

City Council Chamber, City Hall, Tuesday, June 16, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 16, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Mr. Xavier Herrera, Citizens Assistance Office; Ms. Marty Stein, Agenda Director; Ms. Marta Crinejo, Assistant Agenda Director present.

Note: Council Member, District H Position, vacant.

At 1:51 p.m. Vice Mayor Pro Tem Lovell stated that Council Member Noriega would begin presentations. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega invited Mr. Michael Marcotte to the podium and stated that the Department of Public Works and Engineering hosted its second Annual Summer Camp for youth geared to engineering, etc., and today they were recognizing Mr. Marcotte for his endless support; and presented Mr. Marcotte a Proclamation proclaiming today as "Michael S. Marcotte Day" in the City of Houston; and invited all the students present to stand to be recognized. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that today was well deserved and thanked Mr. Marcotte for all he did for the City of Houston. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams invited Ms. Peggy Turner to the podium and stated that today was a day of celebration and sadness they were losing one of the best; that Ms. Turner served as division manager of Parks and Recreation and assumed the management of the Multi Service Center for people with disabilities; that they appreciated all she had done, wished her continued success and presented her a Proclamation proclaiming today as "Peggy Turner Day" in Houston, Texas. Ms. Turner thanked all for the recognition and stated that it was a privilege to be a part of the City of Houston. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Members congratulated and thanked Ms. Turner on all her work. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell invited Miss Shaquitra Johnson, Miss Sarai Robinson and others with them to the podium and stated that royalty was present, over the past weeks there was a contest at Emancipation Park and presented a Proclamation to Miss Johnson congratulating and extending best wishes to her and proclaimed today as "Miss Juneteenth Shanquitra Johnson Day" in the City of Houston; and presented a Proclamation to Miss Sarai Robinson congratulating and extending best wishes to her and proclaimed today as "Little Miss Juneteenth Sarai Robinson Day" in the City of Houston. Miss Robinson thanked all for

their kindness and for their recognition to each of them and sang happy birthday to Mayor White.

At 2:18 p.m. Mayor White called the meeting to order and called on Council Member Brown who invited Mr. Duvall Simmons, Associate Minister, Higher Dominican Church to the podium to lead all in prayer and Council Member Brown led all in the pledge of allegiance.

At 2:20 p.m. Mayor White requested the City Secretary call the roll.

Council Members Khan and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none.

Council Member Green moved the rules be suspended for the purpose of hearing Ms. Leann Randolph, Mr. Danny Warthling and Mr. Brian Determan at the top of the Non-Agenda Speaker List, seconded by Council Member Khan. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0332 ADOPTED

Council Member Adams moved the rules be suspended for the purpose of hearing Ms. Linda Scurlock at the top of the three minute Non-Agenda Speaker List, seconded by Council Member Khan. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0333 ADOPTED

Council Member Lawrence moved the rules be suspended for the purpose of adding Ms. Irene Ortiz to the list of speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0334 ADOPTED

At 2:24 p.m. the City Secretary began calling the public speakers.

Pastor Ronnie Thomas, 10015 Valley Sun Drive, Houston, Texas 77078 (281-932-1199) appeared and stated that a few years ago they were confronted with the same issue of possible closure to Brock Park and at that time golfers enhanced the rate increase without any problem so they could not see where revenue would be any problem and they agreed the course could be closed one day a week if needed, but they were proactive in efforts and only had seen progress; that today they were present to say they did not agree it needed to be closed and would not allow it to happen; that they reviewed finances of their golf course for 2007-2009 and it appeared it should be self sufficient and if they were incorrect they needed to get on the same page; that they would like to know what affect did golf courses, in particular Brock Park, have on the tax dollars as in relationship to revenue and expenses and would appreciate a public response; and if anything was to be done to the park they would like to be included.

Council Member Johnson thanked Pastor Thomas for all his work and thanked all supporters who volunteered to make it a treasure; that he believed he came today on a news story in response to an offered budget amendment and while that amendment did not specifically speak on Brock Park and he would not support a budget amendment which specifically spoke on closing Brock Park, but if it had overtones of Brock Park he would not support that as well and it would be irresponsible for any Council Member to make a decision for a constituency they did not represent, but at the end of the day Brock Park added value to the community and could be an attractive centerpiece for developers; and he thanked him and all those present and standing with him today.

Council Member Clutterbuck thanked Pastor Thomas for appearing with his friends and neighbors and for his longtime advocacy for Brock Park; that she was the one who authored the amendment; and Council's time for questioning expired; and Council Member Clutterbuck

moved the rules be suspended for the purpose of extending her time to speak by five minutes, seconded by Council Member Khan. All voting aye. Nays none. Council Member Jones absent. MOTION 2009-0335 ADOPTED

Council Member Clutterbuck stated that she introduced the amendment and it was not Brock specific, it was relating to the policy of all golf courses within the City of Houston and she would like to see a study of evaluating all golf courses, publically owned taxpayer subsidized golf courses, and see how much they made, lost and which broke even and for those losing money of which Brock was one and in his own words had done all to help and it still continued to lose money that the discussion was at what point did they as taxpayers continue to subsidize a losing operation, what would the value be and she would like his thoughts on that and on why he thought it was not self sufficient at this point; and her amendment also gave the District Council Member authority to appoint someone so the community could be involved in future uses of a particular park; and Pastor Thomas stated that he did not say the course was losing money and in looking at the revenue it was self sufficient and the other question was could a dollar figure be placed on a quality of life as that was what parks were about. Council Members Sullivan and Jones absent.

Mr. Albert Coleman, 7529 Sundown, Houston, Texas 77028 (713-703-5250) appeared and stated that he served as Super Neighborhood president of East Houston, Settegast and was representing as a SN Alliance of the Northeast Quadrant, SN 47, 48, 49 and 50, they had come together on this concern of whether Brock Park was targeted for the possibility of closure, etc., that the northeast area had great potential for growth and they were given an awesome responsibility as Super Neighborhoods, they were trying to develop them from the ground up and hearing about this in the news put them back; that the East Belt was on the east and 59 on the west and Beltway 8 to the north; that Brock had been a great asset to Northeast Houston but there were major adversities they had accomplished over the years and sometimes at no fault of their own, they were situated between two or three major landfills and other adversities which took away from their community and other golf courses did not have their adversities; that they served people as far as Plano, Texas, and they did not know golf courses became tax burdens as they operated mainly on user fees. Council Member Sullivan absent.

Council Member Noriega stated it was good to see him and Pastor Thomas and she needed to say she was very opposed for the city to sell their heritage; that Brock was an incredibly beautiful piece of property and it was not one all were familiar with; that they put together nonprofits to deal with Hermann and Memorial and this really needed to be examined and if they were saying they were going to do a study then she really expected a study where they actually looked at how to make this work because those who golfed on this course may not be able to golf on another course and students golfed there and maybe the Tee Program could be expanded for older students and collaborate with school districts and maybe close one day as previously suggested., but if they did not really look at this they would not get the necessary outcome; that Council Member Clutterbuck was committed to a real study and the Council Member of the district was committed to supporting it and she was committed to not allowing the property get away as it would be a dreadful shame; that they must not sell this property because they would not get this beauty back. Council Member Sullivan absent.

Council Member Brown stated that he supported Council Member Johnson and the community and efforts of the Super Neighborhoods and appreciated him coming to let Council know how they felt; that they just adopted a new Park Master Plan and before they jumped into another study they needed to look at those recommendations and they would not sell the soul of this city for a pot of gold, he would fight for the neighborhood on this one, this was a quality of life issue. Council Members Sullivan and Lovell absent.

Council Member Johnson thanked Mr. Coleman for his work and stated that as Pastor Thomas pointed out it was hard to put a price on quality of life and he wanted to create an avenue to attract a new consumer into District B which would bring in a different commercialism and attract jobs and Brock would be that mechanism to attract a new consumer; that Joe Turner spoke with him and they had discussed alternatives to a closure, the community needed to be involved and give input and he did not want to continue to focus on Brock, if Brock was not the target, they should not focus on it, but be mindful it could become the target. Council Members Sullivan and Lovell absent.

Council Member Khan stated on a point of order time for questioning was over; and Mayor White stated point of order sustained and the record would reflect Council Members Holm Jones and Adams were wanting recognition on the last speaker; and he would ask his colleagues ...; that there would be open discussion in Council and other Council Members may have comments tomorrow and they respected those who came to speak today, also he would take personal responsibility for having asked various departments to consider if they continued to see a decline in sales tax what would happen, what scenarios would be if they had to lower budgets in departments and what Council Member Clutterbuck said was right and they were going at it with an open mind and on a non discriminatory basis when it came to where they looked in the budget and to each Council Member it was precisely the type of issue of what was the price, people paid taxes to the city and were losing their jobs and it was not an alternative for them to increase property taxes at a time of recession and the comment made was an understanding self sufficiency was the goal it was a constructive statement or near it and they would work in good faith with all cards on the table and there would be no decisions made that were not made at this table. Council Members Sullivan, Brown, Lovell and Green absent.

Council Member Johnson on a point of order stated that he wanted to continue dialogue as other Council Members wanted to speak on the matter; that he had never interrupted any Council Member when they had constituents and now found it insulting and they needed to be respectful of Council Members and residents who wanted to continue discussion on matters relevant to them; and Mayor White stated that this was within Council's right to extend time. Council Members Sullivan, Brown, Lovell and Green absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending time for Council to question speakers by ten minutes, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Sullivan, Lovell and Green absent. MOTION 2009-0336 ADOPTED

Council Member Holm thanked all for coming and stated that there this was an important policy decision and the park facilities and parks was the core reason this city existed; that Brock Park had been talked about a long time and it was an ongoing process which they had to evaluate, the role it played and the amenity it was with the cost debit; that it was unfortunate in which the way the process was handled, that it should come as an amendment or policy change as opposed to bringing citizens in for dialogue; and she too thought all parks had to be judged on merit and value as afforded to citizens. Council Members Sullivan, Lovell and Green absent.

Council Member Jones thanked all for coming and stated that she supported the District Council Member and believed in greenspace; that as Council Member Noriega said this park allowed access to people who otherwise would not have it; that historically disadvantaged areas did not have amenities and it was the same principal as mixed use development, they wanted people on different levels to meet each other because misunderstandings came about because people were just not around each other and this needed to be maintained. Council Members Sullivan, Brown, Lovell, Noriega and Green absent.

Council Member Adams stated to the Administration she knew this went before a Quality of Life Committee but needed to know from the Administration and Parks Department if there were policies and procedures in place to look at golf courses way in advance to protect them, if they knew something years in advance, dollars lost, etc., then what was in place to inform the community there was a loss and different steps must happen or courses could be taken away, etc., what was there to support what Council Member Clutterbuck and Council Member Johnson was saying and give them time to correct the situation. Council Members Lawrence, Sullivan, Brown, Lovell, Noriega and Green absent.

Mayor White stated that there was not within the budget being considered tomorrow an elimination of golf services at Brock Park, the budget was published for a month and it was not in there; that Council Member Clutterbuck's proposed amendment would make clear there was a transparent process and study and publication of those amounts so her question was a good question, but the purpose of her amendment which he supported was to make sure all the information was made public across all golf courses within the city and many studies were done to see if private operators could bring revenues in line with expenses and he trusted the citizens present and all were entitled to their own opinion but not everyone was entitled to their own facts and they needed to compare notes and be sure all were looking at the same thing and that was the purpose of the amendment. Council Members Lawrence, Clutterbuck, Sullivan, Brown, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan thanked all for coming and stated that the city needed and valued their input; that he never took the amendment presented by Council Member Clutterbuck as closing of any golf course and as the City of Houston it was their responsibility to make sure all amenities, especially public amenities, were well maintained and attended and if there was an issue of finances then it was also their responsibility to reach out and come up with them and he was not looking at the amendment as an effort to close any golf course; and he wanted to clarify his point of order was not a reflection of anyone sitting here and only a reflection that they needed to be mindful many people were waiting to speak and all deserved an equal chance and he would ask that they take it in that context. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Brown, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Ms. Leann Randolph, 5104 Dunlop, Houston, Texas 77009 (832-275-3422) appeared and stated that she was present as a social worker and supporting her friends and colleagues and clients of the deaf community; that there should be equal access to communication for the hearing impaired which would be allowing an interpreter when needed; that she knew sign language but was not a certified interpreter and an incident had occurred when HPD contacted her regarding one of her clients, her client was deaf and asked to have her called and she asked the staff person at HPD if an interpreter had already been requested and she replied no, her client had been there around an hour so she drove there and her client had been writing on pieces of paper to HPD staff and the staff said the client walked into HPD upset and after communicating with him learned he was suicidal at the time and after the incident he still believed he was arrested due to miscommunication and misunderstanding; that the misconception was that writing back and forth to a deaf person was adequate communication but some may not realize English was a second language to most deaf, a deaf person understood words but not concept and she suggested a certified sign language interpreter be contacted whenever encountering a deaf person and educating city employees on deaf culture and language. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she wanted to recognize she agreed with her, she had a cousin standing in the back and the only reason he could understand was because he

used to hear and he signs and speaks and as a family because he started off hearing they did not learn to sign in a meaningful way and they thought it sufficient but when they got older they realized his feelings were hurt as they had not taken time to learn to sign and if family members could not get it then others did not get it, something was lost in translation. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Danny Warthling, 4206 Mona Lee Lane, Houston, Texas 77080 appeared with an interpreter who stated that he was representing the City of Houston deaf community who were standing at this time and he wanted to speak on the police department; that in 1998 two deaf people sued them and the deaf individuals won because they had not been provided successful communication and still they had seen no improvement in the department of justice, the jail system, the courts, police, zero improvement; that many deaf citizens had filed many complaints against the Municipal Courts, deaf people had to reschedule appointments many times because no interpreter was present and that was not acceptable; that regarding the Americans Disability Act this was very serious and gave an example of incident at HPD and at stated at HPD they had no sensitivity training or understanding of communication modes. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Khan allowed Mr. Warthling to continue and he thanked Council Member Khan and stated that they did not have accessibility as for as 311, video phone, Captel, this was not working; and during the storm there was no interpreter and they hoped HPD and the City of Houston would review the budget and get training and ADA, to be aware of the culture and sensitive and they wanted the hearing impaired to be on board; and Council Member Khan stated that he heard concerns in the past who had a challenge with voice communication and it seemed their biggest complaint was HPD and the Municipal Court System and he would request the Administration look at it and see how it could be improved. Council Members Lawrence, Johnson, Sullivan, Holm, Lovell and Green absent.

Mayor White stated that he had taken note and he would get the information, this was something which needed to be looked at for the current training and he would do it; and to Ms. Stein it should be with the Police, Municipal Courts and Fire Department and EMS and he would share it with Council. Council Members Lawrence, Johnson, Sullivan, Holm and Green absent.

Council Member Noriega stated that she would echo the Mayor's comments; thanked them for bringing this to Council's attention and stated that she apologized as she was not aware of this and clearly this needed to be looked into for possible solutions; and Mayor White stated that they welcomed individuals bringing to Council specific examples, not to criticize individual employees because city employees could not do what they were not trained to do or did not have resources to do, but to understand where problems did arise so they could be addressed. Council Members Lawrence, Johnson, Sullivan, Holm and Green absent.

Council Member Rodriguez moved that the rules be suspended for the purpose of hearing Mr. Tim Campbell at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Johnson, Sullivan and Green absent. MOTION 2009-0337 ADOPTED

Mr. Tim Campbell, 715 Valentine Way #N, Houston, Texas 77019 (713-739-7576) appeared, presented information and stated that he was present primarily to remind all about a murder February 21st in District I which received very little attention, the murder of 19 year old John Thomanson who was killed inside the Houston Housing Authorities facility, Allen Parkway Village, it was practically in his backyard and a few weeks before he was killed there

were bullet holes in the first floor windows of his building; that the strange thing about this murder which should merit investigation was that the victim and a friend came into the Village with no appointment of anyone who lived there and were shot and killed there by two others seen by a surviving witness, but there had been no sketch and there was something wrong; that those shot did not live there and maybe they were shot by residents and why had no one come up with a sketch or knocked on doors, the murder was at 8:15 p.m., Saturday night when there were usually scores of children out playing; and he was asking something be done. Council Members Lawrence, Johnson, Sullivan and Green absent.

Council Member Rodriguez allowed Mr. Campbell to continue; and Mr. Campbell stated that when they held a community meeting and voted for limited access gates there was a huge majority in favor but another meeting was proposed to get a different result and their residence council was kind of a useless organization. Council Members Johnson, Sullivan, Brown, Green and Jones absent.

Mayor White stated that Lieutenant Gallier was present to speak with him and he would get a status on it and appreciated him coming to bring the matter to their attention. Council Members Johnson, Adams, Khan, Brown, Green and Jones absent.

Dr. Margaret Nosek, 4147 Mischire, Houston, Texas 77025 (713-661-4678) appeared and stated that she practiced physical medicine at Baylor College of Medicine, but today was present as a board member of the Healthcare for All Texas, a grassroots organization which promoted healthcare through education and policy setting, she was first of three speakers today from Healthcare for All Texas and she wanted to acknowledge all members and supporters who were present today and standing to be recognized; that they were present to tell how the City of Houston could save millions of dollars every year on employee health benefit and the way to do it was through support of a single-payer universal healthcare system, national healthcare, specifically House Resolution HR676; that with more than one million uninsured and a safety net able to serve less than a quarter Houston had become ground zero for healthcare crisis; that healthcare premiums had increased by 100% since 2000 and the total 2009 medical cost for a typical American family of four was more than \$16,000, one-third of the income. Council Members Johnson, Adams, Khan, Brown, Green and Jones absent.

Mayor White thanked Dr. Nosek and her colleagues for coming and reminding all of that need. Council Members Johnson, Adams, Khan, Brown, Green and Jones absent.

Mr. George Atkinson, 6203 Paisley, Houston, Texas 77096 (713-773-3969) appeared and stated that he was a member of Healthcare for All Texas; that they were probably thinking healthcare was a national issue with proposals being taken before Congress and why come to Council, but the proposal, HR676, would take the burden off local governments and employers and that was the House Bill for Single-Payer Healthcare and expanded and improved Medicare for all and that was why the National Council of Mayors and cities of Boston, Chicago, Detroit and others passed resolutions of support for HR676; that Single-Payer Healthcare cut waste and profiteering which was the hallmark of the multi-payer for profit healthcare financing and added nothing to healthcare but increasing costs; that HR676 was the only proposal which did not add to the cost of healthcare and instead gave tools to control cost; that at the national level there had been a lack of will to challenge the private health insurance companies to drive the spiraling costs, costs which were prepared to bankrupt our cities, the cost were trickling down on cities and they were asking Council to push back from the bottom up. Council Members Johnson, Adams, Brown, Green and Jones absent.

Council Member Khan thanked Mr. Atkinson for coming and highlighting a huge crisis; that many of his family members were in the medical profession and doctors were so frustrated with the way they had to deal with healthcare providers, the big corporations had taken over healthcare of the country and somehow the way they worked there was a tremendous lack of will to do the right thing and if healthcare was not managed there would continue to be a crisis and the uninsured cost everyone. Council Members Johnson, Adams, Rodriguez, Brown and Green absent.

Council Member Jones stated that she supported what he said and her office in particular was dealing with this; that of her budget this year 97.16% of the budget went toward paying her staff and their insurance, 99.9% of her budget was on fixed expenses and then she had the 2% budget amendment attached and if that happened she may have to lay off people so they got this in her office. Council Members Johnson, Adams, Brown and Green absent.

Mr. Dominic Condoleo, 2606 Valley Manor, Kingwood, Texas 77339 (281-358-1938) appeared, presented information and stated that he was a 2009 graduate from Kingwood High School and present to thank the Mayor and Council for the city employee scholarship he received, he sincerely appreciated the money and it would help as he pursued his engineering degree at Colorado School of Mines. Council Members Johnson, Adams, Brown and Green absent.

Mayor White thanked Mr. Condoleo for coming and stated that many in their morning prayers said thanks and he could tell he was someone destined for success and not just because of his scholarship, but that the attitude of gratitude was something he would see if he retained it through his life, good things would come to him, and he thanked him for sharing the importance of the scholarship to him with this body. Council Members Johnson, Adams, Green and Jones absent.

Council Members thanked Mr. Condoleo for coming to show his appreciation for his scholarship, congratulated him on his accomplishments and wished him success; and Mayor White stated that the Colorado School of Mines was extremely hard to get in and probably of all institutions of higher learning in the country it was the hardest to stay in once you got in because of the washout rate which was very demanding, but because of that it graduated more leaders in a worldwide geo science industry than any other institution of its size. Council Members Johnson, Adams, Sullivan and Green absent.

Council Member Khan moved the rules be suspended for the purpose of hearing Dr. Ana Malinow at this time, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson, Adams, Sullivan and Green absent. MOTION 2009-0338 ADOPTED

Dr. Ana Malinow, 3323 Underwood, Houston, Texas 77025 (713-666-1029) appeared, presented information and stated that she was a pediatrician at Ben Taub General Hospital and associate professor at Baylor College of Medicine and today speaking as cofounder of Healthcare for All Texas, a grassroots organization which promotes single-payer universal healthcare through education and policy setting; that HR676 was improved and expanded Medicare for all and the best cure for the American healthcare crisis facing cities today because it was a money and controls cost and did it by reducing local government costs with both employer and employees eliminating the need for charity care, removing local responsibility for retired health benefits, cutting administrative and labor negotiation costs, making cost predictable and guaranteeing quality comprehensive healthcare for all including medical, prescription, dental, vision, mental and long-term care; and explained the math showing the city could save \$139 million this year if the US had a national health program. Council Members Johnson, Adams, Sullivan, Green and Jones absent.

Council Member Khan allowed Dr. Malinow to continue; and Dr. Malinow stated that today she wanted to introduce Council to the win/win solution and next time they came they would ask Council to join cities all over the country in passing a resolution supporting HR676 and urging Houston's state and congressional representatives to do the same and Representative Lee and Green were already cosponsors of HR676; and Council Member Khan stated that his understanding was the nation spent over \$79,000 per second on healthcare and it would increase almost two times in 10 to 15 years and yet a huge segment was uninsured and people were showing up once it became acute and all taxpayers paid for it and it needed to be addressed in a comprehensive fashion and he applauded her efforts. Council Members Johnson, Adams, Sullivan and Green absent.

Mayor White stated that to offer some feedback sometimes she and others were exercising First Amendment Rights and advocating for policies they wanted in the federal government and related that to something the city dealt with all the time which was within the city there was escalating healthcare costs and embedded in the costs was cost for picking up for uninsured and if they had one or more individuals who wanted to look through the pattern of the cost increases so in their advocacy with members of congress they had concrete examples he would be happy to have people go over the figures with them; that to influence votes of congress was some of the most effective thing was to deal with those members, but here they were very mindful of the fact they did not vote in congress when they voted around the table and for that reason it was Council's policy since the day he took office they did not pass resolutions on national issues, but they did listen to those who came before them. Council Members Johnson, Sullivan, Holm and Green absent.

Council Member Brown stated that a part of their argument in terms of benefits to the city was they had retiree medical benefit liabilities growing and growing and no trust fund like for pensions and they made contributions of, he thought, \$54 million a year into the medical liability payments and actuarial contribution would be \$326 million annually, this was a crisis which must be faced and they needed help; and upon questions, Ms. Malinow stated that some cities had passed a resolution for HR676 though she understood council did not do that. Council Members Johnson, Sullivan, Holm, Lovell and Green absent.

Mr. Roy Cunningham, 2235 Laurel Creek, Houston, Texas 77014 (281-397-7933) appeared and stated that he was present because of the severe weather and emergency conditions document approved by Mayor White on August 25, 2006, and he received amended versions from HAS Management requiring first responders to be on location pretty much at all times, but an issue was not addressed on the document, when he was in route to work or at work and it was determined his family or property was in danger and once given notification to security management of such danger and he left to protect his family and property would he be in violation of the policy and secondly, if he signed the document would he be waiving his right to protect life, limb and property and with him he had the amended version. Council Members Johnson, Sullivan, Holm, Green and Jones absent.

Mayor White stated that he would ask members of Citizens Assistance to confer with him and maybe his concerns could be addressed. Council Members Johnson, Sullivan, Holm, Noriega, Green and Jones absent.

Ms. Linda Scurlock, 4747 Knotty Oaks, Houston, Texas 77045 (413-433-5737) appeared and stated that she was present to discuss her dissatisfaction with Neighborhood Protection, in her opinion it was an almost useless department, many neighborhoods were not protected and calling 311 to report violations of ordinances was just a gesture in futility, some problems were not cleared after six to twelve months and inspectors did not seem to understand they were public servants, after saying she was a taxpayer the inspector said he

was a taxpayer too; that her neighbor spent eight months trying to get storm debris removed from her yard and that was after saying they were going to the media; that she understood there was no money in the budget for Neighborhood Protection and they were short of employees and her hope was they would fund Neighborhood Protection and hire respectful inspectors. Council Members Johnson, Sullivan, Holm, Noriega, Green and Jones absent.

Council Member Adams stated that Ms. Scurlock was the new president of the South Houston Concerned Coalition in the Hiram Clark Area and a great community leader who had a legitimate concern; that she offered an amendment last year to hire more inspectors and was told if they were able to get ad valorem taxes this year they would be able to hire additional inspectors and there would be 13 new inspectors and she would work with Captain Curran on issues she wanted to be more effective in the Hiram Clark Community; and thanked Ms. Scurlock for coming. Council Members Johnson, Sullivan, Holm, Noriega, Green and Jones absent.

Mayor White stated that people around Council were real leaders and he personally observed her working alongside neighborhood inspectors and it was not always a matter of the number of personnel but the number of leadership of those personnel and the attitude at the top set the tone and Captain Curran and his senior management an opportunity. Council Members Johnson, Adams, Sullivan, Holm, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Ms. Beth Lousteau, 316 Goldenrod, Houston, Texas 77009 (713-226-8281) appeared, presented information and stated that she hoped Council had been able to review material she sent in advance of the meeting including video demonstrating the problem she would be addressing today and her handouts today included photos of the situation; that she and her husband bought their home in January 2007 and shortly thereafter they discovered all their neighbor's runoff was being diverted into their side yard and flooding it and in February 2007 they contacted the City of Houston and spoke with Ms. Brown in Code Enforcement and explained they had to file a complaint anonymous and shortly thereafter an inspector was dispatched and 314 Goldenrod was ticketed as was 310 Goldenrod on the same issue, each home's carport rested on the fence of her property line running into the yard and several days after noticing the red tag at 314 several men entered their gated side yard and began pulling down her fence boards and the owner of 314 Dr. Jaime Noriega who lived in Illinois had made no contact with them regarding this and did not ask permission to enter and later the owner's father explained he was instructed by the city to install a gutter and they took Mr. Noriega to their second story to give him a better vantage point and told him they did not think the way the gutters were designed would solve the problem and in the process the fence was being damaged; that she spoke with Dr. Noriega by phone and said they should consult a roofer or drainage professional to come up with an appropriate drainage system and neither he or his father were willing to deal with them and some point after Mr. Noriega spoke with an inspector from Code Enforcement and several men were again dispatched to install a gutter and did so but instead of trimming back the fence they bent it back so it now bowed and they squeezed the gutter in and it did not capture the majority of the runoff because it ran only half the length of the structure and at some point Code Enforcement took the position it was a lot line dispute and refused to be involved any further and their problem still existed; that the owner of 319 Goldenrod who was ticketed for the same issue on the same day corrected his problem by trimming back his carport. Council Members Johnson, Sullivan, Holm, Noriega, Green and Jones absent.

Mayor White stated to Mr. Drabek to help this citizen with this particular issue after the following speaker on the same subject. Council Members Johnson, Sullivan, Holm, Noriega, Green and Jones absent.

Mr. Brett Clanton, 316 Goldenrod, Houston, Texas 77009 (713-226-8281) appeared and stated that they would not be present if they had not been through all the proper channels, this was a last resort; that 314 Goldenrod was ticketed so the city acknowledged there was improper drainage and a violation and they attempted to address the issue but only went part of the way and in the process damaged their fence; that the other neighbor ticketed for the same issue cut back their carport and their problem still existed and each time it rained their property was completely deluged and water was going under their house and the code had to address water issues and it was a simple and reasonable thing they were asking, for their neighbor to control their own runoff. Council Members Johnson, Clutterbuck, Sullivan, Holm, Green and Jones absent.

Upon questions by Council Member Khan, Mr. Clanton stated that the carport rested on their fence and his entire property was covered in a carport like structure; and Council Member Khan stated that if a permit was issued for a carport someone should look to see how it was inspected and Mr. Drabek would take information and follow-up on what the city could do. Council Members Johnson, Sullivan, Holm and Green absent.

Council Member Jones stated that state law prohibited people from having their runoff onto others property and permitting was to figure that out before allowing someone to build and she supported them and thanked them for bringing the issue to their attention. Council Members Johnson, Sullivan, Holm and Green absent.

Mayor White stated to share with them as the Council Member said traditionally the way Texas and others dealt with this was...; that questions came up from time to time and to give an overview there were people who built up structures, yards, etc, where it created ponding on their neighbor's property and for a long time in Texas the rule was you could take someone to court and sue for nuisance of draining on your property, but that was before lobby became a business and lawyers became so expensive; that the city was sort of setup to issue citations to people but not so much to institute civil actions where a person got a jury trial, etc., on draining onto property and there must be a better way of dealing with it than saying you had to hire an attorney and go to a jury trial or an inspector saying you had to remove \$10,000 in improvements; that Mr. Drabek would speak with them and they would see how they could deal with this particular issue and he would invite Council Members to think through this with him because traditionally a nuisance suite was very costly for people and yet without it how did you make sure all property owners...; should an engineer go back and say how to do it; that he needed their heads in reforming laws, etc., but Mr. Drabek would speak with them and report back to him. Council Members Johnson, Sullivan, Holm and Green absent.

Council Member Brown stated that clearly this was a violation, you could not drain onto someone else's property or use someone else's property as a means of supporting a structure attached to the adjacent, it was simply not permitted and it seemed the first order of business should be enforcement by city inspectors, he knew of someone doing the same as their neighbor and he was hounded by an inspector who would not lay off and secondly if the inspector did not handle it there should be a remedy provided through the courts through a legal procedure by the city and he agreed with the Mayor there should be a simplified method of doing it and this needed to be looked into, some cities had blight court. Council Members Johnson, Sullivan, Holm and Green absent.

Mayor White stated that he was reading between the lines and thought the issue was the Legal Department concluded there was no basis, did they know the base of the Legal Department's judgment was, the Legal Department said no basis for code enforcement, did anyone know on this particular issue...; it could be one of two things, either someone said it was not draining on their property or if there was a corrugated roof slanted to and draining on

the property the question was who should have the responsibility, they could not just have city personnel go out and start taking off someone's roof and moving their buildings and the question then was whose responsibility should it be, should it be the City Attorney's responsibility to go to court or should it be the homeowners; and Council Member Jones stated that he asked for help and she would be happy to try and figure something out, but it made her think a couple of weeks ago where folks were present regarding the city trying to make them tear down a carport which was replaced after Ike and if they can make people replace carports they should have let them have in the first place she did not know why they could not do something with them, but they should get heads together and see if they could get a city policy as no one's property should have to deal with what they were dealing with; and Mayor White stated that was the issue who should have to file the lawsuit and what should happen to enforce civil remedies; and Mr. Clanton stated that the city cited the property so obviously there was something they could not do this and there should be follow-up and enforcement. Council Members Johnson, Sullivan, Khan, Holm and Green absent.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Holm and Green absent.

Mr. Garry Bonanno, 32 W. State Street, Sharon, PA, 16146 (800-527-3345) appeared, presented information and stated that he was with Winner International, headquartered in Pennsylvania and present regarding crime prevention, specifically the nation's number one crime which was motor vehicle theft; that it was the most costly and his information summarized how a private entity got involved and they served law enforcement and governments around the nation and much success in doing so and even served here in Houston; that they worked together publically and privately in an ethical manner and offered options and solutions to get the public to understand they had to get involved, this was not a police but community problem, everyone lost when a car was stolen with it reflecting in insurance rates and tax dollars, etc., one major partner was Advanced Auto Stores who had many locations in Houston, etc., that their goal was to hold events to enhance the ongoing efforts already being done, pro-action was a definite key. Council Members Johnson, Sullivan, Khan, Holm, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Bonanno for coming and representing such an outstanding company and device; that her neighbor lost three high-end vehicles from his driveway multiple times and until he started using "the Club" he basically lost them on a regular basis and now with "the Club" he has not had a single theft. Council Members Johnson, Sullivan, Khan, Holm, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he did get the note that he would get to his office about the trade in locks and maybe someone from the governing body here as they discussed the company's offer to make trade in locks available to those who were low income residents of Houston, he thought if the offer still stood there may be someone here where they could help him publicize that. Council Members Johnson, Sullivan, Khan, Holm, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77067 (713-705-5594) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Khan, Holm, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Ms. Bridgett Moore, 11647 Whitewater Trail, Houston, Texas 77013 (713-831-5089) appeared and stated that she was present regarding illegal dumping and lack of mowing on the City of Houston right-of-way, the property was about a six block stretch of John Ralston Road running parallel to her home; that she reported it for nine to ten years and she was told it

could only be mowed two times a year, it was located at the back of their neighborhood and she understood it was planned for future development into a four lane street; that she had not been able to catch anyone in the act of dumping and then with it not being mowed it increased the chance of dumping; that Parks and Recreation used to take good care of the property and she would like them to take it over again if possible; that she also had trouble with 311, they were rude and they took requests and then after calling to check back would be told the work was completed and the ticket closed and meanwhile the trash was still there and she had to fight with them just to get it reported; that they were quick to tell her what would happen if it was her property but who was policing the City of Houston and their responsibility for their property; and she had asked that a "No Dumping" sign be placed out and then one was given her to place out and she thought the city should do it. Council Members Johnson, Sullivan, Khan, Holm, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she was sorry her house had to be next to unmaintained city property; that in a meeting yesterday she was saying they needed to hold themselves accountable; and if she remembered what day she complained to 311 maybe they could track who spoke with her and put in sensitivity training; and to Mayor White stated could they maybe place a call to Solid Waste and have the trash picked up; and Mayor White stated that they had the issue of dumping and esplanade maintenance and would ask citizens Assistance to see on the solid waste pickup and work through this; that with illegal dumping there was procedures available through Neighborhood Protection and Solid Waste but on frequency of cuts he could not make a commitment but he would look into it, he needed to be fair to all; and Council Member Jones stated that when she was on the LARA Board they had a contract to maintain LARA lots, which was city lots, and that was very expensive because they were also dumped on; that it was difficult but they would see what they could do about the issue. Council Members Johnson, Khan, Holm, Brown, Lovell and Green absent.

Ms. Barbara Melnik, 5601 S. Braeswood, Houston, Texas 77096 (713-729-3200 ext. 3227) appeared, presented information and stated that she was director of the Foster Grandparent Program of Houston/Harris County and she was joined by Dorothy Moore who was a foster grandparent volunteer; that she was present to make all aware of the civic engagement program and the vital work the volunteers did; that the program began 44 years ago and was a federally funded program and one of three senior core programs; that they met critical community needs by meeting one on one with at-risk children and tutored at preschools, etc., federal and state funding was for only 67 foster grandparent volunteers and they must have community support to expand and the Mayor and Council could help by spreading the word to their constituents. Council Members Johnson, Khan, Holm, Brown, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Ms. Melnik for coming before Council with a volunteer and stated that this was a perfect opportunity to spread the word about an exciting program and was proud the hub of the operation was out of District C and she was grateful for all their work. Council Members Johnson, Khan, Holm, Brown, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Marty Yaklin, 1819 Commonwealth, Houston, Texas 77006 (281-235-6234) appeared, presented information and stated that he was present after a year long battle to try and get off street parking on the street next to his house; that six years ago Vermont Street was restricted to no parking and it was because of a vacant lot there which 18-wheelers used, when he bought the property there were three off street parking spaces on Commonwealth for 23 residences with 44 bedrooms and it was not enough and as his picture showed they could get 8 to 10 cars parked on the side street, but for whatever reason the traffic manager would only allow 2; that he made a first request to 311 and it was closed out with no explanation so he made a second request and they responded saying it was denied with no reasons given;

that he contacted Council Member Clutterbuck's office for help and finally someone came out and agreed there was no reason they could not have parking on it, but there would have to be a setback, it allowed 3 to 4 cars and signs finally got changed but they were change with arrows the wrong way and so you still could not park there, he called back 2 more times and changed the sign and changed the wrong one and still no one could park so he set up a time to speak before Council and someone came out and fixed it correctly, but about two weeks ago the city came out and changed the sign creating a 90 foot setback to where they could now only get 2 cars. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Adams thanked Mr. Yaklin for coming; and upon questions, Mr. Yaklin stated that he met with someone shortly after the hurricane when he came out to look at the street and agreed they could have parking; that it took a year to get the signs up and it was fine for two months and then the city came and changed the setbacks to much larger and now only two cars would fit; and Council Member Adams stated that she was the District Council Member and would meet with Council Member Clutterbuck since he contacted her office and Mr. Drabek was present and would speak with him and a member of her staff was on their way to meet with them to get detailed information on what he wanted and help clarify this; and upon questions, Mr. Yaklin stated a person from the Traffic Division was the one who came out but he did not know his name. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she was interested in his drawings and many Council Members were talking to Planning right now, they were about to look at on-street parking, etc., as they extended Chapter 42 out to Beltway 8; and upon questions, Mr. Yaklin stated that he thought you should have an off-street parking space for every bedroom you had; and Council Member Lawrence stated that the stats they had really did not mean anything because they were done for zoned cities and Houston was not zoned and she appreciated his input. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Kyle English, 918 Comstock, Spring, Texas 77450 (832-891-6138 had reserved time to speak but was not present when his name was called. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Ms. Rebecca Lillico, 1242 W. 34th, Houston, Texas 77018 (713-861-3507) appeared, presented pictures for viewing and stated that Hurricane Ike caused extensive damage to her home with her neighbor's tree going through the eastside of her house and she lost her large trees and carport; that they started the cleanup and rebuilding, but two months into construction her home was completed except for her front carport and she had been red tagged since April 4th, singled out and discriminated against for putting back what she had before the hurricane; that the new carport was reconstructed to the 2009 City of Houston Building Code and was the exact length and width as the one she had for 33-1/2 years; that Mr. Drabek quoted her an ordinance where if you had something taken out by a natural disaster you had the right to put it back and she tried to follow correct steps and met with Ms. Donna Edmondson in Legal and Mr. Luis Residio and showed them over 116 photos of homes within a three block walking area of her house who had carports over the setback line; that Mr. Residio verified this by sending his own crew and proved she was right, it was within 66% violation so said the Legal Department would not do anything to her and if the city chose to persecute her then she felt they must do the same to all others in the same situation. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she thought they had a problem here and talked to Marlene, there were a large number of illegal carports in neighborhoods and it was her understanding whether a fence was too high, etc., if the structure was left five years and no one complained most judges would not make the homeowner do anything to the structure and this lady had her carport 33 years and it was ruined by nature, she tried to put it back and now it was red tagged; that in her situation and in talking with Legal 31.8% of the neighborhood had illegal carports and that was why Legal would do nothing about it and they had a problem here; that if Parking went out for a 311 call and there was an illegal parking, blocking a sidewalk, etc., they did not just ticket that one person they did a sweep of the whole neighborhood and here 31% were illegal and only one received a ticket and a committee needed to discuss this; and Mayor White stated that if Council Member Lawrence would yield, he addressed this from the microphone and maybe some were not present, but it seemed to him the issue should be as she phrased it what policies should be concerning those who build back to what was there pre-like; that tomorrow was budget and to Mr. Moore, Connie, Mr. Michel, it was either that someone in the city made a policy decision they should be enforcing this on a complaint basis or by going around and by reason which they needed to articulate to him or that there was no legal discretion to enforce but they did not have much like that, if that were true, they used discretion all the time, not in a discriminatory fashion, but every time a police officer decided to respond to one call versus another or they put something as a Code 2 instead of a Code 4 and no one told him they had people going to every single residence and banging on their door and arresting them because they had a library book overdue so either someone interpreted they did not have discretion or decided they ought to stop this or someone was asleep at the wheel and were just waiting for him to make all decisions and if it was they wanted to listen and they would decide if there was a good reason, but his whole instinct was if something came down because of a natural disaster then someone should not be worse off just because of a natural disaster and they should be able to rebuild in place; and to Mr. Michel he sent a note earlier today to Ms. Gafrick and he could not tell if it was her opinion this was the right thing to do or ... and he wanted input from Council Members also, but his proposal was to rebuild in place. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones thanked the Lillico's for coming and stated that they were not the only one's this happened to and after a natural disaster people should be able to replace what they had; and if it was there before it should be grandfathered and there was a statute of limitations and they should develop a policy. Council Members Johnson, Khan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated to Mr. Michel that he did not know if someone thought this was a good idea to stop people from building; whether someone said there was no discretion or whether people were just not listening to what he and Council said three weeks ago, but they would get this resolved as a matter of policy within the next week; and Mr. Michel stated that he would take responsibility for it; and Mayor White stated that by the Friday Agenda briefing if Ms. Gafrick or an individual from Public Works; that in particular he wanted to know as a matter of city leadership what was it when people brought it before them three weeks ago, were they just waiting for him to order them what to do, but this would be cleared up by Friday. Council Members Johnson, Khan, Holm, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Lillico for coming and stated she had a question for the Administration, when a natural disaster occurred and carports were knocked down, permits were given to some, but others did not get them and they needed to look at consistency when rules were put into place. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. William Lillico, 1242 W. 34th, Houston, Texas 77018 (713-861-3507) appeared and stated that his wife said it all; and he wanted to thank them. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Mr. Lillico for coming. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Jason Lillico, 1012 W. Gessner, Houston, Texas 77009 (713-880-4386) appeared and stated that he wanted to thank them for their consideration. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that as soon as they got the word from Legal they would contact them and they would run it in their newsletter to help them out; that the president of their neighborhood took their weekly newsletter and they would publish what Legal said about the carports. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Mohamed Benwahoud, 2777 Briargrove #934, Houston, Texas 77057 (832-715-2207) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Ning Haw Chang, 13006 Hollybrook, Houston, Texas 77082 (281-497-3673) appeared and stated that he had been writing letters to the Mayor and filed a complaint on the Director of Public Works, Mr. Marcotte, and today he was asking if the Mayor had received his complaint and had he made a decision to have an investigation of the OIG of his office; that he believed Mr. Marcotte wrote a recommendation to the civil Service Commission July 10, 2007, to have him faired and he had proof to present at this time to the Mayor and hopefully they would be able to resolve the matter in a fashionable way. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that the Mayor did receive his letter; and Mr. Chang stated that he just wanted to be sure OIG was investigated because it was only fair. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Joseph Dominguez, 220 Clifton, Houston, Texas 77011 (832-567-6722) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Mayor White, Council

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

Ms. Delicia Frank, 4314 Woodmont, Houston, Texas 77045 (832-888-7654) appeared, presented information and stated that she was in conversation with Council Member Jones's office on her matter and she wanted to recognize Ms. Ingrid Ferno who had been very good and a reflection of Council Member Jones's leadership; that she was a Section 8 recipient until April 30th, she could say since being on the program she obtained two associate degrees and one year to finish her bachelors and raised one son who graduated from college with a BS in Chemical Science and she has one son graduating this year and would be entering college, but today was present with a housing issue; that she had an appointment in February and she had financial setbacks and was unable to get all her documentation required by said due date; that her appointment was February 24th and she received the final notice to obtain such documents by the 5th and did obtain as many as she could; that she came on the spur of the moment because she just spoke with Housing again who wanted to uphold the decision, she was told she should have gotten the documentation, but she never had to have a state ID for her son, but she said she explained everything in her memo and never received a call from the coworker until she received a letter terminating her service. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she was still trying to resolve this; that her child was in high school and did not have a drivers license and that was usually the first ID someone would get; that this was frustrating and the Mayor gave her permission to try and make commonsense decisions and they were still working on it, but thought it was crazy for someone who was a minor and just turning 18 to be expected to get state ID in a short time, some did not know there was state ID other than a drivers license; that she understood and was working with Housing, it was a stupid reason to terminate someone. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that Mr. Norris was already working on her concern and had calls into the Housing Authority concerning her issues and whatever leadership Council Member Jones had already taken on this she would support, but they also had phone calls in, so two Council Members were inquiring on her case and it would be researched. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Irene Ortiz, who was previously added to the speakers list, was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated June 16, 2009, [www.mayorgalvan.com](http://www.mayorgalvan.com); [www.galvan.org](http://www.galvan.org); that today was the 32<sup>nd</sup> anniversary that Anita Bryant came to Houston and started the Gay Rights Movement here and today he would have been with Richard William Partsch for 32 years and he would continue to fight in their two names; and his candidate for District H won; and continued

expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Branell Ayers-Anderson, P. O. Box 802892, Houston, Texas 77280 (832-894-0913) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he was the President of the U.S. and mentioned Council Member Clutterbuck and Congressman Archer; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 4:15 p.m. City Council recessed until 9:00 a.m., Wednesday, June 17, 2009. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, June 17, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Ms. Michele Mitchell, Director, Finance Department; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

Note: Council Member, District H Position, vacant.

At 8:29 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:38 Mayor White called the meeting to order and stated that he wanted to recognize somebody who would be joining them at the table, and congratulated Mr. Edward Gonzales, who was present in the Council Chamber. Council Members Johnson, Sullivan, Brown and Jones absent.

Council Member Lovell asked for a point of personal privilege and stated that she wanted to wish Happy Birthday to Mayor White, that she was looking at an article which must have been a nice birthday present for the Mayor that said "these seven bicycling, recycling, tree planting Mayors have made a national name for themselves by painting the town green" and one of them was Mayor White, and congratulated Mayor White, and Mayor White stated that what it really should say was the governing body of the City of Houston, including the Mayor. Council Members Johnson, Sullivan, Brown and Jones absent.

## **MAYOR'S REPORT**

Mayor White stated that each year he made a brief statement on budget day and would share with colleagues three thoughts, first, the members of this governing body, each City Council person had enjoyed remarkable public support, in part because people commended them for working together to get things done, that he would ask each Council Member that when it came to the budget to please put on their hat of civic leadership and not as candidates for anything and realize that they all benefitted if they worked together to form consensus in these times and respect the work of their colleagues who attended the multiple budget hearings, that not everything could always be unanimous but if they listened to each other and tried to help each other to accomplish their objectives they were much better off; that second, when it came to the substance and questioning of particular amendments and commitments and facts that were listed that did take a little time in this budget process and he would make sure that everybody was recognized, that if anything he was criticized by most if not all for not tapping the gavel on time limits and that was in part for respect for the views of the people in this body but the length of a speech or advocacy was not a test of it's effectiveness, and it was just his observation that it seemed to pack the opposite when it came to the Council table; and third, he would say to each of them, the City employees and the citizens of Houston that the budget had already, and would, require them to make hard choices within the budget, that as he said in the State of the City address, and as they saw in the Houston Chronicle today, Houston was faring better than other big cities and City government, in particular, in their City, was faring better because of financial discipline in the past than other big cities in the United States, including those in Texas, having said that they were going to have to make hard choices because there was not going to be any significant growth in revenue in the City, and in particular for those City Council Members sitting around here who would be considering a budget at this time next year, the views of the administration and Chairman Clutterbuck on fiscal discipline were shaped by a commitment to leave the City in a sound financial condition and what that meant was, and it would depend on data that came out throughout the year, but there was a very real possibility that the amount of money that they were expending for City services out of the General Fund, on a monthly basis, at the end of this year, net of fixed cost, would be less than it was today; that they would proceed with the Council agenda. Council Members Johnson and Sullivan absent.

### CONSENT AGENDA NUMBERS 2 through 71

#### ACCEPT WORK - NUMBERS 4 through 7

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,567,010.40 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 4.28% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON and C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0339 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,310,382.57 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 6.19% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0340 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,989,619.38 and acceptance of work on contract

with **REPIPE-TEXAS, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method - 4.81% over the original contract amount - **DISTRICTS B - JOHNSON; D - ADAMS; E - SULLIVAN; F - KHAN; G - HOLM; DISTRICT H and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0341 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,653,275.07 and acceptance of work on contract with **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Willow Run South - 6.38% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0342 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 through 21

10. **SCHROER MFG. CO., d/b/a SHOR-LINE** for Stainless Steel Animal Cages, Cage Bases, and Casters for Health & Human Services Department - \$90,453.34 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0343 ADOPTED.
11. **NOVASYS TECHNOLOGIES, INC** for Spending Authority to Purchase a Novasys Development and Maintenance Agreement through the Interlocal Agreement with Harris County, Texas for Health & Human Services Department - \$698,908.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0344 ADOPTED.
14. ORDINANCE appropriating \$206,875.00 out of Equipment Acquisition Consolidated Fund for Purchase of FireHouse Software System for the Mayor's Office of Public Safety and Homeland Security – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0520 ADOPTED.
- 14a. **GTSI CORP.** for Purchase of FireHouse Software System for the Mayor's Office of Public Safety and Homeland Security - \$356,875.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0345 ADOPTED.
15. ORDINANCE appropriating \$80,458.05 out of Equipment Acquisition Consolidated Fund for Purchase of Equipment and Landscape Trailers, a Truckster Utility Cart and a Front End Loader attachment for Parks & Recreation Department – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0521 ADOPTED.
- 15a. **TRAILER WHEEL & FRAME COMPANY** for Purchase of Equipment and Landscape Trailers for Parks & Recreation Department and the Houston Airport System - \$21,644.00 Enterprise Fund and \$87,794.00 Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0346 ADOPTED.

16. ORDINANCE appropriating \$648,426.00 out of Equipment Acquisition Consolidated Fund for Sole Source Purchase of Software, Hardware, and Professional Services for the Houston Police Department – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0522 ADOPTED.
- 16a. **INFORMATION BUILDERS, INC** for Sole Source Purchase of Software, Hardware and Professional Services for Houston Police Department – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0347 ADOPTED.
17. ORDINANCE appropriating \$70,800.00 out of Equipment Acquisition Consolidated Fund for Sole Source Purchase of Consulting Services and Maintenance for Houston Police Department – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0523 ADOPTED.
- 17a. **KNOWLEDGE COMPUTING CORPORATION** for Sole Source Purchase of Consulting Services to Integrate Data Sources for COPLINK Software and Maintenance for Houston Police Department – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0348 ADOPTED.
18. **PITNEY BOWES SOFTWARE, INC** for Sole Source Purchase of Software Upgrade for Department of Public Works & Engineering - \$87,500.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0349 ADOPTED.
19. **SANTEX TRUCK CENTER, LTD.** for Cab & Chassis Mounted with a Dry Freight Van Body through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Solid Waste Management Department - \$62,295.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0350 ADOPTED.
20. **EAST TEXAS MACK SALES, d/b/a B AND C BODY COMPANY** for Stationery Packers and Receiver Containers through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Solid Waste Management Department - \$150,180.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0351 ADOPTED.
21. **BROOKSIDE EQUIPMENT SALES, INC** - \$793,267.07 and **RUSH EQUIPMENT CENTERS OF TEXAS, INC dba RUSH EQUIPMENT CENTER OF HOUSTON** - \$787,373.43 for John Deere Tractor Replacement Parts and Repair Services for Various Departments - General and Fleet Management Funds – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0352 ADOPTED.

Council Member Clutterbuck moved to suspend the rules to remove Item No. 33 for separate consideration, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0353 ADOPTED.

**ORDINANCES** - NUMBERS 24 through 71

24. ORDINANCE approving and authorizing contract between the City of Houston and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)** for the City's Air Pollution Control Program - September 1, 2009 through August 31, 2011 - \$1,159,484.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0524 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City of Houston and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)** for the Biowatch Air Monitoring System \$788,967.75 - Grant Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0525 ADOPTED.
26. ORDINANCE approving and authorizing various contracts for Elderly Services providing through the Harris County Area Agency on Aging between the City and (1) **ALPHA EYECARE ASSOCIATES PLLC**, (2) **DENT-O-CARE P.A.**, (3) **RONALD L. NORSWORTHY, INC d/b/a HOME HELPERS FORT BEND**, (4) **LONE STAR LEGAL AID** and (5) **THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON**; providing a maximum contract amounts Through September 30, 2009 with 3 one-year renewals - \$2,319,493.67 - Grant Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0526 ADOPTED.
27. ORDINANCE authorizing the reallocation of the amounts which may be issued for authorized purposes of the City of Houston, Texas General Obligation Commercial Paper Notes, Series D, Series H-1 and Series H-2; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0527 ADOPTED.
29. ORDINANCE awarding Contract to **RCC CONSULTANTS, INC** for 700MHz Radio Consulting Services for the Information Technology Department; providing a maximum contract amount \$5,000,000.00 - General Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0528 ADOPTED.
31. ORDINANCE approving and authorizing contract between the City of Houston and **GREENBERG TRAUIG LLP** for Legal Services relating to Cause No. 2008-48039; Atser Corporation and Atser, L.P. v. City of Houston; in the 334th Judicial District Court of Harris County, Texas, providing a maximum contract amount - \$500,000.00 - CIP Salary Recovery Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0529 ADOPTED.
32. ORDINANCE amending Ordinance No. 2009-153 (passed on February 25, 2009) to increase the maximum contract amount for contract between the City of Houston and **TRACE MANAGEMENT, INC** for Litigation Support Services relating to Cause No. 2007-03956; the Morganti Group, Inc. v. City of Houston; in the 113th Judicial District Court of Harris County, Texas - \$50,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0530 ADOPTED.
34. ORDINANCE approving the application of **ENTERGY TEXAS, INC** for authority to implement New Rough Production Cost Equalization Adjustment (RPCEA) Rate filed with the City of Houston on May 26, 2009 - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0531 ADOPTED.

35. ORDINANCE approving and authorizing Lease Agreement between **HOUSTON INTERNATIONAL UNIVERSITY, A Texas Nonprofit Corporation, as tenant**, and the City of Houston, Texas, as owner, for land and improvements at 1620 Crockett Street, Houston, Harris County, Texas - Revenue - **DISTRICT H** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0532 ADOPTED.
36. ORDINANCE approving and authorizing first amendment to professional Energy Audit Services contract between the City of Houston and **SIEMENS BUILDING TECHNOLOGIES, INC** for Energy Audits for Various City Facilities (approved by Ordinance No. 2008-0439) – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0533 ADOPTED.
37. ORDINANCE appropriating \$712,663.00 out of Solid Waste Consolidated Construction Fund for Purchase and Installation of CCTV and Access Control Security Equipment at the Northeast and Southwest Service Centers for the Solid Waste Management Department under an existing contract with **BL TECHNOLOGY, INC - DISTRICT C - CLUTTERBUCK and DISTRICT H** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0534 ADOPTED.
38. ORDINANCE appropriating \$220,000.00 out of General Improvement Consolidated Construction Fund; \$176,657.80 out of Parks Consolidated Construction Fund; and \$5,668.00 out of Parks Special Fund and approving and authorizing issuance of purchase order to **T. F. HARPER ASSOCIATES L.P.** for Construction of Walking Trails and Purchase and Installation of Lights and Site Furnishings for Cole Creek and Lake Forest Parks for Parks and Recreation Department **DISTRICTS A - LAWRENCE and B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0535 ADOPTED.
40. ORDINANCE appropriating \$1,903,000.00 out of Solid Waste Consolidated Construction Fund; awarding construction contract **SPAWGLASS CIVIL CONSTRUCTION, INC** for Neighborhood depositories at 10785 Southwest Freeway and 9003 N. Main; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services and contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK and DISTRICT H** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0536 ADOPTED.
41. ORDINANCE appropriating \$376,440.00 out of Solid Waste Consolidated Construction Fund and awarding construction contract **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank Replacement and aboveground storage tank installation at Northwest Vehicle Maintenance Facility; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management and construction oversight services and contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0537 ADOPTED.
42. ORDINANCE appropriating \$159,440.27 out of Street & Bridge Consolidated Construction Fund for Reimbursement to Texas Department of Transportation (TxDOT)

for the Southeast Houston On-Street Bikeway Network (Approved by Ordinance No. 95-1290) - **DISTRICTS D - ADAMS; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0538 ADOPTED.

43. ORDINANCE appropriating \$3,708,300.00 as the City's Match out of Street & Bridge Consolidated Construction Fund for the Texas Department of Transportation (TxDOT) Construction of the **WEST WHITE OAK BAYOU TRAIL EXTENSION BIKEWAY PROJECT DISTRICTS A - LAWRENCE and B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0539 ADOPTED.
45. ORDINANCE awarding contract to **MAIN LANE INDUSTRIES, LTD** for Concrete Pavement Repair Services for the Public Works & Engineering Department; providing maximum contract amount - 3 years with two one-year options - \$14,382,400.00 - General Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0540 ADOPTED.
46. ORDINANCE awarding contract **HOUMA ARMATURE WORKS HOUSTON, LLC**, for Large Submersible Pump Repair Services for Public Works & Engineering Department; providing a maximum contract amount - 3 years with two one-year options - \$10,552,358.80 - Enterprise Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0541 ADOPTED.
47. ORDINANCE awarding contract **HAHN EQUIPMENT CO., INC** for Large Submersible Pump Repair Services for Public Works & Engineering Department; providing a maximum contract amount - 3 years with two one-year options - \$3,661,902.10 - Enterprise Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0542 ADOPTED.
48. ORDINANCE appropriating \$220,000.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **POLYTECH, INC dba PTI, INC** for Local Drainage Project Negotiated Work Orders; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0543 ADOPTED.
49. ORDINANCE appropriating \$167,434.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation Professional Engineering Services Contract between the City of Houston and **AECOM TECHNICAL SERVICES, INC** for the Brittmoore Road Reconstruction Project (Approved by Ordinance No. 99-1020); providing funding for contingencies relating to the construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0544 ADOPTED.
50. ORDINANCE appropriating \$1,345,850.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation Professional Engineering Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC (PGAL)** for the Northline Paving from Parker to Canino (Approved by Ordinance No. 2005-0430 and 2006-335); providing funding for contingencies relating to the construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON and DISTRICT H** – was presented. All voting aye.

Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0545 ADOPTED.

51. ORDINANCE appropriating \$843,319.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **OMEGA ENGINEERS, INC** for Reconstruction of Harvey Wilson Drive from Lockwood Drive to Clinton Drive; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0546 ADOPTED.
52. ORDINANCE appropriating \$528,000.00 out of Parks Consolidated Construction Fund, awarding construction contract to **MILLIS DEVELOPMENT & CONSTRUCTION, INC** for Hermann Park Lake Picnic Area Improvements; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0547 ADOPTED.
53. ORDINANCE appropriating \$10,896,000.00 out of Drainage Improvement Commercial Paper Series F Fund, \$1,519,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PACE SERVICES, L.P.** for Kirby Drive Relief Storm Sewer - Phase 2; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0548 ADOPTED.
54. ORDINANCE appropriating \$981,167.00 out of Metro Project Commercial Paper Series E Fund, \$212,657.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ACM CONTRACTORS, INC** for NSR 444 Gelhorn Street: Guinevere to Josie; 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, construction management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT H** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0549 ADOPTED.
55. ORDINANCE appropriating \$2,083,000.00 out of Metro Project Commercial Paper Series E Fund, awarding contract to **MAR-CON SERVICES, L.L.C.** for Upgrade of Roadway on W. Orem Drive from Almeda Road to West Bank of Sims Bayou; 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 services, project management, construction management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund - **DISTRICT D**

- **ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0550 ADOPTED.

56. ORDINANCE appropriating \$5,710,400.00 out of Metro Project Commercial Paper Series E Fund, \$1,300,000.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING, LTD** for Reconstruction of Parker Road from Airline to Hardy Toll Road; 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, construction management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT H** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0551 ADOPTED.
57. ORDINANCE appropriating \$4,595,100.00 out of Metro Project Commercial Paper Series E Fund, \$662,000.00 from Water & Sewer System Consolidated Construction Fund and \$392,000.00 from Water & Sewer Contributed Capital Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, CO.** for Paving Extension of Buffalo Speedway and Willowbend from West Bellfort to Holmes Road; 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, construction management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund, Water & Sewer System Consolidated Construction Fund and Water & Sewer Contributed Capital Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0552 ADOPTED.
58. ORDINANCE appropriating \$2,583,768.56 out of Metro Project Commercial Paper Series E Fund, awarding construction contract to **STATEWIDE TRAFFIC SIGNAL COMPANY** for Traffic Signal Construction Work Order Contract at various locations citywide; 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 contingencies and project management relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0553 ADOPTED.
59. ORDINANCE appropriating \$1,853,393.00 out of Metro Project Commercial Paper Series E Fund, \$228,583.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TRIPLE B. SERVICES, L.L.P.** for Long Point: Blalock Blvd. Intersection and approaches; 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 Metro Project Commercial Paper Series E Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0554 ADOPTED.
60. ORDINANCE appropriating \$6,157,503.99 out of Metro Project Commercial Paper Series E Fund, \$536,801.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BEYER CONSTRUCTION, L.L.P.** for Wilcrest Dr. Rehab:

Bellaire to Beechnut; 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 Metro Project Commercial Paper Series E Fund, Water & Sewer System Consolidated Construction Fund - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0555 ADOPTED.

61. ORDINANCE appropriating \$1,513,000.00 out of Street & Bridge Consolidated Construction Fund awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for Safe Sidewalk Program D2 Project, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0556 ADOPTED.
62. ORDINANCE appropriating \$1,642,000.00 out of Street & Bridge Consolidated Construction Fund awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for Safe Sidewalk Program Project D3, 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 Street & Bridge Consolidated Construction Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0557 ADOPTED.
63. ORDINANCE appropriating \$966,400.00 out of Street & Bridge Consolidated Construction Fund awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Safe Sidewalk Program D4 Project, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0558 ADOPTED.
64. ORDINANCE appropriating \$513,200.00 out of Street & Bridge Consolidated Construction Fund awarding contract to **TJ & T ENTERPRISES, INC** for Safe Sidewalk Program D5 Project, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0559 ADOPTED.
65. ORDINANCE appropriating \$1,016,400.00 out of Street & Bridge Consolidated Construction Fund awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Safe Sidewalk Program H4 and H5 Projects, 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 Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON; E - SULLIVAN and DISTRICT H** – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0560 ADOPTED.

66. ORDINANCE appropriating \$1,965,647.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract **RELIANCE CONSTRUCTION SERVICES, L.P.** for Waterline abandonment and relocation; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0561 ADOPTED.
67. ORDINANCE appropriating \$568,678.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract **HUFF & MITCHELL, INC** for Wastewater Collection System Rehabilitation and Renewal; 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 and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
68. ORDINANCE appropriating \$3,738,285.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
69. ORDINANCE appropriating \$3,532,375.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
70. ORDINANCE granting to **PFP ABATEMENT GROUP, LLC, A TEXAS CORPORATION**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**
71. ORDINANCE No. 2009-507, passed first reading June 10, 2009  
ORDINANCE granting to **HUFF & MITCHELL, 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 - **SECOND READING**

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**MISCELLANEOUS**

2. REQUEST from Mayor for confirmation of the appointment of **MR. BILLY J. BRISCOE** to Position Four, to the **AFFIRMATIVE ACTION CONTRACT COMPLIANCE COMMISSION**, for a term to expire January 1, 2010 – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0354 ADOPTED.

Council Member Adams and Mayor White congratulated Mr. Briscoe on his appointment and Mayor White asked that he stand and be recognized. Council Members Johnson, Clutterbuck and Sullivan.

3. REQUEST from Mayor for confirmation of the appointment of **MR. TASLEEM SIDDIQUI** to Position Seven of the **HOUSTON BUSINESS DEVELOPMENT, INC BOARD OF DIRECTORS**, for a three year term – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson, Sullivan and Noriega absent. MOTION 2009-0355 ADOPTED.

Council Members Khan and Jones and Mayor White congratulated Mr. Siddiqui on his appointment and Mayor White asked that he stand and be recognized. Council Members Johnson, Sullivan and Noriega absent.

Council Member Adams moved to suspend the rules to consider Item No. 72 at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0356 ADOPTED.

72. RECEIVE nominations for Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two-year term – was presented. Council Members Johnson and Sullivan absent.

Council Member Khan stated that he would re-nominate Mr. Kase Lawal for Position Seven of the Houston Business Development, Inc Board of Directors and had passed his resume around the table. Council Members Johnson and Sullivan absent.

Council Members Khan, Rodriguez, Jones and Adams congratulated Mr. Lawal on his re-nomination and his service to the City of Houston.

Council Member Khan moved to close nominations for Position Seven of the Houston Business Development, Inc. Board of Directors, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0357 ADOPTED.

**PROPERTY**

8. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and withdraw the City's objections to the award in connection with eminent domain proceeding styled City of Houston v. Cole Family Partnership Two, Ltd., et al., Cause No. 932,451; for acquisition of Parcel CY6-009; for the **WESTWAY LIFT STATION CONSTRUCTION**

**PROJECT - DISTRICT A – LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0358 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS**

9. **CARRERA CONSTRUCTION, INC** for Structural Bracing and Exterior Wall Construction of Fire Station No. 20 for General Services Department - \$412,613.00 and contingencies for a total amount not to exceed \$453,874.30 - Reimbursement of Equipment/Projects Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0359 ADOPTED.
12. **SHI GOVERNMENT SOLUTIONS, INC** for Microsoft Enterprise License Agreement through the City's Master Agreement with the Texas Department of Information Resources for Information Technology Department - \$3,446,622.00 - Central Services Revolving Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0360 ADOPTED.
13. ORDINANCE appropriating \$316,000.00 out of Public Library Consolidated Construction Fund for Purchase of Materials and Information Technology Equipment for the African American Library – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0566 ADOPTED.
- 13a. **PROQUEST** - \$56,500.00 for Purchase of Archival Materials and Microfiche and **GALE, A CENGAGE LEARNING COMPANY** - \$53,000.00 for Purchase of Databases for Library Department – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2009-0361 ADOPTED.

#### **ORDINANCES** - NUMBERS 22 through 71

22. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2009-0140 by adding Eight (8) Engineer/Operator Positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0567 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC** to provide \$148,728.00 in Community Development Block Grant Funds to assist in the administration and operation of the Emergency Mobile Outreach Program – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0568 ADOPTED.
28. ORDINANCE appropriating \$150,000.00 from the FY2009 Fund Balance of the Cable Television Special Revenue Fund; authorizing the transfer of the appropriated funds to the Expenditure Budget of the Cable Television Special Revenue Fund – was presented. All voting aye. Nays none. Council Members Johnson and Sullivan absent. ORDINANCE 2009-0569 ADOPTED.
30. ORDINANCE approving and authorizing Professional Contract between the City of Houston and **ABITIBI-CONSOLIDATED, CORP.** for the Implementation of a Recycling

Program for City facilities; providing a maximum contract amount - 5 Years - \$1,630,514.00 - General and Enterprise Funds – was presented, and tagged by Council Member Noriega. Council Members Johnson and Sullivan absent.

33. ORDINANCE approving and authorizing contract between the City of Houston and **FELDMAN AND ROGERS, L.L.P.** for Legal Services relating to Civil Action No. H-06-2650; George Rodriguez v. City of Houston, et al.; in the United States District Court for the Southern District of Texas, Houston Division; establishing a maximum contract amount - \$200,000.00 - Property and Casualty Fund – was presented.

After questions and discussion by Council Members Clutterbuck, Jones and Noriega, Mr. Michel stated that he did not know if Mr. Rodriguez had applied for the State funds that were available for wrongful incarceration, that in the media he said he was going to pursue it, but whether he actually did or not he would find that out also. Council Members Clutterbuck, Rodriguez and Brown absent.

A vote was called on Item No. 33. All voting aye. Nays none. Council Members Clutterbuck, Rodriguez and Brown absent. ORDINANCE 2009-0570 ADOPTED.

39. ORDINANCE appropriating \$110,000.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing Construction Management At Risk Contract between the City of Houston and **GILBANE BUILDING COMPANY** for Palm Center/Young Library Replacement **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Sullivan and Brown absent. ORDINANCE 2009-0571 ADOPTED.

44. ORDINANCE approving and authorizing contract between the City and **THE WACKENHUT CORPORATION** for Security Guard Services for the City of Houston; providing a maximum contract amount - 3 years with two one-year options - \$42,718,060.52 - General, Enterprise, Stormwater, Fleet Management and Building Inspection Funds - was presented. Council Members Sullivan and Brown absent.

After discussion by Council Members a vote was called on Item No. 44. All voting aye. Nays none. Council Members Sullivan and Brown absent. ORDINANCE 2009-0569 ADOPTED.

**MATTERS HELD** - NUMBERS 73 through 73B

### **FISCAL YEAR 2009 BUDGET MATTERS HELD**

73. Consideration of proposed amendments to Item 73A below, submitted in writing on June 10, 2009 by Council Members Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm (for Lawrence), Rodriguez, Brown, Noriega, Green and Jones as set forth in the attached Exhibits (Amendments will be considered in the order of a matrix prepared by the Administration)

At 10:07 a.m. Mayor White stated that they had before them a sheet classified by category concerning various items, that if there was no objection he would ask people to flip through and see the sheer volume, divide that by hours in the day and think about when they wanted to get out of there, that he had seen this body adopt unanimously, without discussion, some unbelievable far reaching things in the City, and he had noticed that there was no relationship to the amount of discussion and the significance of an item, and requested the City Secretary to begin calling the items.

Line 1 – Clutterbuck – Amendment 8:12

The administration shall promptly solicit COH employee suggestions to produce budget efficiencies and shall establish a process for review and implementation of viable suggestions – was presented, moved by Council Member Khan, seconded by Council Member Rodriguez. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0362 ADOPTED.

Line 2 – Khan – Amendment 11.03

Continue to develop process re-engineering improvements aimed at efficiency gains, using both in-house resources and, where necessary, outside consultants – was presented. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

After discussion by Council Member Khan a vote was called on Amendment 11.03. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0363 ADOPTED.

Line 3 – Brown – Amendment 1.08

That the City create a City of Houston Commission of Promoting Efficiency. This Commission would be composed of front-line city employee representatives from each department, representatives of the city's major employee unions, and representatives from the Mayor's Office, City Controller's Office and the Finance Department. The purpose of the Commission would be to identify and implement innovative ideas for improving efficiency, generating additional revenues and/or improving service delivery to the citizens of Houston. **Source of Funding:** N/A – was presented.

After discussion Council Member Brown moved to table Amendment 1.08, seconded by Council Member Green. All voting aye. Nays none. Council Member Jones absent. MOTION 2009-0364 ADOPTED.

Line 4 – Brown – Amendment 1.02

That a Productivity Investment Fund be established with a initial funding level of \$500,000. This fund would be overseen by an oversight panel that would regularly call for productivity investment requests from the departments. These would be evaluated based on criteria that evaluate return on investment and/or improvement in service delivery and funded for implementation **Source of Funding:** Termination of extra pay-for performance programs in ARA, MCA, SWD (ref. Page VI-11, Line Item 500210, Page III-25, Line Item 500210, and Page IV-45, Line Item 500210) – was presented.

After discussion Council Member Brown moved to table Amendment 1.02, seconded by Council Member Khan. All voting aye. Nays none. Council Member Jones absent. MOTION 2009-0365 ADOPTED.

Line 5 – Clutterbuck – Amendment 8.03

All Departments - General Fund: Department Directors shall review all contracts with more than 12 months remaining (including contract extension periods) to evaluate rebidding options with the goal of achieving cost savings – was presented.

The City Secretary called for a motion on Item No. 8.03 and Mayor White asked if there was not a motion already, was it not an amendment, and the City Secretary stated that they were all written motions, and Mayor White asked if they needed a motion on any of these and the City Secretary stated that she guessed not if they were all in writing, and Mayor White stated that all of these things had been moved and seconded and were on the agenda tagged, except for those that there was a substitute or substitute language or amendments; that a

substitute was the same thing as an amendment, under Roberts Rules of Order, that they were called different things but that was what it was, that the motion to amend had to be seconded and he would ask Council Members, out of respect, even things he opposed, everybody had the right to tag but in respect to their colleagues they did not mind votes.

After discussion by Council Members, Council Member Holm stated that there were several amendments that addressed all departments and then General Fund and she knew that most of the time they addressed General Fund but there really were a lot of other funds that were incorporated in their budgeting process and why would they not do the same things that they were providing for all departments and all funds instead of just the General Fund for all of these amendments, and Mayor White stated that they would have to review these one by one and if he understood Council Member Holm's comment it would be to see if they could delete the words "after all departments General Fund" and just put "all departments", and if Council Member Holm wanted to make that amendment orally and there was a second then certainly they would support that.

Council Member Holm moved to delete the word "General Fund" and address it to all departments, seconded by Council Member Khan.

A vote was called on Council Member Holm's motion to delete the word "General Fund" in Amendment 8.03. All voting aye. Nays none. Council Member Brown absent. MOTION CARRIED.

A vote was called on Amendment 8.03 as amended. All voting aye. Nays none. Council Member Brown absent. MOTION 2009-0366 ADOPTED AS AMENDED.

Line 6 – Khan – Amendment 11.01

Finance Department shall present to the Budget and Fiscal Affairs Committee a quarterly line item variance report (budgeted to actual expenditures) – was presented.

After discussion by Council Member Khan a vote was called on Amendment 11.01. All voting aye. Nays none. MOTION 2009-0367 ADOPTED.

Mayor White stated that this would be much more detailed than the MOFAR and the success of it would depend in part on Council Members taking an interest and from time to time asking questions about those variances.

Line 7 – Clutterbuck – Amendment 8.04

All Departments - General Fund: The Department of Finance shall monitor all budgeted civilian vacancy FTEs, including full-time, part-time, and over-time positions, and their corresponding annualized salaries, on a monthly basis and will adjust the department budgets accordingly. The adjustments shall be reflected in the Monthly Financial Operations Report to Council.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

"All Departments - General Fund: The Department of Finance shall monitor all budgeted civilian vacancy FTEs, including full-time, part-time, and over-time positions, and their corresponding annualized salaries, on a monthly basis and will adjust the department budgets accordingly. ~~The adjustments~~ Actual amounts relative to budget shall be reflected in the Monthly Financial Operations Report to Council."

Council Member Clutterbuck moved to approve the substitute amendment for Amendment 8.04, seconded by Council Member Khan.

Council Member Holm moved to amend the substitute amendment to remove the words General Fund, seconded by Council Member Khan.

A vote was called on Council Member Holm's motion to amend the substitute amendment. All voting aye. Nays none. MOTION TO AMEND THE SUBSTITUTE AMENDMENT CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. MOTION 2009-0368 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 8 – Khan – Amendment 11.02

The Finance Department shall undertake a vacancy analysis for all departments and report findings to the Budget and Fiscal Affairs Committee on a quarterly basis.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

The Finance or Human Resources Department shall undertake a vacancy analysis for all departments and report findings to the Budget and Fiscal Affairs Committee on a quarterly basis.

Council Member Khan moved to approve the substitute amendment for Amendment 11.02, seconded by Council Member Green.

After discussion a vote was called on the motion by Council Member Khan to approve the substitute amendment for Amendment 11.02. All voting aye. Nays none. MOTION TO APPROVE SUBSTITUTE AMENDMENT CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. MOTION 2009-0369 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 9 – Clutterbuck – Amendment 8:10

All Departments - General Fund: Any FTE position that has gone unfilled for more than 12 months as of July 1, 2009 shall be eliminated. Reinstatement of the position will be made only with written justification and budgetary impact to be submitted to the Mayor or the Mayor's designee for approval - was presented.

Council Member Clutterbuck moved to delay Line 9 – Amendment 8.10 until later in the meeting, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0370 ADOPTED.

Line 10 – Clutterbuck – Amendment 8.06

All Departments - General Fund: All attrition related vacancies and "new-hire" positions funded from the General Fund after June 30, 2009 shall require written justification and budgetary impact to be submitted to the Mayor or the Mayor's designee for approval - was presented.

Council Member Clutterbuck move to table Amendment 8.06, seconded by Council

Member Lovell. All voting aye. Nays none. MOTION 2009-0371 ADOPTED.

Line 11 – Brown - Amendment 1.03 Human Resources, in conjunction with representatives of a limited number of General Fund departments, evaluate the establishment for FY 2011 of a "Vacant Job Fund" to centrally track and manage funds appropriated for vacant general fund civilian positions. **Source of Funding:** N/A - was presented.

After discussion Council Member Brown moved to table Amendment 1.03, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lovell absent. MOTION 2009-0372 ADOPTED.

At 10:35 Mayor White stated that he had been informed that Item Numbers 1 and 1a were now in and recognized Ms. Annise Parker, City Controller. Council Member Jones absent.

**APPROXIMATELY 10:15 A. M.**

1. Announcement by City Controller of the results of the electronic auction-style bidding for the sale of \$150,000,000.00 Tax and Revenue Anticipation Notes, Series 2009 – was presented.

Ms. Parker stated that they had just completed an internet auction for \$150 million worth of City of Houston Tax Revenue Anticipation Notes, Series 2009, that they were distributing the final tally, there were three winning firms and their bids and true interests costs were listed, the winning bidders were Citi Group, JP Morgan and Wachovia Bank, each with \$50 million of the principle and a true interest cost of .41% and would respectfully ask Council to approve the award by motion.

- 1a. MOTION awarding the Sale of \$150,000,000.00 Tax and Revenue Anticipation Notes, Series 2009, based on the lowest true interest cost, ratify and confirm the use of the Preliminary Official Statement provided to prospective bidders in connection with the offering for sale of the Notes, and authorize the distribution of the Official Statement – was presented, moved by Council Member Khan. Seconded by Council Member Holm. All voting aye. Nays none. Council Members Rodriguez and Jones absent. MOTION 2009-0373 ADOPTED.

Line 12 – Clutterbuck – Amendment 8.05

All Departments - General Fund: All civilian employee staffing levels – reflecting occupied FTE positions shall be funded at FY 2009 levels or lower if recommended by the individual department directors - was presented.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

All Departments – All civilian employees staffing levels – reflecting civilian employee head count positions as of May 31, 2009, shall be maintained at FY2009 levels or lower. Exceptions must be either grant-funded or approved by the Mayor or the Mayor's designee, and reported monthly to Council on a monthly basis. Council shall also receive a monthly report on the number of resignations and terminations each month, and the number of new hires. Council Members Noriega absent.

After discussion Council Member Clutterbuck moved to approve the substitute amendment for Amendment 8.05, seconded by Council Member Khan. Council Member Noriega absent.

After discussion by Council Members a vote was called on Council Member Clutterbuck's motion to approve the substitute amendment for Amendment 8.05. All voting aye. Nays none. MOTION ON SUBSTITUTE AMENDMENT CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0374 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 13 – Clutterbuck – Amendment 8.07

Department of Finance - General Fund: The Administration and the Department of Finance shall perform a detailed civilian staffing analysis with the intent to develop a plan and implement suggested changes to achieve budgetary savings and efficiencies in civilian staffing for all departments – was presented.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

~~Department of Finance—General Fund: The Administration and the Department of Finance shall perform a detailed civilian staffing analysis with the intent to develop a plan and implement suggested changes to achieve budgetary savings and efficiencies in civilian staffing for all departments.~~

Council Member Clutterbuck moved to approve the substitute amendment for Amendment 8.07, seconded by Council Member Khan.

Council Member Holm moved to amend the substitute amendment to delete the words "General Fund", seconded by Council Member Khan. All voting aye. Nays none. MOTION CARRIED.

A vote was called on Council Member Clutterbuck motion approve the substitute amendment for Amendment 8.07. All voting aye. Nays none. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. MOTION 0375 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 14 – Clutterbuck – Amendment 8:11

Human Resources - General Fund: Within 6 months, the Director shall study and report to Council the long term costs of medical benefits provided to former COH employees who are not eligible for Medicare and who are not disabled. The study shall also examine and compare COH policy to the practices of other large public and private employers in the community – was presented.

After discussion by Council Member Clutterbuck a vote was called on Amendment 8.11. All voting aye. Nays none. MOTION 2009-0376 ADOPTED.

Line 15 – Green – Amendment - 4.06

The Administration shall, within a week of the adoption of the FY2010 budget, report on the year-to-year increase in proposed capital expenditures and total expenditures by each of the Tax Increment Reinvestment Zones, from FY2009 to FY2010. The Administration shall report these amounts also by Council District. The Administration shall report on the amount by which unrestricted cash balances within the General Fund would increase, or public services –

including public safety – could increase, if the total increase in spending by TIRZ within any Council District was limited to no more than \$2 million from FY2009 to FY2010, with that limit being exclusive of grant funding, and the balance of funds available for requested or planned spending was allocated instead to an increase in the municipal services fee and used as an offset to planned General Fund spending for public safety – police and fire/EMS protection – within the police district and fire service area in which the TIRZ is located. The Administration shall also report before the submission of FY2010 TIRZs budgets, with respect to each TIRZs, concerning whether there are improvements to residential streets in any TIRZs and which would not qualify for City funding under the Neighborhood Street Reconstruction Program based on the age of the street, the existence of a resident petition, and the street pavement conditions. The Administration shall also report before the submission of FY2010 TIRZs budgets, with respect to each TIRZs, concerning whether there are improvements to residential streets in any TIRZs and which would not qualify for City funding under the Neighborhood Street Reconstruction Program based on the age of the street, the existence of a resident petition, and the street pavement conditions. – was again before the City Council.

Council Member Green moved to delay Amendment 4.08 until later in the meeting, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0377 ADOPTED.

Line 16 - Clutterbuck – Amendment 8.02

Neighborhood Protection - General Fund: Funding for Neighborhood Protection Inspectors shall remain at FY 2009 levels – was presented.

Council Member Holm moved to amend Amendment 8.02 by deleting the words “General Fund”, seconded by Council Member Khan. Mayor White stated that if there was no objection the item would be amended by consent.

After discussion by Council Members a vote was called on Amendment 8.02 as amended. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0378 ADOPTED AS AMENDED.

Line 17 – Khan – 11.08

Require Neighborhood Protection to add 10 new inspectors to the department's staff. Revenue from increased inspections and subsequent fees can be allocated to salary base pay for additional employees - was presented. Council Member Green absent.

After discussion Council Member Khan moved to table Amendment 11.08, seconded by Council Member Brown. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0379 ADOPTED.

Line 18 – Lawrence – Amendment 6.01

Increase the number of Community Service Inspectors for the Neighborhood Protection Corps by 8 - was presented. Council Member Green absent.

Council Member Lawrence stated that this was basically the same amendment as No. 16, that three weeks ago she announced about the lack of employment in Neighborhood Protection, which kind of headed this up, and then Captain Curran came to committee and they all realized how short that department was, and this just tells her that they needed to stay in tune a little bit more as Council Members, that she was very pleased at some of the amendments, as far as FETs, and keeping control of that and thought it would help all of them, that she thought there was a problem with qualifications that had been resolved, that a lot had been going on. Council Member Green absent.

Council Member Lawrence moved to table Amendment 6.01, seconded by Council Member Khan. Council Member Green absent.

Council Member Adams stated that she listened to Council Member Holm and making sure of her amendment that when they took it (General Fund) out would they be able to cross over, that if a director said they had a couple of funds left over could the administration approve for another department to pay for a Neighborhood Protection Inspector. Council Members Green and Jones absent.

Mayor White stated that the department would not pay for it (inspector), the City of Houston would pay for it, that it would be paid for out of a General Fund and there may be some subsidiary accounts, line items within that General Fund; that generally they wanted the headcount to be flat or go down and they ought to hope it did if they did not want a lot of tough decisions that would impair services next June, but they were not having a freeze on any particular hiring category and he and Members around the Council table were saying in particular effective Neighborhood Protection was something of a high priority to them. Council Members Green and Jones absent.

Council Member Clutterbuck stated that the concern expressed by Council Member Adams and others was that they did not want the amendment to be misunderstood and that should they receive grant funds, CDBG grant dollars or other funds that they would not therefore be limited by the amendment, that this was a limiting amendment, and thought that was the intent of the administration and certainly her intent in authoring the original amendment. Council Member Green absent.

Council Member Jones stated that they receive CDBG funds from the federal government specifically to help low and affordable income families and community development in those areas and to the extent any language limits that she would be opposed to it, that she would like clarification in writing. Council Member Green absent.

Council Member Brown stated that they did not want to hamstring the administration if resources that would improve the level of service, if they came from a stimulus package or some outside source, that he thought it was pretty clear. Council Member Green absent.

Council Member Noriega stated that if they went back to look at Line 16, did the amendment that took General Fund off of it then limit their ability to accept grant money for it, and Mayor White stated no, and Council Member Noriega stated that it made a general limiting to remain at the 2009 level and she just wanted to make sure that was what they wanted to do for this particular department, and her question was that on this one thing she might make a motion to reconsider if they had limited, in this one particular case, their ability to accept additional funds that were outside General Funds for this particular function. Council Member Green absent.

Mayor White stated that the intent was not to confine funding to the General Fund, but her point was well taken which was if they were to receive additional grant funds could they increase it above the FY2009 levels. Council Member Green absent.

Council Member Noriega moved to reconsider Motion 2009-0378, Line 16, Amendment 8.02, seconded by Council Member Khan. Council Member Green absent.

Council Member Holm stated that her intent was to do the exact same thing, if they were limiting it then that was not what the intent was. Council Member Green absent.

Council Member Noriega stated that she thought she understood her intent and agreed

with it in most cases, but in this particular case she thought it did not operate the way she meant.

After further discussion a vote was called on the motion to reconsider Motion 2009-0378, Line 16 – Amendment 8.02. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0380 ADOPTED.

Line 16 - Clutterbuck – Amendment 8.02

Neighborhood Protection - ~~General Fund~~: Funding for Neighborhood Protection Inspectors shall remain at FY 2009 levels – was again before the City Council.

Council Member Noriega moved to amend Amendment 8.02 by inserting the words “from General Fund”, seconded by Council Member Khan.

After discussion a vote was called on the motion to approve Amendment 8.02 as amended. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0380A ADOPTED AS AMENDED. BY THE SUBSTITUTE AMENDMENT .

A vote was called on the motion to table Amendment 6.01. All voting aye. Nays none. Council Member Green absent. MOTION 2009-0381 ADOPTED.

Line 19 – Sullivan – Amendment 10.09

Increase the number of Inspectors at NPC from 39 to 50 – was presented. Council Members Lawrence and Green absent.

After discussion by Council Members, Council Member Sullivan moved to table Amendment 10.09, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0382 ADOPTED.

Line 20 – Noriega - 3.01

Within 90 days complete a management analysis of the Neighborhood Protection Division to as a minimum review mission, goals, organization, training, staffing, processes, salary, facilities, equipment and inter departmental resources and make recommendations for improvements. This will include study of the benefits of cross training inspectors for further efficiency, exploring the possibility of hand held devices with multiple protocols & access to data on property including citations and previous violations – was presented. Council Member Sullivan absent.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

Within 90 days ~~complete~~ undertake a management analysis of the Neighborhood Protection Division as to a minimum review of mission, goals, organization, training, staffing, processes, salary, facilities, equipment and inter departmental resources and make recommendations for improvements. This will include study of the benefits of cross training inspectors for further efficiency, exploring the possibility of hand held devices with multiple protocols & access to data on property including citations and previous violations.

Council Member Noriega moved to substitute language for Amendment 3.01.

A vote was called on the motion to approve the substitute amendment for Amendment 3.01. All voting aye. Nays none. Council Member Sullivan absent. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0383 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 21 – Johnson – Amendment 7.04

The Neighborhood Protection Division of the Houston Police Department will allocate funds through the issuance of bonds to ensure that the department will be able to catch up with the back log of homes that have been processed but have not been abated. This amount will be utilized to hire inspectors.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

The Neighborhood Protection Division of the Houston Police Department and the administration will allocate sufficient funds through the issuance of ~~bonds~~ Certificates of Obligation to ensure that the department will be able to catch up with the back log of homes that have been processed but have not been abated. ~~This amount will be utilized to hire inspectors.~~

After discussion Council Member Johnson moved to approve the substitute amendment for Amendment 7.04. All voting aye. Nays none. Council Members Sullivan and Noriega absent. MOTION CARRIED.

After further discussion by Council Member Lovell, a vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0384 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 22 – Sullivan – Amendment 10.07

Increase funding for dangerous buildings and dilapidated buildings so homes can be removed within 60 days of final decision by the City of Houston or the courts – was presented. Council Member Sullivan absent.

Council Member Khan moved to delay Amendment 10.07 until later in the meeting, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0385 ADOPTED.

Line 23 – Green - 4.05

Require Legal Department and HPD - Neighborhood Protection to supply Council with quarterly reports on unspent dangerous building demolition funds.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

Require ~~Legal Department and~~ HPD - Neighborhood Protection and Finance Department to supply Council with quarterly reports on unspent dangerous building demolition funds, and to report on actual-to-budget variances every quarter.

Council Member Green moved to approve the substitute amendment for Amendment 4.05. Council Member Sullivan absent.

A vote was called on Amendment 4.05 as amended by the substitute amendment. All

voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0386 AS AMENDED.

Line 24 – Sullivan – Amendment 10.25

Provide laptops for NPC Field Inspectors – was presented. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0387 ADOPTED.

Line 25 – Adams – Amendment 9.01

Amend the General Fund-Legal Department budget to review the cost and need for additional investigatory resources in support of the Legal Department Neighborhood Services Division's enforcement of deed restrictions, dangerous building demolition, alcoholic beverage license protests, SOB ordinance enforcement and prosecution of crime based nuisances. An additional investigator, if warranted, would require approximately \$50,600 in personnel costs - was presented. Council Members Clutterbuck and Sullivan absent.

After discussion by Council Member Adams a vote was called on Amendment 9.01. All voting aye. Nays none. Council Members Clutterbuck and Sullivan absent. MOTION 2009-0388 ADOPTED.

Line 26 – Sullivan – Amendment 10.26

Add one FTE to the Legal Department for the sole purpose of assisting community organizations with deed restrictions – was presented. Council Members Clutterbuck and Sullivan absent.

Council Member Khan moved to delay Amendment 10.26 until later in the meeting, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Sullivan absent. MOTION 2009-0389 ADOPTED.

Line 27 – Rodriguez – Amendment 14.05

The Legal Department will identify and allocate revenue to fund legal action against building permit application affidavit violators immediately - was presented. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Rodriguez moved to approve the following substitute amendment for Amendment 14.05 as shown on the matrix. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

“The Legal Department will identify and allocate revenue to fund legal action against building permit application affidavit violators immediately including using Legal Department attorneys to bring suit”, seconded by Council Member Sullivan. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

A vote was called on the substitute amendment. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0390 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 28 – Clutterbuck – Amendment 8.08

Houston Police Department - General Fund: HPD shall examine and report to Council whether efficiencies could be gained by reducing the ratio of rank officers and senior officers to patrol officers – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0391 ADOPTED.

Line 29 – Sullivan – Amendment 10.13

Restore HPD overtime funding at a cost of 14 million dollars – was presented

Council Member Sullivan moved to delay Amendment 10.13 until later in the meeting, seconded by Council Member Khan. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0392 ADOPTED.

Line 30 – Brown – Amendment 1.05

HPD shall perform a cost/benefit study within the next 180 days to evaluate the costs and benefits of outsourcing its vehicles parts warehouses in a manner similar to how PW&E has outsourced its vehicle parts warehouses. **Source of Funding:** N/A – was presented. Council Member Noriega absent.

After discussion by Council Member Brown a vote was called on Amendment 1.05. All voting aye. Nays none. MOTION 2009-0393 ADOPTED.

Line 31 – Brown – Amendment 1.04

That HPD implement a technology plan for HPD's Real-Time Crime Center to upgrade the Center's Technology and the technology available to the officers in the field to ensure the utilization of the best-available technology so that the City of Houston can be a leader in "intelligence-led" policing. **Source of Funding:** N/A – was presented.

After discussion by Council Member Brown a vote was called on Amendment 1.04. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0394 ADOPTED.

Line 32 – Khan - Amendment 11.06

During FY 2010, the Administration shall engage various stakeholders in discussion regarding establishment of a regional crime lab – was presented.

After discussion by Council Members, Mayor White stated that he would work with the Council Members on this and a vote was called on Amendment 11.06. All voting aye. Nays none. Council Member Brown absent. MOTION 2009-0395 ADOPTED.

Council Member Green moved to take a break from 12:30 p.m. to 1:15 p.m., seconded by Council Member Adams. All voting aye. Nays none. Council Member Brown absent. MOTION CARRIED.

Line 33 – Jones – Amendment 5.03

Request that the Administration review and consider the cost to outsource, or financially collaborate with other governmental entities, i.e., the county, the duties of the Houston Police Department's crime labs (including, but not limited to, serology, DNA, fingerprinting and firearms) and City of Houston jails, from the FY '09 budget surplus fund, or from funds identified by the Administration – was presented.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

Request that the Administration review and consider the cost to outsource, or financially collaborate with other governmental entities, i.e., the county, the duties of the Houston Police Department's crime labs (including, but not limited to, serology, DNA, fingerprinting and firearms) ~~and City of Houston jails, from the FY '09 budget surplus fund, or from funds identified by the Administration~~ – was presented.

After discussion Council Member Jones moved to approve the substitute amendment for Amendment 5.03.

A vote was called to approve the substitute amendment. All voting aye. Nays none. Council Member Brown absent. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. Council Member Brown absent. MOTION 2009-0396 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 34 – Khan – Amendment 11.04

All City departments shall review current policies to ensure that sufficient corrective and/or disciplinary remedies are in place to minimize offensive or inappropriate workplace conduct - was presented. Council Member Brown absent.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

All City departments shall review, with assistance of Human Resources and Legal Departments, current policies to ensure that sufficient corrective and/or disciplinary remedies are in place to minimize offensive or inappropriate workplace conduct.

After discussion Council Member Khan moved to approve the substitute amendment for Amendment 11.04.

A vote was called on the motion to approve the substitute amendment. All voting aye. Nays none. Council Member Brown absent. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. Council Member Brown absent. MOTION 2009-0397 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 35 – Johnson – Amendment 7.03

Amend the City of Houston's Fiscal Year 2010 proposed General Fund budget for the Fire Department to allocate Training Cadet Classes Funds \$80,000, as funds specifically allocated for diversity training – was presented. Council Member Brown absent.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

Amend the City of Houston's Fiscal Year 2010 proposed General Fund budget for the Fire Department to allocate Training ~~Cadet~~ Classes Funds ~~\$80,000~~ \$60,000, as funds specifically allocated for diversity training.

After discussion by Council Members, Council Member Johnson moved to approve the substitute amendment and a vote was called on the substitute amendment for Amendment 7.03. All voting aye. Nays none. Council Member Holm absent. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. Council Members Lawrence and Sullivan voting no, balance voting aye. Council

Member Holm absent. MOTION 2009-0398 ADOPTED AS AMENDED.

Line 36 – Sullivan – Amendment 10.15

Conduct financial audit of Houston Airport System Development Corporation - was presented.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

Conduct financial ~~audit~~ review of Houston Airport System Development Corporation and make available to City Council upon completion, seconded by Council Member Khan. Council Member Holm absent.

Upon questions by Council Members Mayor White stated that there was an annual audit, and asked Mr. Hall to describe what they had put in place. Council Member Holm absent.

Mr. Hall stated that first understand that the Houston Airport System Development Corporation was a non profit corporation separate and apart from them but with whom they had a contract and some other frankly very complicated involvements, that at the Mayor's direction they had initiated a review to include a financial review of that department, they had received financial reports from the Houston Airport System Development Corporation but it had not provided them with the kind of detail that the Mayor wanted to have to make some judgment about how they proceeded in the future with regard to that activity, that it would be completed, they thought, in about six weeks, that they had also engaged outside assistance in doing that; that they had audited the contract that they had with them, which was a reimbursement for use of their employees, that they had that result, that he thought the intent and what the Mayor had directed them to do was to audit HASDC itself and its activities. Council Members Johnson, Adams, Holm and Noriega absent.

After further discussion, Council Member Khan stated that he thought there were a lot of questions being raised about HASDC and was glad that they clarified the point that they were going to review the finances and would suggest that this needed a little more detailed report, like a Mayor's report or something, and Mr. Hall stated that they fully agreed with him and the Mayor had directed them to do that and they were in the process of doing that; that he would plead with the Council Members to let them finish the review because it did involve potentially some complicated arrangements that did provide for them some assets by their participation in this and they had outside people now reviewing all of those various transactions to make a report to them on what exactly complete obligations were, and as the Mayor had asked him more specifically, what their assets were that they had accrued over time.

Council Member Sullivan moved to approve the substitute amendment and a vote was called on the motion to approve the substitute amendment for Amendment 10.15. All voting aye. Nays none. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. MOTION 2009-0399 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

At 12:39 p.m. the Houston City Council recessed and reconvened at 1:35 p.m. and Mayor White stated that they would return to the budget amendments. Council Members Johnson and Adams absent.

Line 37 – Brown – Amendment 1.07

That the City re-authorize its tax abatement program and include in that program a tax

abatement for the owner of a new LEED certified commercial facility and that the abatement be based upon the level of certification and the incremental investment associated with obtaining such certification. **Source of Funding:** Property tax revenues – was presented. Council Members Johnson and Adams absent.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

Administration shall study the need to re-authorize the Tax Abatement Program and should evaluate specifically a tax abatement program for LEED certified commercial facilities.

After discussion by Council Members, Council Member Brown moved to approve the substitute amendment for Amendment 1.07 and a vote was called on the substitute amendment. All voting aye. Nays none. Council Members Johnson, Adams and Lovell absent. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. Council Members Johnson, Adams and Lovell absent. MOTION 2009-400 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 38 – Rodriguez – Amendment 14.01

The administration will assist PWE in identifying and allocating funds (by September 30, 2009) to repair all damaged water meters city wide (by May 31, 2010) – was presented. Council Members Johnson, Adams and Lovell absent.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

The administration will assist PWE in identifying and allocating funds (by September 30, 2009) to repair current backlog of all damaged water meters (2" and smaller) city wide (by May 31, 2010).

Council Member Rodriguez moved to approve the substitute amendment for amendment 14.01. Council Members Johnson, Adams and Lovell absent.

Council Member Khan stated that he thought they were moving towards smart meters and asked when they said repair did that mean they had old meters they were going to repair or were they going to replace them with smart meters and were they tying Public Works and Engineering hands for repairing and not replacing, and Mayor White stated that he thought the answer was no and thought the issue of going from the current reader meter system to a new one may be worth some extended discussion in the appropriate committee and actually Council Member Khan's next amendment referred to that, but they were told that there was not a conflict. Council Members Johnson, Brown and Lovell absent.

A vote was called on the motion to approve the substitute amendment for Amendment 14.01. All voting aye. Nays none. Council Members Johnson, Brown and Lovell absent. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. Council Members Johnson, Brown and Lovell absent. MOTION 2009-0401 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 39 – Khan – Amendment 11.07

Within 90 days, PWE shall develop a plan to minimize estimated water usage billing through technology improvements – was presented. Council Members Johnson, Brown and Lovell absent.

After discussion by Council Member Khan a vote was called on Amendment 11.07. All voting aye. Nays none. Council Members Johnson, Brown and Lovell absent. MOTION 2009-0402 ADOPTED.

Line 40 – Brown – Amendment 1.06

PW&E evaluate and report within 90 days on currently available Department of Homeland Security-approved real-time monitoring and reporting systems for potable water and the availability of Homeland Security Agency grant funding. **Source of Funding:** N/A – was presented. All voting aye. Nays none. Council Members Johnson and Brown absent. MOTION 2009-0403 ADOPTED.

Line 41 – Khan – Amendment 11.05

PWE shall evaluate the potential use of Center Point Easements as tributaries to Bayous or tributaries to future flood water retention sites – was presented. Council Members Johnson and Brown absent.

Council Member Sullivan asked if they had discussed this with CenterPoint and if they knew whether or not CenterPoint owned the easements that they had access to and rights to, and Mayor White stated that he thought the intention was to look at the big trunk lines where they had not every CenterPoint easement but the ones where they saw towers and knew that when the issue was raised then he believed that Mr. Icken did have some dialog with CenterPoint but the Public Works professionals thought it was a very valuable idea worth considering and would say that they would not, as a practical matter, be able to do so without CenterPoint's consent, in any event this was just giving the administration and other's a nudge to consider, and Council Member Sullivan stated that he would be voting no, nothing personal to Council Members just a private property rights issue and question he had. Council Members Johnson and Brown absent.

Council Member Lawrence stated that they worked with one of the management districts and CenterPoint on a trail to connect some parks and CenterPoint did not want it because of lawsuits, that she supported it but was it reality, if they would not let in a bicycle trail, that there were all kinds of problems once they got into these easements that developed; and Mayor White stated that they would get an answer back. Council Member Johnson absent.

Council Member Lovell stated that she did not think there was any harm in doing this, that it was not going to cost them anything, if there was somewhere where CenterPoint felt they could use their property as a retention pond that was great, that one of the County's best dog parks along Westpark was underneath an easement and was used all the time. Council Member Johnson absent.

A vote was called on Amendment 11.05. Council Member Sullivan voting no, balance voting aye. Council Member Johnson absent. MOTION 2009-0404 ADOPTED.

Line 42 – Jones – 5.06

That the FY '10 budget include a program for repaving certain streets in southeast Houston and a report be made within 30 days after the adoption of the budget concerning the identities of those streets – was presented.

The City Secretary stated that the following substitute amendment was offered on the

matrix:

### **SUBSTITUTE AMENDMENT**

Request that the FY10 budget include a program for ~~repaving~~ asphalt overlay of surface streets, including streets in southeast Houston and other portions of Houston, and that a report project list be provided to Council ~~be made~~ within 30 days after the adoption of the budget ~~concerning the identities of those streets~~.

Council Member Jones moved to approve the substitute amendment for Amendment 5.06, seconded by Council Member Khan.

After discussion by Council Members a vote was called on the motion to approve the substitute amendment for Amendment 5.06. All voting aye. Nays none. Council Members Adams and Lovell absent. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. Council Member Sullivan voting no, balance voting aye. Council Members Adams and Lovell absent. MOTION 2009-405 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 43 – Clutterbuck – Amendment 8.01

Parks and Recreation - General Fund: The Director shall present a financial review of all City owned golf courses and deliver to the Mayor and Council within 30 days a report of the financial viability of each course and recommendations for possible closures or other uses to maximize value to the City. If closure is recommended, then a stakeholder group consisting of neighborhood representatives and others as designated by the Mayor and the District Council Member, shall promptly meet to evaluate future uses of the property – was presented.

After discussion Council Member Adams moved to amend Amendment 8.01 “to have the Parks Department establish a policy to set a time period not to exceed three years in which golf courses with financial viability concerns have to become financially viable, that these courses financial improvement plans and time period for plan to be promptly reported to Council”.

Mayor White stated that they understood that this amendment would be in addition to the Clutterbuck amendment to have the three year; that she was saying that there should be objective criteria, that for that reason they supported the addition to the Clutterbuck amendment, that it did not mean that they would not come up with some recommendations.

Council Member Khan stated that he would second Council Member Adams motion to amend Amendment 8.01.

After further discussion Council Member Lovell moved to table Amendment 8.01 to be sent to the Quality of Life Committee and then bring it back to the Council as a policy as it pertained to the budget.

After further discussion Council Member Lovell stated that she would withdraw her motion to table, that she understood that Council Member Clutterbuck was going to offer an amendment.

After further discussion Council Member Clutterbuck stated that she would move to table her amendment and presented the following substitute amendment, “the director shall be instructed, effective December 31, 2009. to terminate the golf program at any City owned park that has lost more than \$300,000 annually over the past five consecutive years, the park shall remain a public park”, that it was in writing and asked for a roll call vote.

After further discussion Council Member Johnson moved to table the amendment that Council Member Clutterbuck was offering, seconded by Council Member Holm.

After further discussion Council Member Clutterbuck stated that her amendment did not call for the closure of a park, it just called for ceasing the operation of a golf program, that it also did not specify a specific park, it called for it to happen at any park in the City of Houston that had a golf program that had lost consecutively over \$300,000 a year annually over the last five years, that she wanted to make a brief amendment to her substitute amendment, to make sure they complied with the City Charter, "that the director shall not incur expenses after December 31 to operate the golf program at any City owned park that had lost more than \$300,000 annually over the past five consecutive years, the park shall remain a public park", that it was in writing, and again would reiterate a roll call vote.

Mayor White stated that if there was no objection to changing the language on expenses then the substitute for the substitute would be so ordered; that Council Member Johnson had made a motion to table and if somebody wanted to take a vote on the motion to table the substitute amendment to the original Clutterbuck amendment then that would be the next vote.

After further discussion Council Member Green moved to call the question on the motion to table and Mayor White stated that he did not see any further speakers and asked if they wanted a roll call vote and the first vote was on the motion to table.

Roll Call vote on the substitute amendment:

Mayor White voting no	
Council Member Lawrence voting aye	Council Member Rodriguez voting aye
Council Member Johnson voting aye	Council Member Brown voting aye
Council Member Clutterbuck voting no	Council Member Lovell voting aye
Council Member Adams voting aye	Council Member Noriega voting aye
Council Member Sullivan voting aye	Council Member Green voting no
Council Member Khan voting aye	Council Member Jones voting aye
Council Member Holm voting aye	MOTION CARRIED

After further discussion Council Member Johnson moved to table Line 43 - Amendment 8.01, seconded by Council Member Holm and a roll call vote was called.

Roll Call

Mayor White voting no	
Council Member Lawrence voting aye	Council Member Rodriguez voting aye
Council Member Johnson voting aye	Council Member Brown voting aye
Council Member Clutterbuck voting no	Council Member Lovell voting aye
Council Member Adams voting aye	Council Member Noriega voting aye
Council Member Sullivan voting aye	Council Member Green voting no
Council Member Khan voting aye	Council Member Jones voting aye
Council Member Holm voting aye	MOTION 2009-406 TO TABLE ADOPTED

Line 44 – Green – Amendment 4.02

Transfer \$50,000 from the unreserved undesignated fund balance into Parks – Recreation and Wellness (Fund 1000/360009) for after-school enrichment programs for FY2010 – was presented. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0407 ADOPTED.

Line 45 – Green – Amendment 4.03

Transfer \$100,000 from the unreserved undesignated fund balance into the Health and Human Services Department (Fund 1000/380003) for HIV prevention for FY2010 – was presented. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0408 ADOPTED.

Line 46 – Green – Amendment 4.04

Transfer \$100,000 from the unreserved undesignated fund balance into the Health and Human Services Department Neighborhood Services (Fund 1000/380005) for multi-service health centers for FY2010 – was presented. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0409 ADOPTED.

Line 47 – Johnson – Amendment 7.05

Increase the General Fund's FY 10 appropriation to the Health and Human Services Department by \$100,000. The increased funding will be earmarked for the youth employment program with a focus on health and environment throughout the six service regions. That will fill in the gap for students after the summer programs stop - was presented.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

~~Increase the General Fund's FY 10 appropriation to the Health and Human Services Department by \$100,000. The increased funding will be earmarked~~ Seek federal grant

funding for the youth employment program with a focus on health and environment throughout the six service regions. That will fill in the gap for students after the summer programs stop.

After discussion Council Member Johnson moved to approve the substitute amendment for Amendment 7.05, seconded by Council Member Holm, and a vote was called on the motion to approve the substitute amendment. All voting aye. Nays none. Council Members Clutterbuck, Brown and Lovell absent. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. MOTION 2009-0410 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 48 – Noriega – Amendment 3.04

Provide a quarterly report to a Council Committee on the new court case management system development and implementation - was presented. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. MOTION 2009-0411 ADOPTED.

Line 49 – Clutterbuck – Amendment 8.09

IT - General Fund: Within 90 days, the Director shall perform a feasibility study to evaluate the need for staffing or the cost of outsourcing of a 24/7 Network Operations Center (NOC) to determine the best way to achieve the greatest efficiencies in the City owned network and data service centers and to achieve effective disaster recovery capabilities - was presented. All voting aye. Nays none. Council Members Clutterbuck, Brown and Noriega absent. MOTION 2009-0412 ADOPTED.

Line 50 – Jones – Amendment 5.04

Request that the Administration fund recycling marketing programs in underutilized and under served communities from the FY '09 budget surplus fund, or from funds identified by the Administration – was presented. Council Members Clutterbuck, Brown, Lovell and Noriega absent.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

Solid Waste Management will develop a plan, with input from Council Members, that may include one additional position funded to Recycling Revenue Funds.

After discussion Council Member Jones moved to approve the substitute amendment for Amendment 5.04 and a vote was called on the motion to approve the substitute amendment. All voting aye. Nays none. Council Members Brown, Lovell and Green absent. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. Council Members Brown and Green absent. MOTION 2009-0413 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 51 – Noriega – Amendment 3.03

Appoint a stakeholders committee including members of City Council, Department representatives, and outside experts to review the presentation of city budget, including as a minimum implementation of more detailed line-items, performance measures, and personnel data; consolidation of different revenue types, separation of temporary funding streams and expenditures, incorporation of CIP and Debt Service, to improve transparency and provide for

ease of monitoring and make recommendations. Make recommendations to City Council within 3 months for discussion and provide final recommendations to City Council for adoption by December 1, 2009 – was presented. Council Members Brown and Green absent.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

Administration shall request that Budget and Fiscal Affairs Committee Chair devise a process for discussion on the format and presentation of the COH Annual Budgets, to include input from Council Members, City Departments and others, as to possible recommendations for change.

After discussion Council Member Noriega moved to approve the substitute amendment for Amendment 3.03 and a vote was called on the motion to approve the substitute amendment. Council Member Brown absent. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. MOTION 2009-0414 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 52 – Lawrence – Amendment 6.02

Reduce the FY 2010 budget for each City Council Office by 2% of the FY 2009 Budget (\$372,341) – was presented.

After discussion Council Member Lawrence stated that she had a substitute amendment for Amendment 6.02, “Effective FY2010 budget City Council shall end the practice of supply or providing excess cash to other City departments, and any excess cash would be returned to the General Fund balance, the budget of each individual Council Office shall be reduced by 1/2%, (\$1,928.36). Within 90 days the administration shall also develop a policy related to City Council travel and training expenses and present it to the Budget and Fiscal Affairs Committee”. Council Member Khan absent.

After discussion Council Member Sullivan moved to amend the substitute motion “to reduce the Council office budget by 10%. Council Member Khan absent.

After further discussion Council Member Khan requested that the question be divided in three parts so that they could vote separately, excess cash refunding to the General Fund, the reduction of 1/2% and then the travel and training expense.

After further discussion Council Member Sullivan stated that he made a motion earlier and would like to make a formal motion, if anyone wanted to second his motion, to change the percentage to 10% instead of the 1/2%. MOTION TO AMEND DIED FOR LACK OF A SECOND.

After further discussion Council Member Brown moved to amend to provide “the number 2% and would go along with Council Member Lawrence’s any excess or surplus goes back to the City and in 90 days get a policy on travel”, seconded by Council Member Green.

After discussion by Council Members, Council Member Jones read a letter, objecting to reduction in Councils budget that she had written, into the record, a copy of which is on file in the City Secretary’s office for review. Council Members Clutterbuck, Sullivan, Brown and Lovell absent.

Council Member Holm asked for a point of order due to time being called on Council Member Jones, and Council Member Khan moved to extend Council Member Jones speaking time for 1 and 1/2 minutes, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck, Sullivan, Brown and Lovell absent. MOTION 2009-0415 ADOPTED.

After further discussion by Council Members, Council Member Brown withdrew his motion for 2%, and a roll call vote was called on Council Member Lawrence's substitute amendment.

Mayor White stated that he understood that the motion to divide the question was withdrawn so the remaining item was the amendment to Amendment 6.02.

After further discussion Council Member Green stated that he would second Council Member Brown's motion for 2%, and Council Member Brown stated that he withdrew his motion regarding the 2%.

Mayor White stated that they were voting to replace Amendment 6.02 with the language that was in writing and then the next vote would be either a vote on the item as amended, if it passed or if it did not then as it stood.

A roll call vote was called on the substitute amendment for Amendment 6.02 by Council Member Lawrence.

Roll Call Vote on Substitute Amendment

Mayor White voting aye

Council Member Lawrence voting aye

Council Member Johnson voting aye

Council Member Clutterbuck voting no

Council Member Adams voting aye

Council Member Sullivan voting no

Council Member Khan voting aye

Council Member Holm voting aye

Council Member Rodriguez voting aye

Council Member Brown voting no

Council Member Lovell voting aye

Council Member Noriega voting aye

Council Member Green voting no

Council Member Jones voting no

SUBSTITUTE AMENDMENT CARRIED

Mayor White stated that they would be voting for Council Member Lawrence's Amendment 6.02 as amended, that if it passed then there were certain reductions in the budget for Council offices, that if it failed then there were no reductions in the budgets for the Council offices, and a roll call vote was called.

After a further lengthy discussion by Council Members, Council Member Green moved "to cut our City Council budgets by 1.9%", seconded by Council Member Clutterbuck.

After further discussion by Council Members, Council Member Khan requested a five minute break at this time.

At 5:06 p.m. Council Member Lovell moved to recess for 5 minutes, seconded by Council Member Holm. Council Member Lawrence voting no, balance voting aye. MOTION CARRIED.

At 5:27 p.m. the City Council reconvened.

After discussion by Council Members a roll call vote was called on Council Member Green's substitute amendment to Amendment 6.02.

Roll Call

Mayor White voting no	
Council Member Lawrence voting no	Council Member Rodriguez voting no
Council Member Johnson voting no	Council Member Brown voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting no
Council Member Adams voting no	Council Member Noriega voting no
Council Member Sullivan voting aye	Council Member Green voting aye
Council Member Khan voting no	Council Member Jones voting no
Council Member Holm voting aye	MOTION FAILED

Council Member Lawrence stated that due to some Council Members having expressed raising the amount she would move to amend the substitute amendment for Amendment 6.02 to change the second sentence to provide that the budget of City Council should be reduced by 1.6% from the amendment proposed in the budget, which should replace the 1/2%, seconded by Council Member Sullivan.

After a further lengthy discussion by Council Members a roll call vote was called on Council Member Lawrence's substitute amendment to amend Amendment 6.02 to reduce by 1.6%.

Roll Call Vote on motion to reduce to 1.6%.

Mayor White voting aye	
Council Member Lawrence voting aye	Council Member Rodriguez voting no
Council Member Johnson voting no	Council Member Brown voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Adams voting no	Council Member Noriega voting aye
Council Member Sullivan voting aye	Council Member Green voting aye
Council Member Khan voting no	Council Member Jones voting no
Council Member Holm voting aye	SUBSTITUTE AMENDMENT CARRIED

A roll call vote was called on the main motion for Amendment 6.02 as amended.

Roll Call Vote

Mayor White voting aye	
Council Member Lawrence voting aye	Council Member Rodriguez voting aye
Council Member Johnson voting no	Council Member Brown voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Adams voting no	Council Member Noriega voting aye
Council Member Sullivan voting aye	Council Member Green voting aye
Council Member Khan voting no	Council Member Jones voting no
Council Member Holm voting aye	MOTION 2009-0416 ADOPTED AS AMENDED.

Line 53 – Johnson - 7.01

Increase the General Fund's FY 10 appropriation to the City of Houston's After School Program from \$830,000 to a total of \$1M. The increased funding will be earmarked for programs in Houston Hope designated neighborhoods – was presented.

After discussion by Council Members, Council Member Johnson moved to table Amendment 7.01, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent. MOTION 2009-0417 ADOPTED.

Line 54 – Johnson – Amendment 7.02

HPD shall appropriate 0.50% of its annual General Fund (\$667,651,619) budget to fund

juvenile prevention programs. 0.25% of appropriated funds will be earmarked for programs in apartment complexes and/or city owned facilities in Houston Hope Neighborhoods. Programs shall include, but are not limited to, D.A.R.E. and HPD's Explorers and Mentor Programs. HPD will submit quarterly reports to the Human Service and Technology Access Committee to evaluate the effectiveness of each program – was presented. Council Member Holm absent.

After discussion Council Member Johnson moved to table Amendment 7.02, seconded by Council Member Khan. All voting aye. Nays none. Council Members Holm and Brown absent. MOTION 2009-0418 ADOPTED.

Line 55 – Jones – 5.05

Request that the Administration fund the position of Compliance Officer in the Housing and Community Development Department, preferably an attorney, who knows HUD regulations and is responsible for vetting housing projects for compliance with said regulations - was presented. Council Member Holm absent.

After discussion Council Member Jones moved to table Amendment 5.05, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Holm and Noriega absent. MOTION 2009-0419 ADOPTED.

Line 56 – Brown – Amendment 1.01

That the Mayor appoint a stakeholder committee consisting of representatives from each employee union (police, fire and municipal), City Council, the Mayor's Office and citizens to consider options for managing the other post-employment benefit (OPEB) liability. Options other governments have chosen include establishment of Voluntary Employee Benefit Associations (VEBA's), IRC Section 401 (h) Qualified Health Accounts and IRC Section 115 Integral Trusts. **Source of Funding:** N/A – was presented. Council Members Johnson, Clutterbuck and Holm absent.

After discussion Council Member Brown stated that he accepted the administration's position but would like an understanding that of the 19 members of the Health Benefits Advisory Committee there were 9 who were employees of City Departments excluding the Fire and Police Departments and he would like to have a provision that at least 3 of those 9 be members of HOPE. Council Members Johnson, Clutterbuck and Holm absent.

Mayor White stated that he believed that the constitution of the Health Benefits Advisory Commission or Board was embodied in ordinance, and thought that an issue about whether or not one should reduce expenditures to provide on services exactly what they should do in budget, that he was not sure that revising ordinances of the City on boards and commissions would be correctly considered within this budget process and for that reason alone he would tend to disagree without having a hearing and considering all views on that, but more specifically, and this was a question to Mr. Hall, he believed that the meetings of this particular group were posted and were they not open. Council Members Johnson, Clutterbuck, Holm and Lovell absent.

Mr. Hall stated that he was not aware that they had ever turned anybody away; that this amendment that was proposed by Council Member Brown specifically addresses the question of post employment benefit liability, that the genius of the Health Benefits Advisory Committee was that it represented everybody, that they had everybody insured to include retirees, to include the specific group that he was addressing right here and they were those people who retired from the City who were not yet eligible for Medicare coverage, that HOPE did not represent the majority of the people that they insured, that the Benefits Advisory Committee was charged with designing, hearing and reacting to a program for all of their employees and all of their retirees to include these and to include those who were indeed Medicare covered,

all of them had a stake in this. Council Members Johnson, Clutterbuck, Holm, Rodriguez and Lovell absent.

After further discussion, Council Member Brown moved to table Amendment 1.01, seconded by Council Member Khan, and Mayor White asked if anybody had any particular suggestion concerning an additional plan that should be considered as an option to employee he would commend them to make that directly quickly to the administration and they would analyze it and embrace it if there was not cost. Council Members Johnson, Clutterbuck, Holm, Rodriguez and Lovell absent.

A vote was called on the motion to table Amendment 1.01. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Holm and Lovell absent. MOTION 2009-0420 ADOPTED.

Line 57 – Sullivan – Amendment 10.08

Install one ARC at both Kingwood and Ellington Field recycling centers – was presented. Council Members Johnson, Clutterbuck, Holm and Lovell absent.

After discussion by Council Member Sullivan and Adams, Mayor White stated that what he would commit to them, and his staff was taking notes and there were people who would convey this to the City Department, was that he would ask the Solid Waste Department to describe to him what it perceived to be the benefits and cost and where deployment should occur that would be in the most cost effective places for the public, and that would be the criteria, if they would agree to that, that he would prefer that approach rather than designating in the budget the locations and it would be his tendency to approach this and would encourage Council Members, that if the Mayor would not do it he would urge City Council Members not to do it, that he would not dictate to Solid Waste where but would ask them to come up with criteria and cost effectiveness and apply to that criteria.

Council Member Sullivan moved to table Amendment 10.08, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown absent. MOTION 2009-0421 ADOPTED.

Line 58 – Noriega – Amendment 3.02

Within 60 days complete cost benefit analysis to create the position of City Grant Director. The Grant Director will work with government relations to increase grant funding to the city at the national and state level and from non-profit foundations. The Director will be in charge of coordinating grants among all City departments and finding additional ways to draw down federal funds and grant money. The Grant Director will also provide help to organizations providing City related services, such as Management Districts, to increase grant applications. The additional grant funding received by the city should be sufficient to cover the cost of the salary and benefits of a Grant Director – was presented. Council Member Brown absent.

After discussion Council Member Noriega moved to table Amendment 3.02, seconded by Council Member Khan. Council Members Adams, Sullivan and Brown absent.

Upon questions by Council Member Khan, Mayor White stated that his direction was if they found a good person or persons, they ought to bring them in, that they would try to get it filled as quick as they could. Council Members Sullivan and Brown absent.

After further discussion a vote was called on the motion to table Amendment 3.02. All voting aye. Nays none. Council Member Brown absent. MOTION 2009-0422 ADOPTED.

Line 59 – Rodriguez – Amendment 14.04

The administration will use funds from the Mobility Response Division budget to create a plan to cross train city inspectors on matters including, but not limited to building inspections, deed restriction inspections, and Neighborhood Protection inspections – was presented. Council Member Brown absent.

After discussion Council Member Rodriguez stated that he would like for the administration to work with him on studying the feasibility and best practices to cross train their inspectors and if he could get that commitment he would appreciate it, and Mayor White stated that they would commit and asked Council Member Rodriguez if he would help him follow it. Council Members Brown and Noriega absent.

Council Member Rodriguez moved to table Amendment 14.04, seconded by Council Member Khan. All voting aye. Nays none. Council Members Brown and Noriega absent. MOTION 2009-0423 ADOPTED.

Line 60 – Jones – 5.02

Request that the Administration fund a Review of Best Practices of Housing and Community Development Departments around the country from the FY '09 budget surplus fund, or from funds identified by the Administration – was presented. Council Member Noriega absent.

After discussion Council Member Jones stated that she wanted to clarify that Mayor White did commit how they would undertake this, and Mayor White stated that they shared that goal.

Council Member Jones moved to table Amendment 5.02, seconded by Council Member Khan. Council Member Noriega absent.

After further discussion by Council Members Khan, Brown and Jones a vote was called on the motion to table Amendment 5.02. All voting aye. Nays none. Council Members Johnson, Rodriguez, Brown, Lovell and Noriega absent. MOTION 2009-0424 ADOPTED.

Line 61 – Khan – Amendment 11.09

Require HPD to add 3 new Cadet Classes for FY10 – was presented. Council Members Johnson, Rodriguez, Brown, Lovell and Noriega absent.

After discussion Council Member Khan moved to table Amendment 11.09, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Members Johnson, Adams, Brown, Lovell and Noriega absent. MOTION 2009-0425 ADOPTED.

Council Member Green moved to suspend the rules at this time to consider the amendments that were delayed to later in the meeting, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Adams, Lovell and Noriega absent. MOTION 2009-0425A ADOPTED.

Line 9 – Clutterbuck – Amendment 8:10

All Departments - General Fund: Any FTE position that has gone unfilled for more than 12 months as of July 1, 2009 shall be eliminated. Reinstatement of the position will be made only with written justification and budgetary impact to be submitted to the Mayor or the Mayor's designee for approval – was again before the City Council. Council Members Johnson and Noriega absent.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

In 90 days, the Administration will request Budget and Fiscal Affairs Committee to review vacancy replacement processes.

After discussion Council Member Clutterbuck moved to approve the substitute amendment for Amendment 8.10, seconded by Council Member Khan, and a vote was called on the motion to approve the substitute amendment. All voting aye. Nays none. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. MOTION 2009-0426 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 15 – Green – Amendment - 4.06

The Administration shall, within a week of the adoption of the FY2010 budget, report on the year-to-year increase in proposed capital expenditures and total expenditures by each of the Tax Increment Reinvestment Zones, from FY2009 to FY2010. The Administration shall report these amounts also by Council District. The Administration shall report on the amount by which unrestricted cash balances within the General Fund would increase, or public services – including public safety – could increase, if the total increase in spending by TIRZ within any Council District was limited to no more than \$2 million from FY2009 to FY2010, with that limit being exclusive of grant funding, and the balance of funds available for requested or planned spending was allocated instead to an increase in the municipal services fee and used as an offset to planned General Fund spending for public safety – police and fire/EMS protection – within the police district and fire service area in which the TIRZ is located. The Administration shall also report before the submission of FY2010 TIRZs budgets, with respect to each TIRZs, concerning whether there are improvements to residential streets in any TIRZs and which would not qualify for City funding under the Neighborhood Street Reconstruction Program based on the age of the street, the existence of a resident petition, and the street pavement conditions. The Administration shall also report before the submission of FY2010 TIRZs budgets, with respect to each TIRZs, concerning whether there are improvements to residential streets in any TIRZs and which would not qualify for City funding under the Neighborhood Street Reconstruction Program based on the age of the street, the existence of a resident petition, and the street pavement conditions. – was again before the City Council.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

~~The Administration shall also report before the submission of FY2010 TIRZs budgets, with respect to each TIRZs, concerning whether there are improvements to residential streets in any TIRZs and which would not qualify for City funding under the Neighborhood Street Reconstruction Program based on the age of the street, the existence of a resident petition, and the street pavement conditions.~~

Council Member Green moved to approve the substitute amendment with basically the same language minus the second paragraph and in the first sentence change the word “week” to “month”, seconded by Council Member Khan and a vote was called on the substitute amendment. Council Member Brown voting no. Balance voting aye. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. Council Members Sullivan and Brown voting no, balance voting aye. MOTION 2009-0427 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 22 – Sullivan – Amendment 10.07

Increase funding for dangerous buildings and dilapidated buildings so homes can be removed within 60 days of final decision by the City of Houston or the courts – was again before the City Council.

Council Member Sullivan stated that looking at Item No. 21 – Amendment 7.04, with respect to certificates of obligation was that in effect borrowing money to accomplish this, and Mayor White stated yes, and Council Member Sullivan moved to table Amendment 10.07, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0428 ADOPTED.

Line 26 – Sullivan – Amendment 10.26

Add one FTE to the Legal Department for the sole purpose of assisting community organizations with deed restrictions – was again before the City Council.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

Add one FTE to the Legal Department, if necessary, for the sole purpose of assisting community organizations with deed restrictions.

Council Member Sullivan asked who would decide what “if necessary” was, and Mayor White stated that Mr. Arturo Michel went to the civic club meetings and took the heat, so he wanted to make sure that it was adequate but there were some issues and the bottlenecks were not always what they appeared to be on the surface, so that would be who would do it if necessary.

Council Member Sullivan moved to approve the substitute amendment for Amendment 10.26, seconded by Council Member Khan.

After further discussion by Council Members, Mr. Michel stated that if he understood the intent of the amendment it would be to assist civic associations in drafting or developing deed restrictions and what the Planning Department did was sort of a conduit to get civic associations to the Houston Volunteer Lawyers and there they had lawyers who attempted to do the drafts or amendments and sometimes that was a mixed bag, the role that he would seek here was that they would operate almost like an ombudsman, have the best practices of some of the common restrictions that people wanted to address, provide training for lawyers on the outside to make sure that they were doing it accurately and then also he thought that it would be important to follow up, that he thought many times, and it would happen when they got a lawyer who was not that familiar with it, he would not jump on it because he was unsure and they could make sure to monitor and make sure that the work was moving along and provide assistance where they may feel uncomfortable in doing so. Council Members Khan and Lovell absent.

After further discussion a vote was called on the motion to approve substitute amendment for Amendment 10.26. All voting aye. Nays none. MOTION CARRIED.

A vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. MOTION 2009-0429 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 29 – Sullivan – Amendment 10.13

Restore HPD overtime funding at a cost of 14 million dollars – was again before the City

Council.

The City Secretary stated that the following substitute amendment was offered on the matrix:

**SUBSTITUTE AMENDMENT**

Administration shall monitor and report to Council by September 30 on increased funding for HPD overtime.

Council Member Sullivan moved to approve substitute amendment for Amendment 10.13, seconded by Council Member Khan, and a vote was called on the motion to approve substitute amendment. All voting aye. Nays none. MOTION CARRIED.

After further discussion a vote was called on the motion as amended by the substitute amendment. All voting aye. Nays none. MOTION 2009-0430 ADOPTED AS AMENDED BY THE SUBSTITUTE AMENDMENT.

Line 62 – Sullivan – Amendment 10.10  
Add five Compliance Officers at NPC – was presented.

Council Member Sullivan moved to table Amendment 10.10, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0431 ADOPTED.

Line 63 – Sullivan – Amendment 10.28  
Assign additional FTE BARC Officers to the HPD Central Station for the sole purpose of responding strictly to HPD calls for BARC assistance during all shifts - was presented.

After discussion Council Member Sullivan moved to table Amendment 10.28, seconded by Council Member Khan.

After further discussion by Council Members Jones and Lawrence a vote was called on the motion to table Amendment 10.28. All voting aye. Nays none. Council Member Brown absent. MOTION 2009-0432 ADOPTED.

Line 64 – Sullivan – Amendment 10.19  
Add one FTE to the Finance Department for the sole purpose of sales tax audit Compliance – was presented. Council Member Brown absent.

Council Member Sullivan stated that he mentioned at Council the other day that they had a new business open up in Council Member Johnson's district in the business of selling consignment construction material equipment and their first auction yielded what ended up being a \$200,000 tax payment erroneously to the City of Humble, but because they got on it the money was now coming to them, so that was a \$200,000 bump from one inquiry, one observation, so that was going to be a quarterly payment that he thought they could count on so they may be looking at \$600,000 to \$800,000 a year from that one observation, that he wanted to toss it out, the idea of having someone in finance dedicated to this purpose, that Ms. Mitchell assured him that they could handle it now and was now a decision for them. Council Member Brown absent.

Mayor White asked Ms. Michele Mitchell if they had an expert in this, and Ms. Mitchell stated that they did not have an expert but she had staffed up, which had not been done before, and they were now researching and would be driving out to MUDs and doing the necessary things to be sure they were getting the LPAs that were needed to do so, that she could put on another FTE but would rather, at this point, just wait and see if what she had put

into place was going to work for them, that she believed that it would, that she had someone dedicated only for tracking the LPAs, driving out to the MUDS, as she had mentioned previously, that she had seen that the State was accurate in their representation of what was in Houston and that was when she began having someone do this and driving out to the various MUDs to be sure they were getting all the properties they had, that of course the Council Member brought another wrinkle to it that was being picked up by another city so that was something different that they had to put into that equation, that if she felt they could not she would come and ask for the additional FTE, that she would just rather not have it approved at this time to have one, that she had the gentleman that Mayor White had her call and had worked with him, Billy Hamilton, that he had talked to her about how they set up the program, which was what she had been working on and was months ago that he had asked her to do so and they had, so kind of working through his program was how they had been doing this, that she would be happy to accept the FTE and hire someone that was trained in that department, and Mayor White stated why did they not table it but have the understanding that they would be looking for somebody. Council Member Brown absent.

After further discussion Council Member Sullivan moved to table Amendment 10.19, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown absent. MOTION 2009-0433 ADOPTED.

Line 65 – Sullivan – Amendment 10.03

Reduce the residential alarm permit renewal fee from \$50 to \$30 – was presented. Council Member Brown absent.

After discussion by Council Members a roll call vote was called on Amendment 10.03.

Roll Call

Mayor White voting no

Council Member Lawrence voting no

Council Member Johnson voting aye

Council Member Clutterbuck voting no

Council Member Adams voting no

Council Member Sullivan voting aye

Council Member Khan voting no

Council Member Holm voting no

Council Member Rodriguez voting no

Council Member Brown voting no

Council Member Lovell voting no

Council Member Noriega voting no

Council Member Green voting no

Council Member Jones voting no

MOTION 2009-0434 FAILED

Line 66 – Sullivan – Amendment 10.06

Increase funding to HFD for annual inspection of common attics at all multi-family projects. Council Member Lovell absent.

Council Member Sullivan moved to table Amendment 10.06, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lovell absent. MOTION 2009-0435 ADOPTED.

Line 67 – Rodriguez – Amendment 14.02

The administration will identify and allocate funding for a Tree Trimming Contract for \$100,000. This contract will assist our Parks and Recreation Department's Forestry Division in reducing the turn around time for tree maintenance. Currently, the turn around time is two months. Council Member Lovell absent.

After discussion Council Member Rodriguez moved to table Amendment 14.02, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lovell absent. MOTION 2009-0436 ADOPTED.

Line 68 – Khan – Amendment 11.10

If the Mayor's Census Complete Count Fundraising Subcommittee has not raised \$1M by November 30, 2009, the administration will allocate an additional \$1M for the Census Complete Count initiative by December 31, 2009 - was presented. Council Member Lovell absent.

After discussion Council Members Khan and Rodriguez, Council Member Khan moved to table Amendment 11.10, seconded by Council Member Green. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0437 ADOPTED.

Line 69 – Rodriguez – Amendment 14.03

If the Mayor's Census Complete Count Fundraising Subcommittee has not raised \$1M by November 30, 2009, the administration will allocate an additional \$1M for the Census Complete Count initiative by December 31, 2009 – was presented. Council Member Sullivan absent.

Council Member Rodriguez moved to table Amendment 14.03, seconded by Council Member Khan. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0438 ADOPTED.

Line 70 – Jones – Amendment 5.01

Request that the Administration fully fund the Complete Count Committee from the FY '09 budget surplus fund, or from funds identified by the Administration – was presented. Council Member Sullivan absent.

After discussion Council Member Jones moved to table Amendment 5.01, seconded by Council Member Khan. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2009-0439 ADOPTED.

Line 71 – Sullivan – Amendment 10.18

Increase quiet zone program 50% of approved and qualifying applications - was presented. Council Member Jones absent.

After discussion Council Member Sullivan moved to table Amendment 10.18, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Jones absent. MOTION 2009-0440 ADOPTED.

Line 72 – Sullivan – Amendment 10.01

Increase funding for PW&E's Safe Sidewalks programs – was presented. Council Member Jones absent.

After discussion Council Member Sullivan moved to table Amendment 10.01, seconded by Council Member Khan.

Council Member Khan suggested that if there was no detailed discussion or answer from the administration required if they could lump together all of the items that needed to be tabled, and Council Member Sullivan stated that it was a good suggestion but he was not willing to do that.

A vote was called on the motion to table Amendment 10.01. All voting aye. Nays none. Council Member Jones absent. MOTION 2009-0441 ADOPTED.

Line 73 – Sullivan – Amendment 10.12

Terminate funding for the Speed Hump Program – was presented. Council Member Jones

absent.

Upon questions by Council Member Lawrence, Mayor White stated that there were two issues, the first had to do with Council Member Sullivan's love of the speed hump program, including places where people wanted them, and the second issue had to do with the overall funding within Public Works of traffic calming measures, that he would appreciate a report about why traffic calming was given the priority that it had within the budget; that they would review why they could not have private funding for those who met their criteria, that they would get that report to her and he would also like sort of a report of why it was that there was no money for this kind of measure within the budget.

After further discussion by Council Members Clutterbuck, Adams, Holm and Sullivan a roll call vote was called on Amendment 10.12.

Roll Call

Mayor White voting no

Council Member Lawrence voting no

Council Member Johnson voting no

Council Member Clutterbuck voting no

Council Member Adams voting no

Council Member Sullivan voting aye

Council Member Khan voting no

Council Member Holm voting no

Council Member Rodriguez voting no

Council Member Brown voting no

Council Member Lovell voting no

Council Member Noriega voting no

Council Member Green voting no

Council Member Jones voting no

MOTION 2009-0442 FAILED

Line 74 – Sullivan – Amendment 10.14

Restore heavy trash ( junk waste) pickup to once a month – was presented.

After discussion by Council Members a roll call vote was called on Amendment 10.14.

Roll Call

Mayor White voting no

Council Member Lawrence voting no

Council Member Johnson voting no

Council Member Clutterbuck voting no

Council Member Adams voting no

Council Member Sullivan voting aye

Council Member Khan voting no

Council Member Holm voting no

Council Member Rodriguez voting no

Council Member Brown voting no

Council Member Lovell voting no

Council Member Noriega voting no

Council Member Green voting no

Council Member Jones voting no

MOTION 2009-0443 FAILED

Line 75 – Green – Amendment 4.01

Move contract compliance from Affirmative Action (Fund #1000/5100) into Legal (Fund #1000/9000). Outsource, with a private vendor, certification and outreach functions and put costs savings bank into the General Fund (Fund #1000). – was presented. Council Member Adams absent.

After discussion Council Member Green moved to table Amendment 4.01, seconded by Council Member Khan. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2009-0444 ADOPTED.

Line 76 – Sullivan – Amendment 10.20

Reduce HTV funding by \$600,000 and charge Council, and Controller's office for full production and associated cost of shows, PSAs, and promotional spots – was presented.

After discussion by Council Member Sullivan a roll call vote was called on Amendment

10.20.

Roll Call

Mayor White voting no

Council Member Lawrence voting no

Council Member Johnson voting no

Council Member Clutterbuck voting no

Council Member Adams voting no

Council Member Sullivan voting aye

Council Member Khan voting no

Council Member Holm voting no

Council Member Rodriguez voting no

Council Member Brown voting no

Council Member Lovell voting no

Council Member Noriega voting no

Council Member Green voting no

Council Member Jones voting no

MOTION 2009-0445 FAILED

Line 77 – Sullivan – Amendment 10.02

Increase funding for PW&E to maintain ditches, manholes, and culverts in the South Belt portion of District E – was presented. Council Member Green absent.

After discussion by Council Member Sullivan a vote was called on Amendment 10.02. Council Member Sullivan voting aye, balance voting no. MOTION 2009-0446 FAILED

Line 78 – Sullivan – Amendment 10.04

Add a fifth Firefighter to engine 105 – was presented.

After discussion by Council Members a vote was called on Amendment 10.04. Council Member Sullivan voting aye, balance voting no. MOTION 2009-0447 FAILED

Council Member Brown stated that he understood Council Member Sullivan's reason for proposing his amendment and moved to suspend the rules to consider Line Item Numbers 79 through 87 all in one single vote, seconded by Council Member Lawrence. Council Member Sullivan voting no, balance voting aye. MOTION 2009-0448 ADOPTED.

Council Member Sullivan asked if it was possible for him to make a motion on a particular item or two for a roll call vote and if so how would he do that, and Mayor White stated that he could call for a roll call vote on all of them, and Council Member Sullivan stated that there were a couple of them that he would like to but if his colleagues made the motion to do that he had no choice.

Mayor White asked if they had passed Council Member Brown's motion and the City Secretary stated yes, and Mayor White asked the City Secretary to call Line Item Numbers 79 through 87 and they would take a roll call vote.

Line 79 – Sullivan - Amendment 10.05.

Assign one Incident Command Technician to District 102 – was presented.

Line 80 – Sullivan - Amendment 10.11

Provide funding for one ATV with a flatbed, and trailer to HFD District 102 – was presented.

Line 81 – Sullivan - Amendment 10.16

Purchase and install thirty-one back-up power generators for Kingwood lift Stations – was presented.

Line 82 – Sullivan - Amendment 10.17

Purchase and install fourteen power generators for South-Belt portion of District E – was presented.

Line 83 – Sullivan - Amendment 10.21

Fund 2 million dollars for road and intersection modifications and improvements in Clear Lake City portion of District E – was presented.

Line 84 – Sullivan - Amendment 10.22

Install adequate outdoor lighting at Meadowcreek Park – was presented.

Line 85 – Sullivan - Amendment 10.23

Upgrade and repair sidewalks at Meadowcreek Park – was presented.

Line 86 – Sullivan - Amendment 10.24

Install covering over basketball pavillion at Oak Meadows Park – was presented.

Line 87 – Sullivan - Amendment 10.27

Provide adequate living quarters for HFD Stations 101 and 102 – was presented.

Council Member Sullivan stated that there were only a few of the amendments that he wanted to have a roll call on, that the others he was willing to table, Lines 79, 83, 84, 85, 86, and the ones that he wanted a roll call on because of the importance to his district were Lines 80, 81, 82 and 87, that just for the public record he wanted to say that.

A roll call vote was called on Line Items 79 through 87.

Roll Call

Mayor White voting no

Council Member Lawrence voting no

Council Member Johnson voting no

Council Member Clutterbuck voting no

Council Member Adams voting no

Council Member Sullivan voting aye

Council Member Khan voting no

Council Member Holm voting no

Council Member Rodriguez voting no

Council Member Brown voting no

Council Member Lovell voting no

Council Member Noriega voting no

Council Member Green voting no

Council Member Jones voting no

MOTION 2009-0449 FAILED

73a. ORDINANCE related to the Fiscal Affairs of the City; approving the annual budgets of the City of Houston, Texas, for Fiscal Year 2010 including providing for future adjustment to certain fund balances; making various amendments to the proposed budgets; re-designating a cash reserve in the fund balance; authorizing various other transfers; establishing a cost for copies of the budget; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability – – **(This was Item 30 on Agenda of June 10, 2009, TAGGED BY COUNCIL MEMBER KHAN AND CLUTTERBUCK)** – was presented as amended.

Council Member Clutterbuck stated that she had further amendments to amend Item No. 73a and presented the following written motion:

Amendment 8.13

Combined Utility System, Public Works Department – The Director of Public Works or his designee, should evaluate and report to Council within 90 days on the financial health of the Combined Utility System. The report shall include recommendations for consideration by

Council.

After discussion a vote was called on Council Member Clutterbuck motion to amend Item 73a with Amendment 8.13. Council Member Sullivan voting no, balance voting aye. MOTION 2009-0450 ADOPTED.

Council Member Clutterbuck presented the following written amendment to amend Item No. 73a:

Amendment 8.14

All Funds - The City of Houston and its three pension funds shall report on the policy of the City of Houston concerning City-owned investments, including employee pension funds, concerning possible divestment from companies doing business with Iran.

After discussion a vote was called on Council Member Clutterbuck motion to amend Item 73a with Amendment 8.14. All voting aye. Nays none. MOTION 2009-0451 ADOPTED.

Council Member Khan presented the following written motion to amend Item No. 73a:

Amendment 11.12

Require PWE to assess appropriating, allocating and expending funds related to a One-Percent Set-Aside requirement for tree planting/beautification in connection with City of Houston Street & Traffic Control, Storm Drainage, Water & Sewer and Facility Construction projects.

After discussion by Council Members a vote was called on the motion to amend Item No. 73a with Amendment 11.12. Council Member Sullivan voting no, balance voting aye. MOTION 2009-0452 ADOPTED.

After discussion by Council Member Holm a vote was called on Item No. 73a as amended. Council Members Holm and Sullivan voting no, balance voting aye. ORDINANCE 2009-0523 ADOPTED AS AMENDED.

73b. MOTION, as required by Section 102.007(c) of the Texas Local Government Code, to ratify the projected increase in property tax revenue reflected in the budget (The growth in property tax revenue not related to new property is 1.49%, which is far less than the 4.99% growth in population and inflation, and is within the limits authorized by the voters at the charter elections held on November 2, 2004 and November 7, 2006) – **(This was Item 30A on Agenda of June 10, 2009, TAGGED BY COUNCIL MEMBER KHAN)** – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Member Sullivan voting no, balance voting aye. MOTION 2009-0453 ADOPTED.

At 8:45 p.m. Mayor White stated that they would move to Council Members comments.

### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Sullivan stated that no budget amendments that were district specific this year, but he just could not imagine standing in front of his civic clubs and saying that he did not try, that was his job and he did not have to consult anybody or look to November or to six years from now, that it was his job to fight for his district and even through the Mayor said no district specific amendment he still had to do them, that every Council Member had a right to push items through and he respected that, that he thought it was unfair for the Council to wrap all of his amendments up at the end because they were tired and did not want to hear

them, because he had sat there all day and listened about item after item, people repeating themselves because they did not hear, they were not listening, they were out of the room and came back in and started all over again, that he never objected and did not call a single point of order and had no problems with what everybody wanted to do because he respected every one of them for sitting there and their right to do it, that he thought they basically denied him his right the same way, that it was water under the bridge but he was not happy, that he was not going to be looking for revenge or looking to extract pain, but he was not just someone who would sit still and be disrespected when he had not disrespected them; that he wanted to congratulate Mr. Ed Gonzalez on his election and winning District H and looked forward to working with him; that he wanted to congratulate the HPD Class 203 on graduating over 70 officers last night; that he wanted to thank HPD Sergeant Cruz from the Eastside Division for appearing at Meadow Creek Village Civic Club meeting last week, that she then visited a local game room that had opened up in a bowling alley and encouraged them to comply with all laws, thereby causing them to voluntarily close until they received all of their permits; that they might remember the Time for Kids Reporter, Nabor Veriless, that he was working in his office this summer for a couple of days a week. Council Member Khan absent.

Council Member Rodriguez stated that he wanted to thank all of colleagues for an interesting budget debate, Council Member Clutterbuck for her leadership and Mayor White for working with them, that he thought they did a good job today.

Council Member Lovell stated that she wanted to thank Council Member Clutterbuck for her leadership, Mayor White, Ms. Mitchell and all of their staff for their input and long hours, that she wanted to congratulate Council Member elect Ed Gonzalez and looked forward to serving with him. Council Members Sullivan and Khan absent.

Council Member Lawrence stated that she wanted to thank the staff, the directors and Council and everybody who had played a part; that she wanted to thank Council Member Noriega who took over District H and tried to keep those constituents satisfied. Council Members Sullivan and Lovell absent.

Council Member Johnson stated that he wanted to thank all of colleagues around the table, that he wanted to thank the administration for a job well done. Council Members Lawrence, Sullivan and Lovell absent.

Council Member Khan stated that he wanted to thank all of his colleagues for a wonderful experience of passing the last budget and sitting through a marathon session, that he appreciated the administration and Ms. Mitchell and all of the people who helped them through the budget process, that he wanted to thank Ms. Bridget Zaback from his office who had worked very hard, that he would not cut any salary of his staff based on what they passed today. Council Members Johnson, Sullivan and Lovell.

Council Member Green stated that he wanted echo the same sentiments of all of his colleagues and thought they had done a great job of recognizing the fact that there were not a lot of sources of income when they dealt with municipal government, that they were not a corporation, that he also wanted to commend the District Council Members for advocating for their districts. Council Members Johnson and Sullivan absent.

Council Member Brown stated that he seconded what all of them had said, that it had been a very productive and interactive and very rewarding process for all of them, that he wanted to thank Mayor White, Marty Stein, Anna Russell, Council Member Clutterbuck and the departing Council Members, that this would be their last budget experience. Council Members Johnson and Sullivan absent.

Council Member Clutterbuck stated that she wanted to thank everybody for their nice and kind comments and especially for their participation in the workshops and taking the business of the citizens of Houston very seriously, that she wanted to thank her staff and wish the veterans of the District C staff a happy wedding anniversary, Barbara Hyatt, 47 years, Tim Douglas, 27 years and Sharon and Jim Shanahan, 37 years, that she wanted to thank Mayor White and Michele Mitchell. Council Members Johnson, Sullivan and Brown absent.

Council Member Noriega stated that she wanted to thank Mayor White and Council Member Clutterbuck, that she wanted to thank Council Member Lawrence for her comments about District H and they all congratulate Ed Gonzalez and proud to have him join them, that she wanted to thank the District H staff who continued to work and kept that office open and answered phone calls and dealt with the district concerns, Tanya McKeney, Dawn Thomas, Jason Cisneros, Prince Bynum and John Daniels, who all worked hard to keep the City open for business in District H; that she wanted to thank her staff who helped her through the budget process, Cherry Wizner, Carlos Doroteo, Michala Bernacio, Shawn Light and Georgia Lewis for their support and help. Council Members Johnson and Sullivan absent.

Council Member Adams stated that she wanted to congratulate Council Member elect Ed Gonzalez, that she wanted to say thank you to Council Member Clutterbuck for her leadership and guidance, and Christina Zamino, a representative from HOPE, that Council Member Clutterbuck offered an amendment about having employee suggestions and today at 12:30 p.m. they recognized those employees who provided the suggestions; that she wanted to thank her staff for everything they had done, that the HOPE employees had done a wonderful job; that she wanted to wish all of the fathers a Happy Fathers Day; and the women of Council sang "summer time and the budget is over". Council Member Sullivan absent.

Council Member Jones stated that she wanted to congratulate Ed Gonzalez on his election to Council and looked forward to working with him; that she would like to see more people vote; that she wanted to thank all of the Council staffs, Mayor White, Ms. Mitchell and Council Member Clutterbuck; that on agenda item Line 52, their staffers were still here, some were in the back and some were in the offices still and did not get paid overtime, that she really respected the bargaining that happened with HOPE, that she found it curious that the Council Members who voted no on that item were the Council Members who represented the most historically disadvantaged districts that they had Houston HOPE neighborhoods in because they were trying to help those districts come up. Council Members Sullivan, Holm and Green absent.

There being no further business before Council, the City Council adjourned at 9:14 p.m. Council Members Sullivan, Holm and Green absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary