

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

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

Note: Council Member, District H Position, vacant.

At 2:03 p.m. Vice Mayor Pro Tem Lovell called the meeting to order and stated that Council Member Noriega would begin presentations. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega invited those with her presentation to the podium and stated that she would present Miss Alina Fielder, Chair of the 2008-09 Mayor's Youth Council; and Miss Fielder stated she would present her fellow Council Members who were able to leave school and attend today and introduced Chief of Staff Andrew Benigno; City Secretary Jacqueline Barnes; At-Large Position 4 Senior Aid Alex Soliz; and District H Senior Aid Youssef Bargach; each read their portion of the Annual Report which was presented to all at the Council Table giving their overview of findings and recommendations. Council Members Sullivan and Holm absent.

Council Members thanked the Mayor's Youth Council for their presentation and time and efforts and stated they would need them to help implement the recommendations.

Upon questions by Council Member Brown; a spokesperson stated that to help stop the drop out rate she thought they needed better communication between the teachers and students as it worked both ways with teachers giving up on students and students giving up on teachers and programs to assist this would be helpful; and another spokesperson stated that he thought for those who had already dropped out incentives could help bring them back to their education.

Mayor White stated that he had been reading the summary of recommendations and he would go back and get the details; that one point they may want to pass on was a week from Wednesday they would have a report on the Summer Jobs Program and it would be on the municipal channel and they would need to post information and if the Mayor's Youth Council could cascade the information down there was funding for this summer to add many new people with Parks and Recreation being a big part of it; and thanked all for their work and report.

Council Member Lovell stated that on a point of personal privilege she wanted to wish Council Member Clutterbuck a happy birthday.

Council Member Lovell invited Ms. Anna Baba, Executive Director of the United Way, to the podium and stated that it was her great honor to present to the United Way of Greater Houston a Proclamation; that Houstonians cared deeply about their community and were united in their compassion; that the United Way was a premiere organization which magnified the efforts through its daily work and for 86 years they had been a part of the fabric of Houston touching citizens and making a difference and for those and other reasons presented Ms. Baba a Proclamation proclaiming today as the "United Way of Greater Houston Day" in Houston,

Texas. Ms. Baba stated thanked all for the recognition and thanked employees of the City of Houston for contributing over \$100,000 toward this campaign.

Council Member Green stated that it was an honor to recognize someone all knew and invited Mr. Anthony Love to the podium. Council Member Green stated that Mr. Love worked in a field which sometimes was thankless and the purpose he served was much more than an occupation, addressing homelessness and providing the Mayor and Council Members with the proper statistics and information; that he was president and CEO of the Coalition for the Homeless of Houston/Harris County and it was the principal agency for the homeless continuation of care generating over \$15 million annually for homeless agencies and provided oversight of communities strategic plans to address homelessness in Houston and Harris County and he was one of the award recipients honored by the National Alliance to End Homelessness and for those reasons and others presented Mr. Love a Proclamation proclaiming today as "Anthony Love Day" in Houston, Texas.

Mayor White stated that at least once a month he referred people to Mr. Love who was a great collaborator serving the homeless in Houston; and Council Members congratulated and commended Mr. Love for all his works.

At 2:34 p.m. Council Member Lovell introduced Bishop Andy Doyle of the Episcopal Diocese of Houston/Galveston who led all in the prayer and Council Member Lovell led all in the pledge.

At 2:36 p.m. the City Secretary called the roll. Council Members Johnson and Jones out of the city on city business.

Council Members Khan and Brown moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Johnson and Jones out of the city on city business. Council Members Lovell and Green absent. MOTION ADOPTED.

At 2:37 p.m. the City Secretary began calling the public speakers. Council Members Lovell and Green absent.

Mr. Mitja Peterman, 2327 Albans, Houston, Texas 77005 (713-408-7190) appeared and stated that he was present asking for Council's support of the vote on minimum lot size for the 2300 block of Albans; that they did not have a 100% agreement but the majority of the block was in favor of it and the Planning Department had reviewed and voted in their favor; and thanked Council Member Clutterbuck for getting them to this point. Council Members Adams, Khan and Green absent.

Mr. Jack Templeton, 2323 Albans, Houston, Texas 77005 (713-529-8277) appeared and stated that after nearly 33 years and he and his wife were the longest term residents and owners on the 2300 block of Albans and his wife served as representative to organizations there for about 15 years and they actively supported property development through their deed restrictions and aided in enforcement of deed restrictions; that he was in opposition to Agenda Item 47 and respectfully claimed the advantage of a much longer term of direct knowledge of the historical and successful and positive development of the block and he had already communicated reasons to Council Members as to why they should vote against it and would kindly ask they review his reasons in his previous two letters before voting on the measure; that one thing was it would not further the goal of the ordinance that it fell under, the goal being to preserve certain character of the neighborhood, the neighborhood was not the traditional single family homes on large lots it had town houses built for two to three decades and on divided lots and the one next to him had been there almost 30 years; that to further prevent similar subdivision of his lot in the presence of a dozen or so town homes of that kind already on the

block it would unfairly limit the positive development of his property in the long run at its highest economic value; and urged again all Council Members read his reasoning against the item in his letters. Council Members Adams, Rodriguez and Green absent.

Upon questions by Council Member Holm, Mr. Templeton stated that he was a part of a deed restricted neighborhood and they required no more than two family residences on a lot, it did not presently prohibit subdividing the lots, it was not an omission in the deed restrictions, such had been in place since the 1920's and renewed two times and recently in the year 2000 and the reason the minimum lot size was not put into the deed restrictions at that time or into the amendments being circulated now was the required support could not be obtained for it; and Council Member Holm stated that at this point the reason for the minimum lot size was to allow either a multilevel or mix use; and Mr. Templeton stated the provision to be voted on did not deal with the number of stories or the multiple use, it strictly dealt with the minimum lot size and if that was established as asked for in the petition it would effectively prevent any of the lots from being divided and as he understood the intention of the supporters was doing it to prevent town house development when there were already 12 town houses on subdivided lots on their block and also a number of other subdivided lots with similar small buildings. Council Members Adams, Rodriguez and Green absent.

Council Member Holm stated to Mayor White this was an issue developing and going into every neighborhood no matter what the intent of the neighborhood was, whether it was the intent to keep single family homes on a platted lot or to have mixed use of single family or turn commercial and at this point in time she hoped the city would look at an objective process that would let the neighborhood embrace it; that the flip side was several neighborhoods in District G wanted to retain a single family presence on a described lot, they did not want to replat, but because of the wording of the deed restrictions builders were coming in and trying to replat and they were having to pay a lot of money and hire attorneys; that in this case it was her assumption the intent was not to preserve single family homes on a single family size lot since they complied with deed restrictions; and by establishing minimum lot size they were allowing people to circumvent deed restrictions and she was afraid they were causing neighborhoods to go into conflict by not having consistency and she hoped they would look at how to help assist them to learn to... it was only deed restrictions in Houston which helped people be who they wanted to be and that was her point, she had concerns when they used opportunities and policies of the city to get around deed restrictions; and Mayor White stated that he did not know if it was just a difference of facts or just a difference in the interpretation of deeds, but he did not understand there was a deed restriction which said townhouses must be built here so the idea deed restrictions required townhouses to be built he was not sure he agreed with the statement; that the other issue was what did happen was you may have people living in the same neighborhood who did not all have the same view and if they did you would not need restrictions, etc. and they have tried with the Council body to come up with the right balance for the number of people who would have to apply in the configuration of lots in order to get minimum lot sizes, but it would not be .., he was skeptical of their ability at law to do something that assumed everyone in the neighborhood wanted the same thing; and Council Member Holm stated that her point was just that; that they had deed restrictions which did not require townhouses but allowed them and her confusion was because they were allowed and by using the process of a minimum lot size they were basically circumventing what was allowable in their deed restrictions; and Mr. Templeton thanked Council Member Holm for clarifying exactly his point. Council Members Adams, Noriega and Green absent.

Dr. Kenneth Gould, 2330 Albans, Houston, Texas 77005 (713-500-6611) appeared and stated that he had been a resident and owner since 1980 and was protesting the minimum lot size; that the 2300 block was a good family neighborhood and interestingly the most current and valuable lots in the block were built as townhouses and divided lots; that regarding the application 63% of the owners who signed the application already had subdivided lots and were

trying to keep other property owners from the same right and benefit of subdivided lots and it was grossly unfair and violated his constitutional property rights and furthermore the application failed to meet the city's requirements because the 51% margin was comprised of signers who already owned divided lots and three late add on signatures and the chairman of the Planning Commission admitted on video the city criteria would allow no signatures after submission but changed the meaning of the words to accept signatures until the application was completely processed much later and they were favoring owners of already subdivided lots and denying other owners that benefit and because of the unfairness four members of the Planning Commission voted against the application; and he was urging Council to consider two steps, one to send the application back to City Planning to be revised and apply only to the south side of Albans and let the north side go as that was where the opposition was or to exclude those over 20 years old. Council Members Adams, Brown, Noriega and Green absent.

Council Member Khan stated that it would be rare all would ever agree; and upon questions, Mr. Gould stated that before the application was made if someone wanted to subdivide they could and if they did not want to they did not have to, they had their choice; and Council Member Khan stated that sounded fair so why were they forcing something on others and making everyone stop subdividing; and Dr. Gould stated that was exactly his concern after living there 33 years. Council Members Adams, Noriega and Green absent.

Ms. Anne Gorman, 2316 Albans, Houston, Texas 77005 (713-807-0803) appeared and stated that she was the applicant for the minimum lot size in the 2300 block of Albans and she would say they all took risks buying property in a city with no zoning and having a minimum lot size petition available in the city gave people the opportunity to maintain consistency in their neighborhood; that south Hampton extension was about nine blocks long and one block wide and there was a trend, four blocks contiguous to the 2300 block of Alban had passed the minimum lot size ordinance and they had played by the rules and wanted approval; that their application was scrutinized and she was asking for Council's seal of approval. Council Members Adams and Green absent.

Upon questions by Council Member Khan, Ms. Gorman stated that if Council did not accept the item tomorrow she would not be forced to subdivide her lot, she heard what he said about individual property rights, but this was preserving the character of a neighborhood and providing consistency; that in her 11 years there three duplexes converted back to single homes and there was a positive change; and Council Member Khan stated that if townhomes were not selling and people were converting back it meant the market was taking care of what was good for the neighborhood; and Ms. Gorman stated that in trying to gain support for her petition she had conversations with townhome owners on the block and all but one signed the petition. Council Members Adams, Sullivan and Green absent.

Mayor White stated that he would ask the citizens here who were neighbors to understand the members of this body, most of them at most times, they tried to manage with the sensibilities of the community, the balance between continuity and change within neighborhoods and he did not think anyone would advocate for a system in which one could do anything at all with one's property regardless of the effect on neighbors and for those who said Houston was a city with no rules on land use, then they did not know city ordinances and codes and at the same time they did not want a situation where people pulled up the ladder behind them and everything new purchased was purchased by a person and the rule in the city was it did not matter if you came here two days ago or two generations ago all were equal under the law; that they tried to manage under a balance with minimum lot size being a tool which had been around a long time and with a petition process; and thanked all who came today. Council Members Adams, Sullivan and Green absent.

After a very lengthily discussion Council Member Clutterbuck stated they were trying to assess balance and she committed to support the petition as it met the standards; and upon questions, Mr. Heilman stated that there was a time limit on this of 20 years which after the 20 years it would terminate; Ms. Gorman discussed the petition process and filing of the later signatures; Council Member Holm stated it sounded as if they did all the city asked to impose the ordinance, but in this instance she understood when people bought in there were already duplexes and small houses and she was not sure what was being preserved other than part of the neighborhood and the city was setting up neighborhoods by not providing proper tools; and upon questions, Ms. Gorman stated that all property owners were mandated to their deed restrictions and the minimum lot size had been silent, but they were the fifth block in a row to ask for minimum lot size; and Council Member Holm stated to Mayor White did city ordinances override deed restrictions; and Mayor White stated a deed restriction did not allow something it restricted something and there were other legal documents which created other restrictions for example Chapter 42 and its predecessors for many years had minimum lot size restrictions for residential plats and residential plats were filed which depicted minimum lot sizes within those residential plats and without replatting or vacating or changing the plat one could not build something inconsistent with what was platted and under state law which they supported, unless it was unanimous within the neighborhood, one could not alter a deed restriction; and Council Member Holm stated if their deed restrictions restricted them to allowing more than one house per lot and a smaller lot if they passed an ordinance saying they had to have a larger lot then the law did override their deed restrictions; and Mayor White stated that he did believe this was the case, but may be mistaken, that there was the vast majority of lots were platted and at 6,000 square feet and several were platted and built in excess of that and there were a few lots subdivided to a lesser amount; that they were not mandating someone have a different lot size than they currently had; and Council Member Clutterbuck stated to Ms. Gorman that Ms. Ann Hightower, the president of their Property Owners Association sent her a letter stating they were not taking a position on this, but as she mentioned today there was a movement on a block by block basis in her POA who had applied and been granted this. Council Member Adams absent.

Mr. Don Smyth, 2306 Albans, Houston, Texas 77005 (713-755-6912) appeared and stated that he was present in opposition to the granting of the application for minimum lot size; that Dr. Gould had presented some things which were presented to the Planning Commission and the Planning Commission took its vote and four members voted against it and they did not have the benefit of the letter sent to Council Member Clutterbuck stating the property owners association did not take sides and it was represented by the proponents that the property owners association were for it and it was misrepresentation; that he lived in the block since 1978, 31 years, and they raised their children who all graduated from college and had jobs and when moving there townhouses were already on the street; that the neighborhood was built in approximately 1935 and composed of single family 1,100 foot bungalows, duplexes and several larger homes and they were under deed restrictions since 1925 which were renewed in 1950, 1975 and 2000 and currently going under modification and none of them ever mentioned a minimum lot size and it was for a specific reason; that next door to him and directly across from him were townhouses and they were an asset of quality construction and people there parked in their driveways unlike other neighbors. Council Members Adams and Brown absent.

Council Member Clutterbuck stated that Mr. Smyth was the chief investigator at the Harris County District Attorney's Office for many years; and upon questions, Mr. Smyth stated that there were 11 townhouses out of the 28 pieces of property and all but one voted to close off the townhouse opportunity; that the application presented was run through without any community meeting, it was a done deal before he even knew it was in the process; that there was a meeting after the first attempt to the Planning Commission to try and smooth over feelings and apologize for not including everyone at a meeting and their second meeting was last week

where they asked Ms. Ann Hightower what the position of their POA was; and after the meeting one withdrew his support. Council Members Adams and Brown absent.

Upon questions by Council Member Khan, Mr. Smyth stated that if the ordinance passed on the north side of the street there were 14 lots and one was already subdivided so 13 would be affected and one would be Dr. Gould; that there were 28 lots on the north and south side and totally about 16 or 17 would be affected; and Council Member Khan stated that he was no expert in property law, but in going with what he would want for his property if he bought the property 30 years ago knowing one day when he retired he could subdivide and reap benefits he would have expectations buying into the property and now 30 years later the city was passing a law saying he could not do it, so it would be a shock and surprise and he believed that was what Dr. Gould was stating; and Mr. Smyth stated that was exactly correct and it could have been placed in the deed restrictions and still could if they wanted to. Council Members Adams and Brown absent.

Council Member Holm stated that one reason she was wrestling with this was because of the intent and for her district it was the reverse side, in some neighborhoods in District G on three instances 100% of the property was in excess of 10,000 square feet and 100% had one house on the property and in each instance one person came in and went to the City Planning Department to replat for a smaller lot and in each time the City of Houston said there was nothing they could do and in each case the three subdivisions spent in excess of \$20,000 to modify their deed restrictions for compliance and now she was hearing it could have been handled by just getting 60% to say they wanted the lots to stay the same; that her office was saying it was important to get an attorney if they wanted to preserve their neighborhood and put in there they did not want to replat their land and if the city was going to be consistent and say no matter what your deed restrictions allowed or disallowed if they went through this ordinance they could prohibit anyone from replatting their lot and it would save thousands of dollars; and Mayor White stated that perhaps he would have the Legal Department and Planning give people a memo, but he had no agenda and tried to divert personal opinion and was a little closer to where Council Member Khan was on property rights, but for a long time this city had a 5,000 square foot minimum lot size requirement for residences and homeowners in residential subdivisions were required to subordinate their interest or deeds to the minimum lot size so when someone says back in the day they could have done what they wanted they really could not have and in order to facilitate greater rights and freedom and urban density at various times people had changed, but they always had minimum lot size, but they changed minimum lot size to subdivide and to change a deed restriction it needed 100% and the city still stood behind that; that Council Member Holm had said many times at this table they needed to give tools to the neighborhoods who did not have effective deed restrictions and he said and would say any time if you want to restrict your property put a deed restriction on it; and Council Member Holm stated that she was confused also because she always thought the minimum lot size applied to undeveloped neighborhoods; and Mayor White stated that there was a minimum lot size had been on residential lots a long time and over decades Houston relaxed the affect of the plats to give people more freedom. Council Members Adams and Brown absent.

Mr. Pete Musgrove, 2316 Albans, Houston, Texas 77005 (713-751-3243) appeared and stated that the city established the ordinance to protect the character of a neighborhood when deed restrictions were unclear or silent and theirs were filed in 1925 and he had a plat which clearly showed lot sizes of 6,000 square feet; that paragraph 5 of their deed restrictions clearly prohibited multi family housing and they had house hunters refusing their block because it already looked like multi housing, the house next to him had been on the market over a year; that paragraph 5 stated no apartment house or duplex designed to be occupied by more than two families would be permitted in the addition and the object of the provision was to prohibit multiple housing throughout the entire addition and so more than one duplex on a lot would be a violation; that currently there was nothing to prohibit a developer from subdividing an original lot

and then putting a duplex on each new subdivided lot and lots smaller than 6,000 square feet would render the prohibition of multiple housing meaningless and the ordinance would clarify many deed restrictions with respect to prohibition of multiple housing; that over the last 20 years subdivided lots had gone down and Dr. Gould purchased two subdivided lots and combined them again into the original 6,000 square foot lot and purchased the adjacent lot to preserve it when a builder was about to subdivide it and seven of the ten duplexes were converted to single family over the last 20 years. Council Members Adams, Holm, Rodriguez, Brown and Lovell absent.

Council Member Clutterbuck stated Mr. Musgrove could complete his statement; and Mr. Musgrove stated that owners of original structures had worked hard and invested hundreds of thousands of dollars in converting a duplex to single family, renovating and raising the value of the block and around 10 years ago a new kind of townhome appeared, it was what they were afraid of, two 3,000 square foot townhomes on two 3,000 square foot subdivided lots with no green space and minimal landscaping towering over their original homes and all they wanted was the character of the neighborhood to remain. Council Members Adams, Holm, Rodriguez, Brown and Lovell absent.

Ms. Tina Peterman, 2327 Albans, Houston, Texas 77005 (713-302-1764) appeared and stated that she was present asking Council for their support for the minimum lot size, their block was a very special place and she and her husband had expectations when they purchased their home and it was that it would continue to be and look like a single family street, they purchased a duplex and converted it to a single family and urged Council's continued support for neighborhoods in the City of Houston. Council Members Adams, Holm, Rodriguez, Brown and Lovell absent.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-466-4477) had reserved time to speak but was not present when his name was called. Council Members Adams, Holm, Rodriguez, Brown and Lovell absent.

Mr. Jerry Wade, 737 Green Meadow Lane, Houston, Texas 77091 (713-699-1842) had reserved time to speak but was not present when his name was called. Council Members Adams, Holm, Rodriguez, Brown and Lovell absent.

Ms. Sonja Anderson, 6527 Rolling Mill Drive, Houston, Texas 77088 (281-639-6320) appeared and stated that she was a former employee with the City of Houston and she was terminated on June 20, 2008, due to absences; that on October 8, 2007, she was hired to be a refuse truck driver and she told Ms. Jones when being hired her son was to have surgery but she did not have a definite date, then she had days in November approved, but on New Years day of 2008 she lost her husband, it was a very untimely death, she and her husband had met and 16 and married at 18 and had their son at 19 and she had been married 20 years and was not able to return to work in three days and she took off in January 9 days and her supervisor told her to take off as many days as she would need. Council Members Lawrence, Adams, Holm, Brown, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. Anderson for appearing and stated that he received a briefing and followed it as she spoke; that he could not think of a situation where he or others around the table made an employment decision, but he did thank her for bringing the matter to their attention. Council Members Lawrence, Adams, Holm, Brown and Noriega absent.

Ms. Mary Morgan, 12922 Wirevine, Houston, Texas 77072 (281-933-3519) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Holm, Brown and Noriega 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 Lawrence, Clutterbuck, Adams, Holm, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Christina Guerra, 6605 Avenue O, Houston, Texas 77011 (713-393-9218) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Holm, Brown and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Robin Givens, 15011 Bathurst, Houston, Texas 77053 (713-434-2703) appeared and stated that she had a 25 year old son who was stopped by HPD Saturday on his way home from work, he was pulled over because the license plate did not go with the car; that last month her son had a 2008 Chevy Impala purchased from Davis Chevrolet and he was broadsided two weeks after getting the car and totaled it so they went back to Davis Chevrolet and purchased another vehicle, a 2009 Dodge Charger, the plates were transferred by the dealer to the state and the officer wanted to take her son to jail; that when plates were transferred it went by your name; that her son called her when he saw he was being pulled over and she went there and the officer told her to get back or he would take her to jail and she said that was her son's car and he said he was calling backup to have her arrested and she had enough of living in a city and paying taxes and when they were supposed to uphold the law the police broke it and now she wanted to sue, her son had been stopped at least 15 to 20 times since he started driving simply because his skin was Black and she was tired of harassment and the Mayor was to set the tone for his officers to abide by and now she wanted to know how to sue them. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she wanted to assure her their tone was not for officers to treat people badly or break any laws, but officers were human and sometimes did not act appropriately; that Sergeant Chomiak was present with HPD and she could speak with her at this time; that the act of transferring plates was fairly new and they needed to be sure officers had the information; and suggested she file an IAD report for an investigation. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan, Holm and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Jere Talley, 4299 San Felipe #200, Houston, Texas 77027 (713-403-8888) appeared and stated that she worked for HPD and was the newly elected vice president of the Houston Organization of Public Employees (HOPE) and present expressing concern regarding the Mayor's comments to hire outside consultants to look for efficiencies in the city budget without having outreached to frontline city workers; that city workers acknowledged they needed to be looking at cost cutting and cost saving measures throughout the city with their own economic crisis and many already were rethinking family budgets and knew this needed to happen at work; that employees brought value to this process because they did the work daily and in many cases could have already identified ways to increase revenue and save money and they did not want to be overlooked in helping to solve problems and there should be an inclusive process before they look at spending unnecessary money on consultants when they did need to be cutting back; that HOPE would like to propose holding budget workshops over the next weeks in each department to generate solutions jointly with city employees and city managers and HOPE was committed to facilitate the process if Council would direct the city to work with them. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan and Holm absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he agreed with her and had faith the Administration would work with her; that they were presented a report conducted by a special taskforce and he agreed with a lot of what the report said but noticed no one from the community was on the taskforce, no ground level people represented, and he felt they did need to be inclusive and that people in the frontlines had great ideas; and appreciated her bringing this to Council's attention. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan and Holm absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Melvin Hughes, 4299 San Felipe #200, Houston, Texas 77027 (713-403-8888) appeared and stated that he was with Public Works and was the newly elected president of HOPE; that he was present expressing concerns regarding the Mayor's plan to hire outside consultants to review the city budget without having outreached to the frontline city workers; that they knew these were hard times and as Houston employees they were committed to doing their part to ensure the city continued to survive during this crisis, they cared about their city and their home and they knew where problems were doing their jobs daily and today they were pledging commitment to work with the Mayor's Office and city departments in identifying current inefficiencies and potential savings without jeopardizing services, why should they pay consultants when they were available to assist and present real solutions. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan and Holm absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega congratulated Ms. Talley and Mr. Hughes on their new appointments and thanked them for being present and stated they had a good point and their willingness to work and figure this out was what made Houston different and they appreciated the offer. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan and Holm absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell congratulated Mr. Hughes on his position and stated that she did want to assure him her understanding was discussions would include city employees there as they planned and he was heard, but before he came was a part of the equation and they would make sure he was a part of it though the Mayor already had it in place. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Crystal Zermeno, 4299 San Felipe #200, Houston, Texas 77027 (713-449-2219) appeared and stated that she was the political director for HOPE and present on behalf of the executive director and HOPE members and city employees; that their newly elected president and vice president touched on the main points they had, but she would reiterate that they were committed as representatives of city employees to a process and they did acknowledge they were in a crisis and this was a real opportunity to partner moving forward and again they could not take for granted the experience or expertise city employees brought to the table in the process and they should look to their best resources, the city employees, before going outside and they were willing to put in the time and were able to generate workshops. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that no one knew better than the Council how valuable city employees were; that they walked around and looked good because they had good city employees and anything to take place would have the city employees as a part of it and she was sure they would be in touch on how it was to take place. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Brown thanked all for coming and stated that HOPE made enormous contributions in making Houston a better city and they did appreciate it; that if they, through HOPE, wanted to take the initiative, if they sensed there were inefficiencies and improvements which could be made in departments he would start the process now, many times employees were not asked what they thought and had valuable suggestions to make; and upon questions, Ms. Zermeno stated that they were ready, willing and able and it was just a matter of who to be directed to. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Sullivan, Ms. Zermeno stated that she believed HOPE had about 5,500 members; and Mr. Hughes stated that they covered all departments including Fire Department and Police Department, anywhere there were municipal employees; and Ms. Talley stated that they represented people in HPD like her, they did not represent classified officers or firefighters, but civilian employees they represented. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpster, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Mona Cartwright-Biggs, P. O. Box 96011, Houston, Texas 77213 (281-678-6662) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Khan, Holm and Rodriguez 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 www.mayorgalvan.com and www.galvan.org were his two websites and he was at the tax masters court today, he was told to be there by 9:00 a.m. and was there before 8:00 a.m. and the attorney for the City of Houston/Harris County, et al meant Harris County, city of Houston, Mid Town Management District, it was to be set for trial and nothing happened and the people needed to be fired and he wanted the name of every board of director of the Mid Town Tax Increment District because he was going to put them in his lawsuit, they were going to owe him a lot for tearing down his house at 1611 Holman. Council Members Lawrence, Clutterbuck, Adams, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

At 4:13 p.m. City Council recessed until 9:00 a.m., Wednesday, April 29, 2009. Council Members Johnson and Jones out of the city on city business. Council Members Lawrence, Clutterbuck, Adams, Khan, Holm and Rodriguez absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, April 29, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm,

James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega and Ronald C. Green; 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. Council Member Jolanda "Jo" Jones out of the city on city business.

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 9:46 a.m. Mayor White called the meeting to order and stated that the first order of business was a public hearing. Council Member Sullivan absent.

HEARINGS - 9:00A.M.

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for Beeson Properties for the site located at 6800, 6900, 7010 and 7020 Old Katy Road - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - KHAN; G - HOLM; DISTRICT H and I - RODRIGUEZ** – was called. Council Member Sullivan absent.

The City Secretary stated that Ms. Carol Ellinger, Public Works, would make remarks concerning the hearing. Council Member Sullivan absent.

Ms. Ellinger stated that she was a Senior Assistant Director of the Department of Public Works and Engineering, that as they may recall the Texas Legislature authorized Municipal Setting Designations about five years ago, that an MSD designated a particular parcel beneath which contaminated groundwater was prohibited from use as potable water, that the State Law was administered by the Texas Commission on Environmental Quality; that she was present because although the TCEQ was the agency that issued an MSD, participation in the State program required local support, that today they were holding a public hearing for an application submitted by Beeson Properties for separate industrial properties comprising 43 contiguous acres of land located along Old Katy Road, that currently the entire 43 acre site had been cleared in anticipation of proposed redevelopment, that historic operations resulted in total petroleum hydrocarbon, chlorinated solvents and metal impacts to the groundwater; that an underground storage tank was removed from the site in 2005 and a network of groundwater monitoring wells had been installed at the subject property, that in 2006 the system was installed to cover and treat the groundwater, that the groundwater plums had all been delineated in all directions, they were stable or diminishing and were completely within the sites boundary, however, contaminants of concern still existed in the groundwater and they did exceed State drinking water levels; that today the public hearing was a required step in the MSD process, that on February 2, 2009 written notices were mailed to the property owners within half a mile of the property and to owners and operators of water wells within five miles of the site, that a public meeting was then hosted on March 3, 2009 at the Houston Arboretum and Nature Center, which was located near the site and based on the information supplied in the application, input from various City departments and input at this public meeting, her directors requested today's public hearing; that depending on the outcome of today's hearing the Director of Public Works and Engineering would request that Council adopt an ordinance to support this MSD application, the ordinance would include all elements required by State law and Article 13 of Chapter 47 of the Code of Ordinances. Council Member Sullivan absent.

The City Secretary stated that no one had reserved time to be heard. Council Member Sullivan absent.

Council Member Brown stated that before he was elected to City Council he had the

opportunity to work and do a plan for this property, that it had great potential so he was very supportive of the MSD. Council Member Sullivan absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Member Sullivan absent. MOTION 2009-0232 ADOPTED.

Mayor White stated that he wanted to thank them for the presentation. Council Member Sullivan absent.

MAYOR'S REPORT - City of Houston Online Permitting

Mayor White stated that he and many Members of the Council had wanted to have more of their customer services that were customer friendly, on line, less paper and more transparent to the citizens, that there was a lot of work that had been done that Mr. Alfred Moran, Administration and Regulatory Affairs Department, would try to compress in five minutes but that did not mean that was the only amount of information that would be available to people because he had something in writing that they did not need to go through in it's entirety, but people could have access to. Council Member Sullivan absent.

Mr. Alfred Moran, Director, ARA, reviewed a PowerPoint presentation titled "City of Houston Online Permit Portal, a copy of which is in the City Secretary's office for review, and a representative of the vendor gave the City Council a demonstration of the online permit portal. Council Members Lawrence and Adams absent.

Mr. White stated that he wanted to thank them for their presentation, that to include the Mayor's Report he would make three comments, that they were questions but did not need to be answered at the table to conserve time; first, to please make sure that all people in various categories of permits were contacted by mail, phone and email, where email was available, that in other words sometimes they had announcements or sent people mail but nobody phoned people and that was ridiculous, but it had been done in the City; that second, and was more in terms of a question, when they went through this particular exercise, and maybe some other kind of permit would be more appropriate to ask because there was other legal criteria then they were familiar with concerning this kind of permit, but were there permits where if it was renewable of a permit, he was not suggesting for the type of permit they were talking about here, but were there types of permits that were routinely, if it was renewable, it was routinely granted or routine payment that should not require the intervention of City staff; and Mr. Moran stated that yes, a noise permit for example, or a burglar permit would not really require intervention, they had a number of those kind of permits, and Mayor White asked that for those kind of permits could people pay at the same time they applied, and Mr. Moran stated that they paid at the same time they applied. Council Members Adams and Holms absent.

Council Member Green asked if the ones that required some sort of intervention get a stop sign that said they could not apply for this online, that he did not notice in all of the categories, so that they did not have an issue when they issue a permit and a person may have a hold from another agency was there some conductivity between other agencies, that if they had to get permits that were sort of stacked, or several different permits from several different agencies did they have that interface, and Mr. Moran asked when Council Member Green stated agencies did he mean Harris County or other agencies, and Council Member Green stated either Harris County or the State, and Mr. Moran stated that they were just not there yet, that he had been out to meet with the Greater Houston Retail Association and the convenience stores and they had a number, they had federal, State, County and the City, that they did speak with Harris County people that came to see their presentation yesterday and there was nothing in this that would not allow them to interface with them and he thought that was a goal, that he thought that

with convenience stores, which may have twenty something permits, they want to make it a lot easier for them, so as he said to the Harris County people yesterday, they definitely wanted to get a "one stop" for all of them, but the conductivity was not there yet; and Council Member Green asked if they would find themselves in a situation where they had issued a permit that should not have been issued by someone else and then the person runs with their permit and says "well the City granted it", that was his biggest concern, and Mr. Moran stated that he thought that was quite possible, that when he went out to meet with the directors of the Greater Houston Retail Association they were complaining about enforcement people from one agency saying that they had not complied in one situation and actually the City had given them a permit to do that, that he thought right now, because it was going to be a lot more organized, best practices would indicate that they would go meet with them and get that straightened out. Council Members Johnson and Holm absent.

Mayor White stated that he wanted to be precise on this which was that he knew what the Council Member was asking, that was there was something that they called an application for a permit and then there was, when somebody applied for a permit, various criteria, some criteria may be sort of very minimal and not require, and that was his point, human intervention, and others did require some other requirements to be met, and the third thing was payment, that he wanted to make clear what they were saying here, and he understood it from the presentation, but he did not understand it from the last answer; that they were making it so that people could apply for something on their computer and not have to go down as some supplicant to a government building, that they were also making it easier for people to pay online, but they were not changing the criteria for issuing a permit, was that correct, and Mr. Moran stated that was correct, and Mayor White stated that merely the fact that they could give information on line rather than handing in a form in person, making sure the forms were simple and did not require information that was unnecessary, which was always a struggle, making sure that people could pay on line with privacy and security should not change the criteria for issuance of permits, and if it did then there was a big problem with the system; and Council Member Green stated that just to make sure a person did not feel like they were left accountable to the City and other agencies because they were able to apply online; and Mayor White stated that the next issue, and it went to a point that was related to Council Member Green's excellent point, and he did not need to apply here, there ought to be a way that any citizen, journalist or anybody, if it was information that would be available from "the Freedom of Information Act", then it ought to be searchable online by any citizen about who was permitted and who was not and he assumed they had that, and Mr. Moran stated yes. Council Members Johnson and Holm absent.

Council Member Green asked Mr. Moran if they had done any forecasts on the type of revenue that he thought there would be an increase because of the convenience, or the net savings would be through the net frame maintenance costs, and Mr. Moran stated that on these permits they had not but they had been able to study extensively the burglar alarm permits, which the increase since they had taken over had gone from \$6.3 million up to \$7.9 million and that was before they even come to Council with the new vendor, which was going to be either next week or the following week; that on these not particularly, the majority of their permits, in terms of the money that they bring in and also what they did, probably 70 some odd percent of that were really alcohol permits and the balance were really small permits so they were not talking about big dollars, but they had not been able to do that, they just thought they were going to have better enforcement, they were going to have better customer experience, and they did not have a sense of how many more noise permits they were going to have, that he would expect not to many more or less, but definitely it was something that they would study with large numbers which was \$6.5 million for burglar alarms, which they were coming to them in the next 14 days; and Council Member Green stated that the reason that he asked that was because as Mr. Moran publicized the system he thought the other piece of marketing or publicizing it was did they know they needed an alarm permit, did they know they needed a noise permit for the average citizen, that for the person who already had these permits would

see obviously the value in renewing online and getting these permits, but not the average citizen, so he thought they had two pieces of outreach out there, not just to the business community but to the average citizen who need to get those permits and does not know they needed to get them, and Mr. Moran stated that he thought what they were going to see was a lower cost in actually doing this rather than greater revenues in commercial permitting because the citizen was going to do a majority of the work that they had customer services reps doing and he also thought that enforcement was an important thing, that in enforcement Ms. Tina Paez did not have the resources to really do a good enforcement job and their theory was much more statistical now, they were trying to upgrade the enforcement people somewhat the way the IRS did, they only went after 1.5% of people but it got around if they were audited that it was a very bad experience, so it was a good idea not to be audited, that they were starting to really enforce and when people came for hearings they did not just let them off because it was easy, so it was getting around. Council Members Johnson and Holm absent.

Council Member Lawrence stated that she wanted to thank Mr. Moran for moving to what she called the next step, that this was her problem right now with some of the various software that was going on that was not making them paperless, it was not saving them money, that she thought this was the cutting edge and hoped that more people had the vision that he had on this, that they had talked about it before on the permitting and she did not hear it in the presentation, that as a District Council Member she wanted to know what bars were coming due, that when she came into office she took every bar in her district and put it back two months when that permit would be due for that bar, and then they looked at complaints every day of any that had come in on every bar, so what she would like to see him do on establishments that just sold beer, notify the District Council Member so that she or he could quickly check their records and see had it been a bar where HPD had prostitution or various things had gone on there because when they had their protest with the County those were the things that were brought up and the last thing she wanted to do was get their permit okayed before a Council Member could weigh in on that, that was a major problem, they probably protest four or five a year, so she wanted to be sure that the District Council Members were in that loop because they knew which business a lot of things were happening there and be sure they had a chance to go the hearing officer at the County and resolve that, so if there was some way so they would not have that mistake, that it was unacceptable to her for a mistake to be made about distance, a bar from schools or neighborhoods, so it was unacceptable that a Council Member would not know that they applied for their license, that they had done everything they could in their office to know about every bar when it came up, so it gave a Council Member a chance to get the letter in and things like that and she thought if there was some new bar that they missed, and they had done that possibly, not protested, but when they got constituents saying they did not want them, how many times had they called 3-1-1, they pulled it up and no calls had been made, how many times had they done this, this, this and when the constituent says never then they were going to have to have a record and that was how they had done their constituents in their bars, that her only concern was communication between Council Members, that three cheers for the paperless that this was going to cause, that she hoped HPD came through with their situation, as much time as they spent to make theirs paperless and they could continue to move forward; and Mr. Moran stated that this database was much more user friendly and they could manipulate the data much more easily and they could be much more proactive and reactive and really the mainframe before was more of a black hole than this was, that they already talked about this the other day, if they needed the list of 30 or 60 days of or whatever it was they could absolutely do that. Mayor White and Council Members Johnson, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Sullivan stated that one of the slides showed a certificate of occupancy box and it looked like it had an asterisk which indicated requirement, that they had to have that to go forward, would there be a case where someone might have a home based business and not have a need for a bricks and mortar business facility, and if that was the case would they

have to have a certificate, a COA, to move forward, and Mr. Moran stated that it might be more of a legal question than he could answer, and he stated that Ms. Paez stated that not all of them would require a Certificate of Occupancy, that he would look into that and get an email back to him; and Council Member Sullivan stated that realizing that outside vendors and consultants would play a future role in this, as they did now, did he think that the cost would go up or down in the future, in other words was it going to be a high maintenance cost item for consultants, and Mr. Moran stated that it was not a high maintenance cost item, but they followed a strategy of meeting their ARA on here to make all of their mistakes in their sandbox and they still probably had some mistakes to make or things to ask their partner to do, that when they start to bring more complex things into this such as health, where unfortunately people were having to put thermometers in food or do more complex things then he suspected that the cost of putting that on would be a little bit more difficult, but he did not think they had a big maintenance cost here but thought they still had some configuration work to do and of course they had the issue of what if a department did not want to do this and they wanted their own then he had to go to the Mayor and City Council in hopes that they were going to have a one stop environment versus a 20 stop environment, so the answer was that they expect the biggest cost they just absorbed, which was over a million, \$1,100,000, to put this together. Council Members Lawrence, Johnson, Holm and Noriega absent.

Council Member Rodriguez stated that he agreed with most of his colleagues and shared their concerns, that they had a problem in his district with folks opening up businesses in deed restricted communities so was anybody looking at whether or not these business were located in a residential area when they applied for a permit, alcohol permits or new businesses, that sometimes they had folks who opened up mechanic shops in their backyards or driveways, that some people did know there were deed restrictions and others were not aware that there were deed restrictions, and Mayor White stated that there was an abbreviated presentation and he thought everybody got the first page on this, that they were talking about, for example, an occupancy permit that somebody applied for through Public Works, and Council Member Rodriguez stated that it was like a child care or beauty salon, any type of business operating out of a home, and Mr. Moran stated that the first thing that the whole strategy that they had adopted was to work with Public Works last, only because they were not easy to work with and because they were so large, but the inevitable thing was to cross pollinate all of the various data basis, which they were not able to do yet, and to make sure that if someone was not in compliance in one area that they were not going to be giving them a permit in another area and they had to clean up everything and that was where they were headed, that the other thing was that they were just not putting a digital system on a broken organization, they were trying to fix the whole organization, that he did not want to go into details about that but if Council Member Rodriguez wanted to talk to him separately, but they had new leadership and enforcement, they were upgrading the enforcement substantially so if somebody sets up a business in their yard the only way he could hear about that probably was either that Council Member Rodriguez office calls them or somebody calls them or the Police Department calls them and they do something about that, but also they were tightening up the statistical methods that they were going after enforcement and it was not there yet by a long shot, that he did not really even think they had their organization ready for that but they were moving in the right direction fairly quickly; and Council Member Rodriguez stated that he appreciated that and knew that most folks just setup shop and operate it and would not even go through the process, but just in case people did.

Mayor White stated that a few years back, and this was something that Council Member Rodriguez and others could continue to carry the torch on, a group of leaders including Mr. Lewis and Mr. Lambert from the IT Department, 9-1-1, Harris County and CenterPoint had a working group, some people in the private sector, on what they really ought to have, which was on some database, that they would have plenty of members who would try to sell them stuff but he would advise Council Members to use some big standard vendor like Google or something

like that who would allow them to append information that was geo coded and what they ought to have really on the geo coded database for each parcel that existed within the city limits was all the data that was available for that, that it would be helpful for public safety and 9-1-1, that it may be some things that multiple users share the database which was more proprietary not subject to the "Freedom of Information Act", the credit history would be one thing because whether it be water sewer system or CenterPoint or the taxing authority, also they had HCAD, if they had all that then one of the things that could be done over time, requiring legal review, would be to append to the Stewart Title Database, which they subscribe, which had some of the information for their subscriber, they could get that, additional information or cross reference to deed restriction database, that would be helpful to the citizens and to everybody if they had that, that they probably were not there yet, but it was something that would need to be done and was actually a lot less expensive than it would have been several years ago because they did have these large enterprise geo coded databases, that if people really pressed that, and it would be cross cutting, and this would not be this department but it would many of the entities that he described, that he thought it would be real progress for the City. Council Members Johnson, Holm and Noriega absent.

Council Member Brown stated that he went to a lot of civic club meetings and constantly hear from the civic clubs that there was a scrap metal dealer that suddenly opened for business in their neighborhood and they did not know anything about it, they always heard about these things to late, sort of echoing what Council Member Lawrence had stated, that he thought it would be very easy, with this technology, to have an automatic message, this information, first of all sent to the Super Neighborhoods, to let them know what was going on in their neighborhood in advance, and also, if applicable, a home owners association and local civic clubs, they knew who all those folks were, that he thought a fundamental part of this, in his view, should be the notification of people in the community who were impacted by it; that when he got a constituent request about something happening he always got in his car and drove out there and looked at the neighborhood context, which they could not do if they were just looking at a computer screen, so then the question became how do they elaborate on issues that may be associated with the permit by actually visual inspection of the context in which the establishment was proposed to occur; and Mr. Moran stated that he thought one of the great things about representative government was that people could call the Council Members or other representatives and say that they did not like that and something had occurred in their location, that he would probably never have enough enforcement people to cover 100% of the events, but the good thing was that this permitting structure allowed them to immediately respond to a citizen complaint about something opening close to them, that they were going to notify, and Council Member Lawrence asked the other day that they notify them of anything that was going to happen in their district, particularly as it related to bars. Council Members Holm and Rodriguez absent.

Council Member Clutterbuck stated that she to wanted to thank Mr. Moran and his entire department, as well as Ms. Tina Paez and all of their outstanding staff, that it was a shame that it was this complex and had taken this long, but anybody in the private sector, who she thought, had tried to see this happen in their major corporations understood how it took quite a long time, that she would like to add, just for the record as they were rolling this out again, her encouragement that they include the department that probably touched the greatest number of people who were required to receive permits in the entire City and that was pet owners, they required that pet owners license their pets with the City of Houston and she would dare say that their compliance rate was dismally low, that she herself was delinquent at the present, she had that postcard sitting on her desk right now, and sending out a postcard reminder to people was a difficult thing, but just to encourage people a way to be able to log onto the City of Houston website and pay their compliance, that she knew that other cities did this, they had ways of confirming rabies vaccinations and this being a public health issue and making sure that everybody was licensed and that they knew that their animals were vaccinated for a very

horrible disease to ensure that kind of compliance, that she knew that Mayor White was working on it as they continued to improve situations over at BARC she would encourage that they receive special treatment to try to bring them on board as well.

Council Member Khan stated that he wanted to thank Mayor White for this kind of initiative and thank everybody, that they had no clue how many times small business had talked to him about why could they not do these things on line, well now they could, that like they said this was not going to change or circumvent the process, it would just speed up and provide the convenience of applying online, that he looked forward to the day that they could have Public Works permits come online because that was really an area where they could benefit a lot; that there was one question, had they done any kind of study as to what it meant in terms of reducing costs, would it reduce FTEs now or in three months or a year, were there any kind of estimates he had on that, and Mr. Moran stated that they were actually looking at that right now, that he thought the reduction in cost was essentially going to be in the customer service representatives, the numbers that they needed in the walk in environment, that the walk in environment for theirs was on the second floor at 611 Walker and as they knew they had approved a building which would be the Houston Permitting Center which Andy Icken was working on at this very moment, that they did not know at this moment but were hoping that walk in environment was going to go substantially down, that the citizens were going to do the work for them; that another important issue, which they were not able to talk about was that they thought the accuracy would go up because a person was actually looking at their own data and making sure their own data was correct versus paper moving all over the place and mistakes being made, that he could just not tell them what it was at this moment but they hoped that would decrease and it was their intention to decrease it, and Council Member Khan stated that he saw in their frequently asked questions list, "would the system show me other permits that I may need for my event", many times people did not know what else they needed so was there something built into this if they applied for this and there was a related permit that he needed to have that it would prompt him to go and get that permit also, and Mr. Moran stated that their plan was to put a front end onto this which was almost like Turbo Tax, if they had ever used that, where essentially it would ask them a question, "were you in the City of Houston, yes; were they a store, a convenience store or this or that" and it would basically roll them down and say here were the number of permits that they needed and here was what they were and what they cost, so that was a front end to this and was definitely in their plans.

Mayor White stated that he wanted to thank them for the presentation and helping them be pioneers in this important project within the City of Houston.

Mayor White stated that they did have a conference in real time at 9:00 a.m. and just to summarize that conference this morning the CDC released information concerning a fatality that occurred of a transfer patient in one of their Medical Center facilities, a fatality from the Swine Flu, that as civic leaders they had the responsibility to remind people to be alert, to be prepared and individuals around this table and others could be assured that their public health professionals were first rate in this Country at all levels of government and were communicating constantly, that Dr. Persee answered some questions about the case in question and it should come as no surprise, as a place where they had some of the most outstanding medical facilities in the world which served a wide region that there may be a transfer patient now and years in the future if there was yet another stain of influenza that were transferred to the Medical Center for treatment, that this did not mean that somehow Houston was some epicenter of something, that he just wanted to share that information and would not go through and repeat all of the questions and answers that were addressed to Dr. Persee on this particular issue.

At 10:30 a.m. Mayor White stated that they would move to the consent agenda.

CONSENT AGENDA NUMBERS 2 through 46

MISCELLANEOUS - NUMBERS 2 through 4

2. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BUILDING AND STANDARDS COMMISSION:**

Panel 1:

Position A6 - **MR. DAN E. GOODMAN, SR.**, for a term to expire December 31, 2009

Panel 3:

Position C2a - **MR. EDDIE GIBBS**, for a term to expire December 31, 2010

Position C3a - **MR. CALVIN WILLS**, for a term to expire December 31, 2009

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2009-0233 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF HARRIS COUNTY IMPROVEMENT DISTRICT NO. 6**, for terms to expire June 1, 2011:

Position Nine - **MR. DAVID WYNN ROBINSON**

Position Eleven - **MR. GARY DEAN WINGFIELD**

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2009-0234 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1 BOARD OF DIRECTORS:**

Position Two - **MR. TIMOTHY STEPHEN SCHAUER**, appointment, for a term to expire 6/1/2011

Position Seven - **MR. IGNACIO PUJOL, JR.**, reappointment, for a term to expire 6/1/2013

Position Eight - **MR. PAUL B. ROBISHAW**, reappointment, for a term to expire 6/1/2013

Position Nine - **MR. ROGER H. HORD**, reappointment, for a term to expire 6/1/2013

Position Ten - **MR. THOMAS "BEN" GILLIS**, reappointment, for a term to expire 6/1/2013

Position Eleven - **MR. BRETT W. HETHERWICK**, reappointment, for a term to expire 6/1/2013

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2009-0235 ADOPTED.

ACCEPT WORK - NUMBERS 7 through 9

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,302,464.46 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for West Alameda and 11th Street Lift Stations Bioscrubbers Installation 4.13% under the original contract amount - **DISTRICTS A - LAWRENCE and D - ADAMS** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2009-0236 ADOPTED.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$623,828.25 and acceptance of work on contract with **BOYER, INC** for Alameda Sims, Sims Bayou, and Northwest Treatment Plants Safety and Security Improvements 7.08% under the original contract amount - **DISTRICTS B - JOHNSON; D - ADAMS and I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2009-0237 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,030,478.37 and acceptance of work on contract with **TRIPLE B SERVICES, LLP** for 48-inch Water Line along Cambridge, Holly Hall and Knight Streets from Old Spanish Trail (OST) to West Bellfort - 5.54% under the original contract amount - **DISTRICT D - ADAMS** - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2009-0238 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 11

11. **CENTRIFUGE REPAIR & ENGINEERING, L.P.** for Emergency Repair Services of the Sludge Conveyor System at the East Water Purification Plant for the Department of Public Works & Engineering - \$60,000.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2009-0239 ADOPTED.

ORDINANCES - NUMBERS 14 through 46

14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Ardennes Street between Cullen Boulevard and the South Loop East, containing 0.40 acres of land, more or less, located in Samuel D. Waltman Survey, A-843, Houston, Harris County, Texas; vacating and abandoning said parcel to Silver Knight Holdings L.P., abutting owner, in consideration of its payment to the City of \$40,068.00 and other consideration - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0337 ADOPTED.
16. ORDINANCE consenting to the addition of 132.162 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 143**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0338 ADOPTED.
17. ORDINANCE consenting to the addition of 165.797 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 418**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0339 ADOPTED.
18. ORDINANCE consenting to the addition of 970.544 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 419**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0340 ADOPTED.
19. ORDINANCE consenting to the addition of 357.615 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 489**, for inclusion in its district - was presented. All

voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0341 ADOPTED.

20. ORDINANCE establishing the north and south sides of the 600 block of Euclid Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H** - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0342 ADOPTED.
21. ORDINANCE establishing the west side of the 2900-3100 block of Morrison Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H** - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0343 ADOPTED.
22. ORDINANCE establishing the north and south sides of the 600 block of Omar Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H** - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0344 ADOPTED.
24. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **TEXAS AUTOMOBILE BURGLARY & THEFT PREVENTION AUTHORITY ("ABTPA")** for the Houston Auto Crimes Task Force/18 Grant; 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. Council Member Jones out of the city on city business. ORDINANCE 2009-0345 ADOPTED.
26. ORDINANCE approving and authorizing Interlocal Agreement between the City and **HARRIS COUNTY PROTECTIVE SERVICES** for Children and Adults for a continuation of care within Kashmere High School; providing a maximum contract amount - 5 Years - \$865,878.00 **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0346 ADOPTED.
27. ORDINANCE approving and authorizing the City's Housing and Community Development Department to submit a Housing Activities Application under the Texas Department of Housing & Community Affairs' Texas Community Development Block Grant Program/2008 Supplemental Disaster Recovery Fund pursuant to the State of Texas Plan for Disaster Recovery pursuant to the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0347 ADOPTED.
29. ORDINANCE appropriating \$217,500.00 out of Equipment Acquisition Consolidated Fund for Purchase of Information Technology Equipment for the Houston Public Library - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0348 ADOPTED.
30. ORDINANCE awarding contract to **STRYKER SALES CORPORATION** for Stryker Stretcher Cot Maintenance and Repair Services for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$411,228.34 -

General Fund - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0349 ADOPTED.

31. ORDINANCE amending Ordinance No. 2003-1308 (passed on December 17, 2003) to increase the maximum contract amount for contract between the City of Houston and **SOUTHEAST KELLER CORPORATION (A TIBH Agency)** for Cleaning and Janitorial Services for Various Departments \$195,742.32 - Building Inspection, Fleet Management and Enterprise Funds - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0350 ADOPTED.
33. ORDINANCE appropriating \$1,000,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to contract for Professional Consulting Services between the City of Houston and **JACOBS ENGINEERING GROUP, INC** for Airport Spatial Information System Development and Management Services for the Houston Airport System (Project No. 584A; Contract No. 4600007373) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0351 ADOPTED.
35. ORDINANCE approving and authorizing an Untreated Water Supply Contract between the City of Houston and **PL PROPYLENE, LLC** - Revenue - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0352 ADOPTED.
37. ORDINANCE appropriating \$6,000.00 out of Street & Bridge Consolidated Construction Fund, \$6,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **ESPA CORPORATION** for Storm Sewer and Major Street Reconstruction **DISTRICTS C - CLUTTERBUCK and F - KHAN** - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0353 ADOPTED.
38. ORDINANCE approving and authorizing ten Professional Materials Engineering Laboratory Contracts for the Department of Public Works & Engineering and ten Professional Materials Engineering Laboratory Contracts for the Houston Airport System between the City of Houston and 1) **FUGRO CONSULTANTS, INC**, 2) **GEOSCIENCE ENGINEERING AND TESTING, INC**, 3) **DAE & ASSOCIATES, LTD. d/b/a GEOTECH ENGINEERING & TESTING**, 4) **GROUND TECHNOLOGY, INC**, 5) **HTS, INC. CONSULTANTS**, 6) **KENALL, INC**, 7) **PARADIGM CONSULTANTS, INC**, 8) **PROFESSIONAL SERVICE INDUSTRIES, INC**, 9) **TITAN TESTING & ENGINEERING SERVICES, INC** and 10) **TOLUNAY-WONG ENGINEERS, INC** for Support of Capital Improvement Plan Projects - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0354 ADOPTED.
39. ORDINANCE appropriating \$3,903,981.00 out of Street & Bridge Consolidated Construction Fund and \$799,611.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Concrete Pavement Management and Improvement Program (Kashmere 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 and testing, project management, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** - was presented. All voting

aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0355 ADOPTED.

41. ORDINANCE appropriating \$1,649,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances Package No. 7; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0356 ADOPTED.
42. ORDINANCE de-appropriating \$416,000.00 out of Water & Sewer Consolidated Construction Fund from previous On-Call Contract (as passed by Ordinance Number 2006-0556); appropriating \$716,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for On-Call Water Line and Sanitary Sewer Extensions, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0357 ADOPTED.
44. ORDINANCE appropriating \$91,652.00 out of Parks Consolidated Construction Fund; awarding construction contract to **RESICOM, INC** for Playground Without Limits-Tidwell Park; 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/materials testing, construction management and contingencies relating to construction of facilities financed out of the Parks Consolidated Construction Fund and Federal Government Grant Fund - \$500,000.00 Grant Fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0358 ADOPTED.
46. ORDINANCE No. 2009-0314, passed second reading April 22, 2009
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 **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0314 ADOPTED THIRD AND FINAL READING IN FULL.

Council Member Clutterbuck moved to suspend the rules to consider Item No. 47 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Member Holm absent. MOTION 2009-0240 ADOPTED.

Council Member Green moved to suspend the rules to consider Item No. 48 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Member Holm absent. MOTION 2009-0241 ADOPTED.

47. ORDINANCE establishing the north and south sides of the 2300 block of Albans Road within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C – CLUTTERBUCK – (This was Item 19 on Agenda of April 22, 2009, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. Council Member Holm absent.

Council Member Clutterbuck stated that Item No. 47 was establishing a minimum lot size in the 2300 block of Albans and was the fourth of such items, that it would be the fourth one, if it passed, that they determine today, that they just passed three additional ones that were in District H, that she pointed that out to say that these things tended to come in batches when the public petitioned them and asked for the ability to limit the lot size on their particular block, their block face, that it was a difficult issue that required often times a difficult decision of them and she knew that the ordinance was created years ago by this body with a number of standards and requirements that neighbors must come to them, ask for the opportunity, designate what the minimum lot size was that they would like, that it provided a process, they must apply and petition, that it provided a hearing and opportunity for expression of descent and all of that happened in this particular case, that this was a case that they did receive substantial comment on yesterday, that three of the four opponents of this application came forward, as did a number of supporters of it, that it was extremely difficult when it happened in a particular block because it did pit neighbor against neighbor when they had very strong feelings about their particular neighborhood, but the intent of the ordinance was to help their neighborhood establish a particular character, or preserve a particular character, and the difficulty that she had when it was time to evaluate this, and she thought that many of her colleagues had, was deciding at what point was the tipping point for a particular block, at what point did it move from being a substantially single family residential character neighborhood to a condo neighborhood, for example, that she had circulated (only to City Council, not to the City Secretary office for record), for their perusal a photograph of every parcel of land on that particular block, and she said parcel because there was at least one vacant lot on this particular block, that it was a beautiful block and literally half a block from her back door so she was very familiar with it, that as they could see by the neighbors that appeared before them yesterday they were all sincere and heartfelt and passionate about their particular opinion about this, that she came down to supporting the ordinance and this application for two reasons, the first, as they looked at the photographs to her it looked like a single family residential neighborhood, that was a subjective opinion but it was not just her opinion but also the opinion of 62% of the applicants who wanted to keep it the way that it looked, that additionally, as they heard yesterday, a lot of these homes used to be duplexes and in the last 15 years instead of a trend towards building townhomes or sub dividing the lots, what they had seen were families moving in and converting a duplex into a true single family residence, so those two things, in addition to the support of the community, as well as her belief that when communities apply under their ordinances and fulfill all of the requirements of the ordinance that they set up, that it was incumbent on them to preserve the integrity of their ordinances and support the neighbors when they petition like this; that she understood that it was an extremely difficult issue overall, not with regard necessarily to this particular block, but to the application on all of the blocks, which petition for this, and she would say that this was probably a good time to welcome an opportunity to discuss the purpose of the ordinance, that there was some discussion yesterday as to whether or not this should apply in neighborhoods that had deed restrictions and this particular neighborhood did have deed restrictions and she believed that the other three that they voted on today also had deed restrictions, and it was an option when the deed restrictions were silent on a lot size to make it available as a tool for the neighbors, that she welcomed further discussion on this but would urge support of the neighbors that appeared before them and petitioned and complied with the ordinance requirements. Council Member Lovell absent.

Council Member Khan stated that he wanted to thank Council Member Clutterbuck for providing this information and there was a letter from the homeowners association, which now they were supporting this, that he did not have any personal issue with it, he just wanted to understand, that what he saw here was that a great number of lots were already converted and divided and had put townhomes in there, and those were the very people who were part of the petition to block other people subdividing, that he did not know what the character of this particular block was now where 30% to 40% were already converted and the rest of them were not, what were they trying to preserve, that was what his concern was, that he did give a lot of weight to people who showed up yesterday, that for 30 years they had the property and now they were about to retire and this was part of their plan and were going to subdivide and hopefully get some more money for their property, and when they approved this they were denying them the opportunity, that there were very real consequences of these action so that was his concern, that he was not against implementing this ordinance and listening to the neighborhood, he just thought that in this particular case the character had already changed so much that preserving it back to 6,000 square foot lot was not going to be achievable, even when they pass it and they were denying some people who wanted to take the opportunity of subdividing and get some more value out of their property, the right to do so. Council Member Lovell absent.

Mayor White stated that on the first issue he thought it was a fair issue that may confront this Council and future Council's about the criteria that was set forth in ordinances, that he knew there was a gentleman who appeared before them maybe two years ago who had done a block by block analysis of some areas and they took a look at what did it mean to preserve, that one option, he supposed, that they had, and that he probably would not support, was to say that whatever the minimum lot size was on a particular block face that became the minimum for everybody and they could not have another minimum lot size, but that was not what they were trying to do, that all they were trying to do was come up with that right balance; that in this case, and it may be true with respect to the next item as well, where they had gone through careful discussion and set forth a criteria and given them to the Members of the Planning Commission and had hearings on it, then it seemed to him as though they ought to respect and abide that criteria that they had, that if somebody who was against it when they enacted it wanted to say that they voted against it, but this did fit the criteria then he thought they could have that kind of great adult conversation and he encouraged Council Member Lawrence and others to bring to the committee any appropriate changes, that he remembered a case where they found a loophole in one of these things and then they tied to move quickly to face it; that on the second issue, he would just ask, especially in a term limited world, that the Members of the Council and others within their civic leadership take time to be informed on the history of land use regulations and restrictions in the City of Houston, that he was not saying it was simple but their jobs were not simple, that he had circulated a sort of like LARA view article a couple of years that summarized some of these things and he had not gone back to this particular case and he had tremendous respect for the individuals that appeared at Council but he suspected that it was the case that at the time thirty years ago that there was a minimum lot size, it was that the deeds were subordinate to the platted lot size and what happened if somebody said that twenty years ago they were planning to do this and other, well it was illegal twenty years ago, and what happens is that some person repeats it in a neighborhood or this all used to be small lots and that was the way it started out, well they saw the 1925 plat, and then somebody repeats and repeats something and then after a while people thought it was true and then for good reason people thought it was unfair, so he would just say that these issues were fraught with peril and everybody was entitled to their own opinion, but not their own facts. Council Member Lovell absent.

Council Member Brown stated that they had crafted the ordinance to protect and stabilize their neighborhood, which he thought was a good thing and they should not be reactive every time there was a descending minority that they had to regroup and change the ordinance, they

had to give the ordinance time to work, that seemed to him a basic public policy that they needed to stick with, that one of the issues which he heard about a lot in their neighborhoods was that there was disruption in their neighborhoods and it negatively affected quality of life and property values and he wanted to remind everyone, depending on how they calculated it, perhaps 80 square miles of land, within the city limits, was still to develop, that was vacant land, under utilized land and brownfields, that they wanted to encourage development in those areas that needed development, where there was not disruption to follow, that he just thought to stabilize their neighborhoods should be with due process which they had gone through, it was built into the ordinance, fair and transparent due process, that this was really good public policy and they needed to stick with it for a few years and let it work. Council Member Lovell absent.

Council Member Holm stated that she wanted to thank Council Member Clutterbuck for her reasonable and effective and complete information, position and research that she had done on this issue, that part of her dilemma in starting this was the fact that probably in 80% to 90% of the neighborhoods she knew in District G, her guess was throughout the City, the dilemma in this point and time with change in their community was the issue of a silent deed restriction that did not prohibit replatting, that while the intention, when the neighborhoods were built, was that it would never be an issue, the intention of the neighborhoods were to be the lot that was platted with the house on it, no one ever dreamed it would be anything other than that, so for District G, as she told them yesterday, a total of almost \$100,000 had been spent on legal fees trying to amend deed restrictions adding a sentence that said "a piece of property cannot be replatted", so what she was looking for the City to have some criteria that really addressed the need that enabled citizens to take charge of their destiny without the appearance, sometime, that governmentally they were imposing on somebody's personal property rights, and that was not the intent of this and was not what this was doing, but when they had all these mixed messages of how to deliver it, that she understood where this was, if this was a valuable tool to limit the replatting she really recommended that they name as such and it was not just for one specific area of the City but for every area of the City that wanted to capture it, that part of the City should not have to deal with the difficulty of changing deed restrictions while another part of the City was able to take advantage of an ordinance that the City provided them, that she thought they ought to be consistent if they wanted to address their citizens and help them, that she thought it would help this body have a better understanding and more importantly she thought it would help their citizens have a better understanding of the proper tools and the consistent and predictable tools that they had throughout the City to take care and to do the same thing. Council Member Lovell absent.

A vote was called on Item No. 47. Council Member Khan voting no, balance voting aye. Council Member Jones out of the city on city business. Council Member Lovell absent. ORDINANCE 2009-0359 ADOPTED.

48. ORDINANCE approving and authorizing Agreement for Convention Services between the City of Houston, **ALH PROPERTIES NO. FOURTEEN, L.P.**, and **AMERICAN LIBERTY HOSPITALITY, INC** - 7 Years - Not to exceed \$9,604,000.00 - Enterprise Fund – **(This was Item 21 on Agenda of April 22, 2009, TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK)** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Member Lovell absent. ORDINANCE 2009-0360 ADOPTED.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MISCELLANEOUS

5. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON PARKS BOARD LGC, INC**, for terms to expire January 1, 2012:

Position Four - **MR. DAVID D. FITCH**, appointment
Position Five - **MS. JILL JEWETT**, appointment
Position Six - **MR. S. REED MORIAN**, reappointment
Position Eleven - **MR. DON K. CLARK**, reappointment
Position Fourteen - **MR. PHILLIP FRANSHAW**, reappointment
Position Seventeen - **MR. BENITO GUERRIER**, reappointment
Position Twenty - **MR. THOMAS G. BACON**, reappointment

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2009-0242 ADOPTED.

Mayor White stated that the Members of the Parks Board were doing a good job, particularly in these hard times, of raising funds and as with the case of the Library Board he thought they would have something like a 100% participation in donating within their means to improving their parks and that was to be commended.

Council Member Lawrence stated that Jill Jewett was a great addition to the Parks Board, that the Parks Board had really stepped up the last few years, just great people on that board and had really made a difference on the City all over and she wanted to say thank you to every Parks Board Member for the sacrifices they had made working with various groups, that it had been a pleasure to see such a volunteer group make such a big impact difference, just as the Library had done, that they had really stepped up for greenspace in the City of Houston.

ACCEPT WORK

6. ORDINANCE appropriating \$11,862.41 out of Metro Project Commercial Paper Series E Fund as an additional appropriation for Construction Contract between the City of Houston and **JFT CONSTRUCTION, INC** for San Felipe Pavement Improvement from Fountainview Street to Chimney Rock Drive (Approved by Ordinance No. 2006-510 and 2007-1333) - **DISTRICT G – HOLM** – was presented, and tagged by Council Member Brown.
- 6a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,192,437.11 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for San Felipe Pavement Improvement from Fountainview Street to Chimney Rock Drive - 14.25% over the original contract amount - **DISTRICT G – HOLM** – was presented, and tagged by Council Member Brown.

PURCHASING AND TABULATION OF BIDS

10. ORDINANCE appropriating \$40,000.00 out of Parks Special Fund, \$58,000.00 out of General Improvement Consolidated Construction Fund, and \$204,035.00 out of Parks Consolidated Construction Fund, for Refurbishment of the MLK Memorial Plaza at Bricker Park, Purchase and Installation of Playground Equipment at Shepherd Park, Installation of a Dog Park at TC Jester Park - **DISTRICTS A - LAWRENCE and D – ADAMS** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0361 ADOPTED.
- 10a. **TF HARPER & ASSOCIATES L.P.** for Bricker Park, Shepherd Park and TC Jester Park through the Texas Local Government Purchasing Cooperative (Buy Board) for Parks &

Recreation Department – was presented, moved by Council Member Khan, seconded by Council Member Adams. Council Member Jones out of the city on city business. MOTION 2009-0243 ADOPTED.

12. **TOTER, INCORPORATED** for Automated Refuse Containers (Two-Wheel Carts) from the Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Solid Waste Management Department - \$899,986.54 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2009-0244 ADOPTED.

ORDINANCES

13. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to appeals before the City Council – was presented, and tagged by Council Member Sullivan.
15. ORDINANCE approving and authorizing delegation to City of Houston Department Heads the authority to apply for and accept funds under the American Recovery And Reinvestment Act of 2009 (“ARRA”) – was presented.

Council Member Noriega stated that she did not have a concern about the item, that it was about grants and she wanted to take a minute to mention something that she had been thinking about for a while, that she thought they were leaving money on the table with grants, they had a lot of different folks all over the City working on grants and she was concerned that they were not gathering them up in an effective and efficient way, that she thought the stimulus model they were using, where it had been coordinated centrally, was a very good model, so that they did not miss anything, that she thought they needed sort of an air traffic controller so that everybody knew what everybody was doing and maybe some consultant money, a little bit, to go after things, that one of the things that she had learned with grants over the years was that they had to cultivate the folks that were presenting the grants, that sometimes they had to go to Austin or Washington, that she thought as money got tighter they were going to need a different kind of presence in those arenas and thought it would be really powerful to have someone that knew what everyone was doing and could help perhaps get inter departmental cooperation, or would go ahead and tip someone that there was an opportunity available, that it was a very specific area that they grew into and got better and better at and she did not think they were as good as they really were going to need to be in these coming times, that she just wanted to take the subject moment and mention that and just mention to Mayor White that they might want to look at how they were doing that and how to take the most advantage of what was out there, because she thought the biggest source of funds were going to be government grants going forward, just like the stimulus money and what they were doing with it was exactly what they needed to do with the City as a whole.

Mayor White stated that he agreed with those sentiments completely, and both this was something they could do in the short run and because of the issues involving recruitment of some of the most highly compensated City personnel towards the end of the administration and the fact that the new Mayor would have prerogatives and the like he did not know what success he was going to be but one recommendation to incoming administrations was to have a position that was senior and high level and less compensated than one could get in the private sector but way more compensated than the past to perform the functions that Ms. Travis did coordinating legislative in house at all levels and he would say that they ought to have somebody in that same category on grants and then they would deal with the City bureaucracy and all the things of how could they have somebody being paid as much as or more than some department directors that had a tiny staff, that they had to cut through that sort of civil service

mentality that they had to supervise a lot of people to be well paid, and Council Member Noriega stated that Mayor White was absolutely right, those relationships were the same folks who did that, that she agreed totally.

A vote was called on Item No. 15. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0362 ADOPTED.

23. ORDINANCE making findings concerning the use of the median of Martin Luther King Boulevard within MacGregor Park for Construction and Operation of a Light Rail Line by the Metropolitan Transit Authority of Harris County (METRO) - **DISTRICT D – ADAMS** – was presented.

Council Member Adams stated that she would like to tag the item, that the community had requested additional time to discuss and get some information from TxDOT.

25. ORDINANCE approving and authorizing submission of an application for grant assistance to the **US DEPARTMENT OF JUSTICE** and acceptance of the Recovery Act Edward Byrne Memorial Justice Assistance Grant; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's Representative in the application process; authorizing the Director of the Mayor's Office of Public Safety and Homeland Security to accept such grant funds, if awarded, to apply for and accept all subsequent awards, if any, pertaining to the program; approving and authorizing an Interlocal Agreement with **HARRIS COUNTY**, a joint applicant – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0363 ADOPTED.
28. ORDINANCE amending City of Houston Ordinance No. 2008-385, passed on April 30, 2008, which approved and authorized the submission of the 2008 Consolidated Action Plan ("PLAN") and various Federal Grant Applications, as amended by Ord. No. 2008-1051 and Ord. No. 2009-0262, by making a substantial amendment to the Plan - \$12,375,861.00 - Grant Fund – was presented.

Council Member Adams asked if there was assistance in this particular ordinance for homeless or veterans, any money allocated so that she could get some information on that to see exactly how much monies, or was there any homeless money in this particular ordinance and veterans as well.

Mayor White stated that, unfortunately, because a large percentage of their homeless population, in particular, were Viet Nam era vets, not the only ones, that anything providing for rapid re-housing of homeless was likely to cover vets, that on the other hand he did not believe there was a particular percentage earmarked for that.

A vote was called on Item No. 28. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0364 ADOPTED.

32. ORDINANCE appropriating \$78,654,685.00 out of Airports Improvement Fund; \$2,500,000.00 out of Airport Renewal and Replacement Fund; (Project No. 417F; Contract No. 4600004538); and approving and authorizing Amendment No. 3 to Construction Management At Risk Contract between the City of Houston and **CLARK CONSTRUCTION GROUP - TEXAS, LP** for Terminal and Central Concourse Expansion at William P. Hobby Airport; providing funding for engineering testing services, and for contingencies, and the Civic Art Program relating to construction of facilities financed by such funds - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0365 ADOPTED.

34. ORDINANCE appropriating \$10,175,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **M. ARTHUR GENSLER JR. & ASSOCIATES, INC** for Professional Architectural and Engineering Services in connection with Terminal D Improvements and Additions at George Bush Intercontinental Airport/Houston (Project Nos. 500N and 500R); providing funding for the Civic Art Program - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0366 ADOPTED.
36. ORDINANCE appropriating \$12,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER AND LINVILLE, INC** for Long Point Reconstruction, Pech to Hollister - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0367 ADOPTED.
40. ORDINANCE appropriating \$3,133,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Panagard and Bissonnet Lift Stations; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0368 ADOPTED.
43. ORDINANCE appropriating \$1,050,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JIMERSON UNDERGROUND, INC** for Dora Street Sanitary Sewer Replacement; WBS R-002011-0057-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C – CLUTTERBUCK** – was presented.

After discussion by Council Member Clutterbuck, a vote was called on Item No. 43. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0369 ADOPTED.

45. ORDINANCE No. 2009-0313, passed second reading April 22, 2009
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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2009-0313 ADOPTED THIRD AND FINAL READING IN FULL.

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

Council Member Brown stated that the City of Houston had now undertaken to employ what was called the broken window strategy of community oriented policing which had to do

with removing the physical elements that bred crime, and to remove the activities that gave the appearance of a city that was not in control; that he would like to cite what their City had done in terms of removing abandoned and dangerous buildings, that every week he read in the newspaper quite often lately a list of derelict properties that had hearings before Neighborhood Protection for the Buildings and Standards Commission, that it was really working and these slumlords were given the opportunity, in no uncertain terms, to fix up their property or bring it up to code or else the City would go in, remove the property and put a lien on the property in question, that it went a long way to cleaning up their neighborhoods and discouraging crime which resulted from a broken down, derelict looking neighborhood, that it was time that they took the slumlords to court, that there were other issues related to that as well; that street standards, they had read about the controversy regarding the east and west Rivercrest and what really needed to happen in their City was that they needed a modern classification of street standards, including traffic calming devices, that the partial closing of Rivercrest on Westheimer had caused a lot of concern in the adjoining Briargrove Park neighborhood, but if they had some basic standards, a menu, different types of street closing called traffic calming devices, which he had proposed ever since he had started on City Council, this process would be a lot more transparent and a lot easier to manage, but this controversy had taken the City into court and had caused neighbor to turn against neighbor and was not a good thing, that it could be solved by having better standards; that finally, they had an opportunity to really get behind something that would change the entire economy in the State of Texas and that was high speed bullet train connections between Houston, Dallas, Fort Worth, San Antonio and Austin, that there was a Texas High Speed Rail Transportation Corporation that was not funded, they had a plan called the Texas T-Bone, there was also the Texas Triangle, but whatever the plan was they needed to move forward with it and he hoped the administration and the citizens of Houston would support this in the State Legislature so that they could get the stimulus money and begin seriously implementing a bullet train that would make the three major metropolitan areas of Texas an absolute global economic powerhouse. Council Members Sullivan, Khan and Green absent.

Council Member Clutterbuck stated that following up on her comments about sanitary sewer excursions and some of those that happened over the weekend, namely in the Morningside Place extension neighborhood, which was adjacent to the Museum District, she wanted to add her thanks to the Public Works Department, in particular Mr. Ramos, that she would like to read an email that she received from one of the her constituents, that it was a neighborhood that had traditional old style blocks, in fact the neighborhood also went through minimum lot size, so they could get an idea of the feel, that when there was an excursion in one block often it affected other blocks as well so they were seeing backups on Addison, Swift and Dryden streets and she thought that in their 3-1-1 Department and Public Works Department there was a global way of looking at this and seeing that happened to be in a particular area and they must all be related and indeed they were, but often when they were working on an excursion, that was three blocks up from the backup, were the neighbors in the area where they were seeing the sewage did not necessarily know that the Public Works Department was actively working on it and sadly some of these were extremely complex and complicated and required a whole lot of work so it would take time, but on Sunday Mr. Ramos went by a particular neighbor and she read an email, which was the neighbor's praise for him, that stated, "Mr. Ramos who is a fabulous ambassador for the Public Works Department came by and it turns out the problem is on the Swift side behind my next door neighbor, he let me talk with the supervisor who apologized for the delay, I thanked him for his apology and commented to his supervisor about Mr. Ramos, please note that Mr. Ramos did as he promised and communicated promptly as requested, please pass on his great customer service and kindness to his boss, again thank you for the rescue", that she wanted to add her thanks and thought it was important that they know the names of the people who so tirelessly and silently work to help relieve the problems and make the City continue to work; that they would have their next meeting of the Budget and Fiscal Affairs Committee next Tuesday on May 5, 2009, that there

would be a discussion of the March Monthly Financial Report, as well as a number of other items, that in fact they had a very heavy agenda, they had 8 items on the agenda, that the meeting would start promptly at 10:00 a.m. and would urge her colleagues if they had particular questions in advance, after they review the agenda, and she would be happy to provide them with a draft now, that they look it over and email them their questions, that way when the Controller and Director of Finance made their report perhaps they could help expedite and answer their questions in advance. Council Members Lawrence, Khan, Lovell and Green absent.

Council Member Noriega stated that yesterday they saw why the first responders, the police and fire, were so important to the City of Houston, they had folks pulled out of cars, that she was taking her son to school and their Mobility Response Team was all over a large trailer that had huge pipes on it at the Medical Center, that she was coming down Braeswood and there were the MRT cars with the lights going and they were trying to get this guy out of the mud, that the Bayou was going over it's banks and there was a lot going on yesterday and it reminded them how important their public safety folks were; that she guessed what ended up intersecting with that was that they were going into the budget process and she wanted to take a minute and remind everybody about some of the things they had been doing in public safety to make sure that their budgets were transparent, were clear, that everybody had a chance to look at them, that she thought there had been times in the past where departments had tucked away funds, that came from having experience with past administrations that perhaps did not allow as many cadet classes as they needed, or where folks were concerned that they were not going to be supported, that had not been the case under the Mayor's administration and she thought it was terrific that they had been able to add the cadet classes and start to really build back up their manpower and get them to that three police per thousand, that was really best practices, and she knew that the Mayor was aware that every month the Police Department did a financial review and they went through every single budget, that the police folks came over and met with her and sometimes they met more than once a month, they went through it and kept an eye on it and tried to talk about where they were, and as a result of that one of the things they had been doing in public safety was each meeting they were having a different function of the Police Department come and talk about what they do, why they do it, what was good and bad, where they had needs, where they were doing something that maybe needed to be addressed, or what they might do going forward to improve and that also had been in the interest of transparency, that she thought, "what did you do well, what can you do better" was always a good exercise but it also addressed the idea of budget transparency and makes it clear, that they were going to begin doing that also with the Fire Department, they may have to have more meetings because it took a while, but like their last meeting they had the Mobility Response Team and really did air some of the concerns about that and the administrator was allowed to respond and they worked their way through all of that, so she thought it was a useful process and important exercise to make sure they really had clarity about what was there, what were they doing with it, what they needed and what they could do without, that she knew going into the budget cycle that they were going to need money, that public safety was a big part of the budget, fire and police together and some of the emergency responders were two thirds of the budget so it needed to be looked at one of the things they needed to be lean and mean and efficient on, that what the core functions of the City were, whatever those things were, was really crucial, they needed to do what was important and needed to evaluate the other things, but she was pleased with the progress they made in terms of HPD sharing what was going on with them, trying to bring it to Council in a transparent a way they knew how, that they really, she thought, taken a big leap in terms of their coming forward with stuff, and she wanted to bring that to their attention and to remind the Council Members that they had this available if they needed to and they were looking forward to the budget process as they went forward. Council Members Khan and Brown absent.

Council Member Adams stated that she wanted to thank the Houston Police Department,

along with Chief Hurtt and the Constable Office for partnering with them for their public safety forums, they completed their final forum on April 23, 2009; that she would like to thank Evangelist Chapel Church and Holmes Street Baptist Church for allowing them to be their speaker this past Sunday; that on Saturday, Constable May Walker would be having her May Day Festival, that it would begin at 10:00 a.m.; that also on Saturday she would be the Co-Chair for the 2010 Census Outreach Committee, so those who were interested it would take place at the George R. Brown Convention Center beginning at 1:00 p.m.; that they had a new partner in the community of District D and were really proud of Pastor Kirby John Caldwell and his church, they had the new Empowerment Community Development Credit Union in the district and she wanted to thank them for being a great partner in the district; that she wanted to thank Captain Bender of the Southeast Command and HPD for being proactive, that at this time there was a lot of cruising that took place on Martin Luther King and hundreds of people come down and drive down Martin Luther King and they were being proactive three months ago with coming up with a plan; that they were enforcing the affidavits, if they had a affidavit in their business on Martin Luther King they were citing and arresting people for parking on properties on Martin Luther King; that she sent Mayor White and Ms. Stein an email yesterday, that they had to thank the General Services Department because they knew they did a lot of hard work, along with HPD and the City staff, but yesterday she noticed something, that driving downtown coming into work she knew a lot of them had problems and some of them made it in and some of them came in a little later but she noticed that the water was rising at Buffalo Bayou and they were given notice, thirty minutes, all at the same time, telling all of the City employees who parked at the City Annex to evacuate, that she thought they needed to come together, and Issah came to her office and stated that there was a plan in place but she thought they needed to make sure they had an evacuation plan for the City employees for the City Hall Annex Parking Garage, that they were waiting an average minutes of 20 minutes just to get out and it was gridlocked, that she thought they needed to look at a plan to see exactly what they needed to do, that it was something really important, that she did not notice any HPD that was trying to guide them, that it was a safety issue for the annex as well as the City employees; and Mayor White stated that he agreed with her and they would work on it, not only Mr. Dadoush, but it was also HR and the Mayor's office and personnel in his office if she was saying they did not have traffic control at the exit. Council Members Clutterbuck, Khan, Brown and Green absent.

Council Member Rodriguez stated that she wanted to thank Mayor White and his administration for his work on the complete count initiative and hosting the meeting Saturday at the George R. Brown Convention Center, from 1:00 p.m. to 2:30 p.m., that they wanted to encourage all citizens to come out and participate and help them get folks counted, that they needed people to volunteer their time, help raise funds, organize outreach strategies and to develop their relationships with businesses, that he wanted to thank Mayor White for putting it together and allowing him to serve as vice chair of the committee, that for more information or to register they could go to www.houstoncounts.org; that he wanted to invite all of his colleagues to participate in the East End Classic hosted by him, the Parks Board and the Mayor's office at Gus Wortham on May 29, 2009, 8:30 a.m. tee time, that the proceeds would benefit the renovation of Gus Wortham Golf Course in it's beautification, that he wanted to challenge all of his colleagues to get a team and play, that he would appreciate their support for this historic park; that he wanted to say goodbye and congratulations to his summer intern, Mr. Leo Azcue, who currently attended the University of Houston Downtown and would graduate with a Bachelor of Science in Political Science in 2009 and planned to apply to law school in the fall, that they appreciated his service to the district; that he wanted to thank his colleagues for their support of Item No. 48, that it really showed that the body was committed to creating new jobs and development and attracting convention rooms and building hotel capacity downtown to attract the conventions. Council Members Clutterbuck, Khan, Brown and Green absent.

Council Member Sullivan stated that they had a sink hole in Kingwood and he wanted to thank Tracy Winggate and his Public Works crews for how they handled the situation as well as

his plan to achieve a permanent fix and solution; that he toured the Southeast Water Purification Plant last week, that it had a major expansion going on right now, over \$160 million project and he wanted to thank them for their assistance in their tour; that he wanted to thank Eagle Scout winner Erin Walling, who attended Kingwood High School, that he received the award this past Saturday, and he wanted to thank his family, friends and the troops, that he absolutely exemplified the tributes of good scouting; that he wanted to thank Andy Icken for his assistance in a particular constituent concern about the City's Public Works permitting process and enforcement; that he wanted to acknowledge the 61st Anniversary for the independence of the State of Israel, that he wanted to thank the Southeast Consul General last night for hosting a beautiful reception at the Westchase Marriott; that he wanted to thank all of the City employees who assisted with the flooding yesterday across the area, Public Works employees, Houston Fire and Police Departments and to the HOPE members who also took an active and important role. Council Members Clutterbuck, Khan, Brown and Green absent.

Council Member Lovell stated "Go Rockets beat Portland"; that in observance of Public Service Recognition Week, May 4 through 8, 2009, the City of Houston hosts a poster contest to illustrate what jobs they would like to perform as City employees, that the contest was open to all children with a parent or relative who worked for the City and this year Cali Quill, the daughter of her Director of Constituent Services, Jennifer Camaro, was awarded second prize in the 9 to 10 age group, that she would be there on Friday, May 1, 2009 at the Houston Garden Center to present the awards, and she demonstrated the winning poster; that she wanted to congratulate the Offshore Technology Conference, it would celebrate it's 40th anniversary this week when it opens at Reliant Park and continued through May 7, 2009, that she wanted to welcome all of the visitors to Houston who would attend the conference and tell them to have a good time and spend as much money as they wanted to at their restaurants and stores, they would certainly appreciate the contribution to the City and congratulations to OTC; that she wanted to congratulate Travis Shei, who worked in her office, on his election to Texas Young Democrats National Committee Man of the Young Democrats of America, that this year he was elected President of the Harris County Young Democrats and was also a student at the University of Houston Downtown. Council Members Clutterbuck, Sullivan, Khan, Brown and Green absent.

Council Member Lawrence stated that she wanted to thank her colleagues for the continuation of Long Point, that it meant a lot to District A as they moved forward to make it a thoroughfare and hopefully would bring the City of Houston and District A revitalization in that area; that obviously Item No. 48 was not in District A but she could be excited about development downtown, that the hotel would definitely bring conventions like the Helicopter Convention and various things like that, that the director and assistant director had a conversation with Nick Massey who was building into his plans a skywalk to possibly connect to the Hilton, if that was what he could partner with other entities on, which would give the Embassy Suites access to the Hilton and make the convention a much better situation, that it added so much more to the credibility of people who wanted to come to Houston; that on a very serious subject, she was very disappointed in what they really knew about the Swine Flu, finding out quite a bit this morning very early, that this was a youngster that came into Brownsville, had the disease and flew to Houston for treatment, that he already had it, that the last thing she wanted to do, and she may be over reacting, she would be the first to say, but they had a situation in the Pediatric Department of Children's Hospital, this child was not a United States citizen and to her they had jeopardized the hospital district, and possibly conventions, that she knew of two boats who were not leaving out of Galveston now because they were not going to Mexico, that she thought they needed a policy, a City policy, more than just somebody at the hospital to make that decision, that it was a disease that they did not know a lot about, that she did not want to leave it up to somebody who was not a Texan, that she wanted Houston to make those kind of decision, that she wanted them to always be informed by a Blackberry about what was going on, that they did not have to go out and dig up information from hospital boards, that

she found out about it this morning, then there was a news conference, and maybe it was because she was asking a lot of questions at 7:00 a.m. or something like that, but she was very concerned about this disease, that she was very concerned that somebody died in Houston with it, that she was very concerned that Council was not told about it in a prompt way, that again they could have gotten an email this morning, they did not, so that was a very big concern for her, she thought it was a real reality and they needed to be aware of this and continue to do things for Houston and not for anybody else, but what was best for Houston and everybody needed to know, the story in the Chronicle appeared but none of those details that came out this morning in the press conference that she found out earlier before the press conference, those were not told to the Council, that it was something that this City needed to be informed about, every Texan needed to be informed about. Council Members Clutterbuck, Sullivan, Khan, Brown and Green absent.

Council Member Johnson stated that on Monday he had an opportunity of accompanying some students from the North Forest High School, they took a trip to Austin for the African American Legislative Summit, that he had an opportunity of riding on the bus with the students from North Forest Independent School District, that it was a great trip and there were about forty students on the bus, all of the top students and the student government, even the superintendent was on the bus along with some parents, that they had a great opportunity for the students to see not only the Capital but to have an opportunity to take part in many thought provoking discussions that were at the Capital, that he was very proud of North Forest and proud of what the superintendent was doing out there, that he was really turning around the school district and helping the students understand their potential and then getting the community to stand behind him, that he was glad they had been able to get rid a lot of the negative and certainly pictures and ideas when it came to North Forest because he truly believed they were doing a great job; that at Grace Community Services there would be a Hurricane Preparedness Workshop at the Acres Homes Multi Service Center on Saturday, May 2, 2009, that he would be providing lunch and he hoped that people could come out, that it was an opportunity for them to start being proactive, that they had recognized in the last two to three weeks that they had some very hard rainfall that had flooded the City and he thought they should start being prepared, that the workshop would be from 9:00 a.m. to 4:00 p.m., for more information they could call his office at 832-393-3009. Mayor White and Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Noriega stated that on behalf of the Houston Public Library she would like to invite the citizens to come listen and meet Cokie Roberts, who would be at the Houston Downtown Central Library on Tuesday, May 5, 2009, from 9:00 a.m. to 11:00 a.m., on the fourth floor at the program place, that they were celebrating the 10th anniversary of her book but were also talking about women and daughters and all of the interesting and powerful women that she had a chance to meet in her career, that it was free but would be helpful if they RSVP at 832-393-1652 or they could call her office for more information; that Independence Heights Redevelopment Council was having their very first Cinco de Mayo Fiesta at Kerr Park on May 2, 2009, 4620 Arlington from 10:00 a.m. to 2:00 p.m., their Master of Ceremonies would be Felix Fraga, their former colleague, that there would be entertainment and a lot of wonderful activities, if they needed more information they could contact Maria at 713-312-0042 or contact the District H office. Council Members Clutterbuck, Sullivan, Khan, Brown and Green absent.

There being no further business before Council, the City Council adjourned at 11:37 a.m. Council Member Jones out of the city on city business. Council Members Sullivan and Jones absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary