members had asked about that and if anyone wanted to contact members they knew of the legislature it was HB4586; that he would also urge Council Members to urge Members of the Legislature that the allocation be based upon where the revenues were being paid from as what he was reading did not specify any formula or allocation. Council Member Lovell absent.

At 10:42 a.m. Mayor White stated that they would move to the consent agenda.

CONSENT AGENDA NUMBERS 1 through 32

MISCELLANEOUS - NUMBER 2

2. RECOMMENDATION from Director General Services Department for approval of supplemental allocation for Professional Energy Audit Services Contract with **T.A.C. AMERICAS, INC** \$136,000.00 - In-House Renovation Fund – was presented, moved by Council Member Khan seconded by Council Member Brown. All voting aye. Nays none. Council Member Lovell absent. MOTION 2009-0198 ADOPTED.

ACCEPT WORK - NUMBERS 3 and 4

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,660,564.00 and acceptance of work on contract with **CSA CONSTRUCTION, INC** for Sims South Wastewater Treatment Plant Improvements (Package 1) - 5.96% under the original contract amount - **DISTRICT I – RODRIGUEZ** – was presented, moved by Council Member Khan seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0199 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,088,154.79 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for 48-Inch Water Line along Cambridge Street from Holcombe Boulevard to Old Spanish Trail - 12.30% over the original contract amount - **DISTRICT D – ADAMS** – was presented, moved by Council Member Khan seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0200 ADOPTED.

PROPERTY - NUMBER 5

5. 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. The Greater Love Mission, et al., Cause No. 925,818; for acquisition of Parcel LY6-015; for the **LEY ROAD PAVING IMPROVEMENTS PROJECT (N. Wayside - Mesa)** - **DISTRICT B – JOHNSON** – was presented, moved by Council Member Khan seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0201 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 and 8

6. **CONTRACT RESOURCE GROUP, LLC** for Office Furniture from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Department of Health & Human Services and Houston Emergency Center \$468,460.08 - General, Grant and Houston Emergency Center Funds – was presented, moved by Council Member Khan seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0202 ADOPTED.
8. **MENZI USA SALES, INC** for All-Terrain Excavator for Department of Public Works & Engineering \$280,000.00 - Stormwater Fund – was presented, moved by Council Member Khan seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0203 ADOPTED.

ORDINANCES - NUMBERS 12 through 32

12. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Carew Street, from Bonhomme Road east to its terminus (Parcel SY7-037A), and a 10-foot-wide utility easement (Parcel SY7-037B), together with its attendant aerial easement; vacating and abandoning said easements to Houston Independent School District, the abutting owner, in consideration of its dedication to the City of a 10- to 20-foot-wide water line easement (Parcel KY7-124); all easements being out of Block Four and/or Block Five, Sharpstown Section Three Replat, in the J. R. Black Survey, A-134, Houston, Harris County, Texas, and its payment of \$119,973.00, and other consideration to the City - **DISTRICT F – KHAN** – was presented. All voting aye. Nays none. ORDINANCE 2009-300 ADOPTED.

14. ORDINANCE amending Ordinance No. 2007-1117, relating to the release of certain territory consisting of approximately 973.43 acres in Waller and Harris Counties in the vicinity of the City of Waller, Texas, from the extraterritorial jurisdiction of the City of Houston – was presented. All voting aye. Nays none. ORDINANCE 2009-301 ADOPTED.
15. ORDINANCE approving and authorizing a Treated Water Supply Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 461** – was presented. All voting aye. Nays none. ORDINANCE 2009-302 ADOPTED.
16. ORDINANCE amending Ordinance 2006-196 relating to Health Care and Dental Insurance Benefits for City Employees, Retirees, Deferred Retirees, Survivors and certain dependents; amending various plans and agreements regarding Health Care and Dental Insurance for the aforementioned beneficiaries – was presented. All voting aye. Nays none. ORDINANCE 2009-303 ADOPTED.
17. ORDINANCE approving and authorizing Settlement Agreement for Contested Case Hearing before the Texas Commission on Environmental Quality, Docket Number 2006-1723-WR, by and between the City of Houston, **THE AMERICAN RICE GROWERS COOPERATIVE ASSOCIATION-DAYTON DIVISION**, and the **ALDERS' GROUP** - had been pulled from the Agenda by the Administration, and was not considered.
18. ORDINANCE approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for funding construction of a Building Expansion Project at the Houston TranStar Center – was presented. All voting aye. Nays none. ORDINANCE 2009-304 ADOPTED.
20. ORDINANCE appropriating \$254,105.50 from Miscellaneous Capital Acquisition Fund (4039); approving the Purchase and Sale Agreement between Tommy Edwards, Johnnie Mae Clemmons, Individually, as Independent Executrix of the Estate of Roxie McQueen Edwards, Deceased, and as Trustee of the Roxie McQueen Edwards Testamentary Trust created under the estate of Roxie McQueen Edwards, Deceased, and Henry Marshal, Seller, and the City of Houston, Buyer, for the purchase of 12,863 square feet of land with 2,457 square feet of buildings (Parcel BY9-020), located at 6423 and 6425 E. Tidwell, for the Parks and Recreation Department, WBS F-000513-0003-2; and approving and authorizing payment for the land acquisition costs, demolition cost, boundary survey, air monitoring and project management cost, and all closing costs associated with this transaction - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2009-305 ADOPTED.
21. ORDINANCE appropriating \$784,079.00 out of Water & Sewer System Consolidated Construction Fund for Purchase of Security Equipment and Installation for 69th Street Sludge Plant, Upper Brays Bayou and Keegans Bayou Wastewater Treatment Plant Safety and Security Improvements under an existing Citywide Contract with **BL TECHNOLOGY, INC - DISTRICTS C - CLUTTERBUCK; G - HOLM and I – RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2009-306 ADOPTED.
22. ORDINANCE appropriating \$23,100.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Design of Lift Station Repair and Replacement (Approved by Ordinance No. 00-0063); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund -

DISTRICT A – LAWRENCE – was presented. All voting aye. Nays none. ORDINANCE 2009-307 ADOPTED.

23. ORDINANCE appropriating \$458,700.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **URS CORPORATION** for Design of the Reconstruction of Cambridge Road from Holly Hall to IH-610 - **DISTRICT D – ADAMS** - had been pulled from the Agenda by the Administration, and was not considered.
25. ORDINANCE appropriating \$330,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **JONES & CARTER, INC** for Design of On-Call Water Facility Projects; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2009-308 ADOPTED.
26. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **COBB, FENDLEY & ASSOCIATES, INC** for various Small Diameter Water Line Replacement Projects – was presented. All voting aye. Nays none. ORDINANCE 2009-309 ADOPTED.
27. ORDINANCE amending Ordinance No. 2009-45, which approved Contract with **PM CONSTRUCTION & REHAB, L. P.** for Sanitary Sewer Rehabilitation to correct the Engineering and Testing Services Contract Number – was presented. All voting aye. Nays none. ORDINANCE 2009-310 ADOPTED.
28. ORDINANCE appropriating \$1,832,875.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS ReEXCAVATION, LC** for New Front Easement Reconnections (UM); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2009-311 ADOPTED.
29. ORDINANCE appropriating \$9,909,330.00 out of Metro Project Commercial Paper Series E Fund and \$627,840.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** for Hillcroft Reconstruction from Bellaire Boulevard to Southwest Frwy (US59); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Metro Improvements CP Series E Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT F – KHAN** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
30. ORDINANCE approving and accepting a grant in the amount of \$500,000.00 from the Texas Commission on Environmental Quality for the Lake Houston Septic System Removal Project; appropriating \$609,936.00 out of Water & Sewer System Consolidated Construction Fund; declaring City Council's intention to partially reimburse Water & Sewer System Consolidated Construction Fund out of the grant funds described herein; awarding

Construction Contract to **D. L. ELLIOTT ENTERPRISES, INC** for the Lake Houston Septic System Removal Project; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E – SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2009-312 ADOPTED.

31. ORDINANCE granting to **Q.R.S. OF TEXAS, 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 - **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2009-313 PASSED FIRST READING IN FULL.
32. ORDINANCE granting to **SHE-CO, INC, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2009-314 PASSED FIRST READING IN FULL.

Council Member Lawrence moved to suspend the rules to consider Item 34 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0204 ADOPTED.

34. REVIEW on the record and make determination relative to the appeal from the decision of the Electrical Board, filed by Scott A. Lisman on behalf of **VALCO INSTRUMENTS COMPANY, L.P.** regarding modification of the City of Houston Electrical Code as it pertains to Project No. 07065538 - **(This was Item 44 on Agenda of April 1, 2009, POSTPONED BY MOTION #2009-190, 4/1/09)** - was presented.

After discussion Council Member Lawrence moved to overturn the decision of the board and grant the appeal of Valco, seconded by Council Member Johnson.

After further questions and discussion by Council Members, Mayor White stated that he thought it was a tough vote for a lot of them to vote for Council Member Lawrence's motion simply because of the way she did her homework and the fact that if they were intended to be a rubber stamp then they probably they would not have the right to appeal, however, he thought usually there was some type of criteria they could articulate as a policy and he was not sure how well they were doing that; that he thought the issue of good governance went that they made ordinances and then they had groups that were charged with enforcing those ordinances and some of the ordinances embodied standards that were peer group standards based on experts, and then generally when they were talking about an appeal and were confined to the factual record on the appeal, for those of them who had some legal background, a normal appeal would be a process by which they questioned whether or not somebody accurately would apply the standard, that in this case, and why it was a difficult decision and why he decided to side with Council Member Lawrence, he was pretty sympathetic to a business or anybody who said the cost of a regulation was far disproportionate to any benefit in this application, however, they would think if that was going to be the standard they would consider writing it in an ordinance, or something like that, that he was not proposing anything, he was just asking this deliberate body that if they saw patterns where they thought that appeals should be granted because they gave the wrong standard to the body then they ought to consider revising

the standard, having said he did in fact, give a lot of deference to the judgment of Council Members who did their homework on a particular matter, and that was not to say they would always agree to do it there may be some policy, principle or legal principle which would disagree.

Upon questions by Council Member Khan, Mayor White stated that he would remind people that he read a portion of the record last week, that he did not read the entire record, but it addressed the certifications and use of the particular machines and the use of these machines historically by the company, that he did not know, perhaps it was in the record or perhaps it was not, perhaps Council Member Lawrence could address the safety assurances, although he would remind Council Member Lawrence that it was only the things in the record that could be made reference to; that the second point concerning a level playing field, normally he did in these cases take the initiative and come up with a set of criteria or standards and tried to articulate it and usually put it in emails when it came to various decisions which were made by the administration, an example of that would be those involving economic development incentives where he tried always to articulate criteria, some people choose not to listen to that criteria but that was another issue, or pretend they do not exist, but it was a good idea, that in this case, to give them an example, Council Member Lawrence stated that if the business were continuing the business in the same place as opposed to relocation they would not incur this expense and it ought to be considered on it's merits perhaps respectively to as a change of rule or guidance or comment by this body but he was not familiar enough to know what the consequences of that were, but he thought in general he would urge people today, tomorrow and a year from now to try to build consensus around the table about the grounds on which they would be granting an appeal and then determine whether they had some responsibility to those citizens who they asked to serve on these boards to change the ordinance.

After further discussion a vote was called on Council Member Lawrence's motion to grant the appeal, and a roll call vote was called.

Mayor White stated that they were ready to take a vote and asked if there was a motion to close the hearing.

Council Member Khan moved to close the hearing, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0205 ADOPTED. (Note: A hearing was not listed on the agenda, an Appeal on the record was listed.)

A roll call vote was called on Item No. 34.

ROLL CALL VOTE:

Mayor White voting aye	
Council Member Lawrence voting aye	Council Member Rodriguez voting aye
Council Member Johnson voting aye	Council Member Brown voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Adams voting aye	Council Member Noriega voting no
Council Member Sullivan voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Jones voting aye
Council Member Holm voting aye	ORDINANCE 2009-0206 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the reappointment of **MR. HOMER L. CLARK, representing HISD**, to Position Eight of the **SOUTH POST OAK REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2010 – was presented, moved by Council Member Khan, seconded by Council Member Green.

After discussion by Council Members Adams, Jones, Khan, Sullivan a vote was called on Item No. 1. All voting aye. Nays none. MOTION 2009-0207 ADOPTED.

PURCHASING AND TABULATION OF BIDS

7. **T. F. HARPER & ASSOCIATES** for Spending Authority for Swimming Pool Modification/Repair Services through the Interlocal Agreement for Purchasing Cooperative with BuyBoard for Parks & Recreation Department - \$250,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson, Lovell and Noriega absent. MOTION 2009-0208 ADOPTED.
9. ORDINANCE appropriating \$480,468.39 out of Equipment Acquisition Consolidated Fund and \$40,509.78 out of Reimbursement of Equipment/Projects Fund for the Purchase of Grounds Maintenance Equipment for Various Departments – was presented. Council Members Johnson, Lovell and Noriega absent. ORDINANCE 2009-315 ADOPTED.
- 9a. **LANSLOWNE-MOODY CO.** - \$215,635.56, **SHOPPAS FARM SUPPLY** - \$79,721.81, **JOHN DEERE COMPANY (A Division of Deere & Co.)** - \$652,360.43, **BROOKSIDE EQUIPMENT SALES, INC** - \$13,567.50, **LUBER BROTHERS** - \$40,406.40, **PROFESSIONAL TURF PRODUCTS, L.P.** - \$466,849.23, **BROOKSIDE EQUIPMENT SALES, INC** - \$143,380.48 and **LUBER BROTHERS** - \$33,285.55 for Grounds Maintenance Equipment through the Interlocal Agreements for Cooperative Purchasing with Houston-Galveston Area Council and BuyBoard for Various Departments - \$1,645,206.96 - Enterprise, Equipment Acquisition Consolidated, Reimbursement of Equipment/Projects, Parks Special Revenue and Stormwater Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson, Lovell and Noriega absent. MOTION 2009-0209 ADOPTED.
10. **HOUSTON COMMUNICATIONS, INC** for Miscellaneous Two-Way Radios, Replacement Parts and Accessories for Various Departments - \$6,199,088.75 - General and Enterprise Funds - – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson, Lovell and Noriega absent. MOTION 2009-0210 ADOPTED.

ORDINANCES

11. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (i) Andrews Street, from Taft Street to Genesee Street, (ii) Ruthven Street, from Mason Street to Genesee Street, (iii) Cleveland Street, from Mason Street to Genesee Street, (iv) Mason Street, from Andrews Street to West Gray Avenue, (v) a 20- to 30- foot-wide right of way, from West Gray Avenue connecting to Mason Street (Parcels SY3-039A through SY3-039E, respectively), and (vi-viii) three utility easements (Parcels SY3-039F through SY3-039H, respectively); vacating and abandoning said parcels to Houston Independent School District, the abutting owner, in consideration of its conveyance to the City of (ix-xi) three parcels, each comprising 30 feet of right of way to widen Genesee Street, from West Gray Avenue to Andrews Street (Parcels AY3-625A

through AY3-625C, respectively), all within Powars South Side Addition and/or Alden Place, Houston, Harris County, Texas, and (xii) its payment of \$1,276,038.00 and other consideration to the City; authorizing money received from this transaction to be deposited into various funds - **DISTRICT I – RODRIGUEZ** – was presented. Council Members Johnson, Holm, Lovell and Noriega absent. ORDINANCE 2009-316 ADOPTED.

13. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two (2) 10-foot-wide water line easements, located within the Willowbrook Mall Plat, in the G. W. Childress Survey , A-217, Houston, Harris County, Texas (Parcels SY9-020A and SY9-020B); vacating and abandoning said parcels to Willowbrook Mall Anchor Acquisition (TX), LLC, and to Willowbrook Mall (TX), LLC, the abutting owners, as their interests appear, in consideration of their payment of \$10,675.00 and other consideration to the City - **DISTRICT A – LAWRENCE** – was presented. Council Members Johnson and Noriega absent. ORDINANCE 2009-317 ADOPTED.
19. ORDINANCE appropriating \$26,000.00 out of HAS-Consolidated 2000 AMT Construction Fund (8200); authorizing purchase of land in Greenview Manor Section Two Subdivision, Houston, Harris County, Texas for George Bush Intercontinental Airport Houston (IAH), CIP A-0476.76; approving Purchase and Sale Agreement with the owner of the land (Joe H. Toghani) - **DISTRICT B – JOHNSON** – was presented. Council Members Johnson and Noriega absent. ORDINANCE 2009-318 ADOPTED.
24. ORDINANCE appropriating \$621,096.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Engineering services Contract between the City of Houston and **UNITED ENGINEERS, INC** for the Safe Sidewalk Program - **DISTRICTS D - ADAMS; E - SULLIVAN; G - HOLM; DISTRICT H and I – RODRIGUEZ** – was presented. Council Members Johnson and Noriega absent. ORDINANCE 2009-319 ADOPTED.

MATTERS HELD - NUMBERS 33 through 36A

33. ORDINANCE appropriating \$239,000.00 out of Fire Consolidated Construction Fund for Construction Services for Various Houston Fire Department Facilities under an existing Citywide Contract (approved by Ordinance No. 2007-1052) with **SPRING EQUIPMENT COMPANY, INC** **DISTRICTS B - JOHNSON; D - ADAMS and I – RODRIGUEZ** – (This was Item 41 on Agenda of April 1, 2009, **POSTPONED BY MOTION #2009-185, 4/1/09**) – was presented. Council Members Johnson and Noriega absent.

After discussion by Council Members Jones, Lovell, Adams, Rodriguez and Johnson, a vote was called on Item No. 33. Council Members Lawrence and Sullivan absent. ORDINANCE 2009-320 ADOPTED.

35. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Purchasing Agent to award to **GTSI, CORP.** for Hardware, Software, Maintenance and Installation Services 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 - \$833,168.98 - Enterprise and Building Inspection Funds – (**This was Item 5 on Agenda of April 8, 2009, TAGGED BY COUNCIL MEMBER JONES**) – was presented. All voting aye. Nays none. Council Members Lawrence and Sullivan absent. MOTION 2009-0211 ADOPTED.

- 35a. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Purchasing Agent to award to **HEWLETT-PACKARD COMPANY** for Hardware, Software, and Maintenance Support through the City's Master Agreement with the Texas Department of Information Resources for Department of Public Works & Engineering \$119,188.04 - Enterprise and Building Inspection Funds – **(This was Item 5A on Agenda of April 8, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Members Lawrence and Sullivan absent. MOTION 2009-0212 ADOPTED.
36. ORDINANCE appropriating \$756,884.00 out of Equipment Acquisition Consolidated Fund for Purchase of Medium- and Heavy-Duty Cabs & Chassis and Truck Bodies for Various Departments – **(This was Item 6 on Agenda of April 18, 2009, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. Council Members Lawrence and Sullivan absent. MOTION 2009-321 ADOPTED.
- 36a. RECOMMENDATION from Purchasing Agent to award to **TOMMIE VAUGHN MOTORS, INC** - \$603,017.00, **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD, PHILPOTT TOYOTA** - \$395,110.00 and **LONE STAR CHEVROLET** - \$75,997.00 for Medium- and Heavy-Duty Cabs & Chassis and Truck Bodies for Various Departments - Equipment Acquisition Consolidated Fund and \$317,240.00 - Enterprise Fund – **(This was Item 6A on Agenda of April 8, 2009, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and LAWRENCE)** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Lawrence and Sullivan absent. MOTION 2009-0213 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Khan stated that the Mayor's Youth Council had taken interest in the Houston Green Expo, which would be on Saturday and Sunday, 10:00 a.m. to 5:00 p.m. at Reliant Center, Exhibit Hall B; that the Palestinian Film Festival would be April 17 through 18 and 24 through 25, 2009 at Rice University Media Center, that it was the third annual film festival; that there would be a Health and Food Fair, Dia De Salud and y Comida, on Saturday, April 18, 2009 from 8:00 a.m. to 1:00 p.m. at 6400 High Star. Council Members Lawrence, Sullivan and Rodriguez absent.

Council Member Green stated that the American Heart Association was sponsoring their "Go Red Girlfriend Campaign", that it was a collaboration between the Heart Association and Wells Fargo, they would have a health fair at the Missouri City Community Center in Missouri City and the other one at the Sunnyside Multi Service Center at 4605 Wilmington Street at Cullen from 7:30 a.m. to 1:00 p.m.; that the Alief Community Association, in District F, was hosting a book fair this weekend and it was a collaboration between the Community Association and Thai Spice Restaurant, that it would be on April 18, 2009 from 9:00 a.m. to 2:00 p.m. at 13602 Bellaire; that Money Week Houston was coming back to Houston, that it was a financial education and public awareness campaign scheduled for April 19 through 25, 2009, that it was designed to help consumers better manage their finances. Council Members Lawrence, Sullivan and Rodriguez absent.

Council Member Brown stated that he had heard him talk about litter on a stick, the tangle of utility poles, wires and transformers that blight the visual environment and cause a number of safety hazards and it was very clear that they needed to sit down with CenterPoint and agree on some standards for the placement and design of the above ground infrastructure network; that Earth Day at Discovery Green occurred last Saturday, that there were thousands of people out there and it was a great all day event; that he wanted to close with a word on the economy, the

local economy and City finances, contrary to recent remarks that he heard in public he did not think, and was certain that the City of Houston was not in dire financial straits, they had tightened their belts and Mayor White, his staff and Michele Mitchell had put them in a really good financial position to weather through the financial storm. Council Members Lawrence, Sullivan, Holm, Rodriguez, Noriega and Green absent.

Council Member Clutterbuck stated that today was April 15, 2009 and no doubt everybody present paid taxes, that she did not mind paying taxes if she understood they were fair and she believed that everybody was paying their fair share and if she knew she was getting a good value for what she was paying and read a article from the television news. Council Members Lawrence, Sullivan, Holm, Rodriguez, Noriega and Green absent.

Council Member Adams stated that on Saturday, April 18, 2009, the OST South Union Super Neighborhood 68 would be hosing a community cleanup under the leadership of Mr. Preston Rowe and his team at the George T. Nelson Park, at 3820 Yellowstone; that at the "Go Red For Girlfriend Day" on Saturday at the Sunnyside Multi Service Center she would be one of their speakers; that she wanted to give Kudos to Westmoreland who had initiated their first neighborhood patrol, that they really took an action to make sure they got their CIP and SNAP projects in a timely manner; that yesterday she was on Television, Channel 14, with "Save Your Properties", they had the opportunity to discuss foreclosures, that on Friday they would be hosting another Save Your Property Event at the Crossing Church on Orem; that last night the Castle Court Community had their civic club meeting and she wanted to thank Public Works for participating and meeting with them and talk about Phase II of the Bonnie Brae Road Construction; that on Saturday she participated in the "Fill the Boot" Program with three fire stations that were in District D, Fire Stations 16, 55 and 59, that she wanted to thank them for a wonderful and rewarding experience; that she wanted to say Happy Birthday to her mother. Council Members Lawrence, Sullivan, Holm, Rodriguez, Noriega and Green absent.

Council Member Jones stated that she wanted to say Happy Birthday to Council Member Adams mother; that she wanted to thank the Pelsingers and Kaplans for inviting her and her son to celebrate Passover at their home; that she wanted to give a shout out to Port of Houston Elementary School, that she spoke before one of their sixth grade classes a couple of days ago; that she wanted to offer Captain Harlow's family and firefighter Hobbs family her condolences, that before last Saturday she thought that firefighters had a dangerous job and that they fought fires and always respected that they would run into the fire when every one else would run out of the fire, but on last Saturday she had the opportunity to serve a 24 hour shift with Shift B at Fire Station 25, which was her neighborhood fire station, after that experience she had a new found respect for the Fire Department. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she and her family send their condolences to Captain Harlow and firefighter Hobbs to their families for their loss, that to provide financial support for the families of the firefighters they could make a contribution to the 100 Club or the Last Alarm Club of Houston, that on Friday KPRC and the 100 Club would co-host a telethon to raise money for the firefighters families from 6:00 a.m. to 6:30 p.m., so please watch KPRC Channel 2; that her thoughts and prayers went to the family of Leigh Boone, who was the young woman who happened to be part of that terrible accident that happened with Stations 16 and 7 and died this week and she wished her condolences; that she wanted to say congratulations to Police Lieutenant John H. Chen, who would become an Assistant Chief and oversee Special Support Services Command, which included Emergency Communications Division, Jail Division, Planning and Research Unit and the Night Command; that on Saturday, April 18 and Sunday, April 19, 2009 would be the 31st Annual Friends of Houston Public Library Bargain Book Sale, that here would be thousands of books available and all proceeds of the sale would benefit the

Houston Public Library, that the sale would be at the George R. Brown Convention Center, Exhibit Hall A, from 9:00a.m. to 5:00 p.m. on Saturday p.m. and on Sunday, 11:00 a.m. to 4:00 p.m. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to join in with his colleagues who had acknowledged the fallen firefighters, that his prayers went out to the Captain and firefighter who were lost, that he wanted to reach out to the Houston Police Department who equally put their lives in harms way and public safety officers in general; that tonight there would be an Acres Homes Townhall Meeting at the Acres Homes Multi Service Center, starting at 6:30 p.m., that they would be focusing on crime reduction, neighborhood lighting and illegal dumping, along with a number of concerns that were facing the Acres Homes community; that on April 25, 2009 he would host a Minister's Brunch at Benjy's Academy located on Jensen Drive, that the theme was cultivating the seed of divine intervention, that it was important that they start collaborating with their churches and the education centers in their communities as they are addressing much of the tremendous needs that their young people had; that the movie premier for American Violent would be on Monday, April 20, 2009 at the Edwards Theater at 7:00 p.m. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that today's Houston Tea Party would be at 4:00 p.m. at Jones Plaza at 601 Louisiana Street in downtown Houston, that politicians were not allowed to speak at the event so they looked forward to hearing from the citizens and seeing a lot of citizen participation. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that the townhall meeting for Acres Homes would be tomorrow night at 6:30 p.m. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:20 p.m. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell, 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