

City Council Chamber, City Hall, Tuesday, August 4, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 4, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; present. Council Member M. J. Khan, P. E. absent on personal business. Council Member Sue Lovell out of the city on personal business.

At 2:09 p.m. Mayor White called the meeting to order and stated that Council Member Adams would begin presentations. Council Members Lawrence, Johnson, Sullivan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she was excited to present a Proclamation to a gentleman who served his community many years and invited Mr. J. B. Jackson to the podium and asked all present in his support to stand to be recognized. Council Member Adams stated that Mr. Jackson was a leader who greatly enhanced the quality of life for all Houstonians through his dedication; and presented Mr. Jackson a Proclamation for his outstanding service; and proclaimed today as "John B. Jackson Day" in the City of Houston. Mr. Jackson stated that he was a proud veteran and member of Sunnyside and retired from the post office and he and his wife did what they could to help daily; and thanked all for the recognition. Council Members Brown, Green and Jones absent.

Council Member Clutterbuck congratulated Mr. Jackson on his recognition and his family and friends. Council Members Brown, Green and Jones absent.

Council Member Gonzalez stated that it was his honor to bring recognition to Ruby Rivera and invited Ms. Rivera to the podium and asked her family and friends to stand to be recognized. Council Member Gonzalez stated that Ms. Rivera was the cofounder and president of the Texas Salsa Congress, a yearly event which drew Salsa dancers and fans from around the world and her goal in establishing the Salsa Congress and Texas Salsa Congress Educational Foundation was to showcase a beautiful and intricate style of Salsa dancing and raise scholarship funds for dancers and participants; that she continued to emphasize the importance of a higher education of all backgrounds; and presented Ms. Rivera a Proclamation proclaiming today as "Salsa Appreciation Day" in Houston, Texas. Council Members Brown, Green and Jones absent.

Council Member Clutterbuck congratulated Ms. Rivera on her recognition. Council Members Brown, Green and Jones absent.

Council Member Johnson stated that St. Pius had been to Council on a number of occasions and today they were back for their baseball team; that they won the Texas Association of Private and Parochial Schools Class 5A State Championship and invited them to the podium and presented them with a Proclamation proclaiming today as "St. Pius High School Baseball Team Day" in Houston, Texas. The Coach thanked all for the recognition and stated that they became third in District and it was a great accomplishment for all; and introduced the team members by names and numbers. Council Member Jones absent.

At 2:26 p.m. Mayor White called on Council Member Rodriguez who invited Pastor Rudy Rasmus of St. Johns Downtown to lead all in prayer and he led all in the pledge of allegiance. Council Member Jones absent..

At 2:28 p.m. Mayor White requested the City Secretary call the roll. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Member Jones absent.

Council Members Green and Brown moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Jones absent.

Council Member Rodriguez stated that on a point of personal privilege he wanted to recognize Mr. Elliott Cleveland and his mother Linda Cleveland; that they were observing Council for merits toward his Eagle Scout Badge; thanked them for coming; and asked they stand to be recognized. Council Member Jones absent.

Council Member Green moved the rules be suspended for the purpose of adding Mr. Charles Shields and Ms. Darlene Shields at the bottom of the three minute speakers, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Member Jones absent. MOTION 2009-0573 ADOPTED.

Council Member Adams stated that on a point of personal privilege she would like to introduce members of the World Youth Foundation, Inc., and asked they stand to be recognized. Council Members Johnson and Jones absent.

Mayor White stated to all speakers he wanted to say that the purpose of the Public Session was for citizens to give the Mayor and Council information, which meant out of courtesy to citizens Council Members would not make a statement after every speaker, but it was because they wanted to hear from them and not because they had no reaction to what they said. Council Members Johnson, Adams and Jones absent.

At 2:30 p.m. Mayor White requested the City Secretary to begin calling public speakers. Council Members Johnson, Adams and Jones absent.

Ms. Cora Johnson, 10126 Alfred Lane, Houston, Texas 77041 (713-462-4478) appeared and stated that she was present to thank the Mayor and Council for renaming Carverdale Park to R. L. and Cora Johnson Park; and presented tokens of appreciation to Council Members. Council Members Johnson and Jones absent.

Council Member Lawrence asked Mr. Johnson to stand to be recognized and stated that she met Mr. and Mrs. Johnson in the 1960s and they had always worked for their neighborhood and HISD would be proud to take over their program; and she was honored to get the park named in their honor. Council Members Johnson and Jones absent.

Council Member Noriega stated that it was a treat to be at the dedication and the treat was all theirs. Council Members Johnson and Jones absent.

Mr. Lenwood Johnson, 1111 Genesee, Houston, Texas 77019 (281-709-3001) had reserved time to speak but was not present when his name was called. Council Members Johnson and Jones absent.

Ms. Joyette Brown, 1605 Bluebonnet Place, Houston, Texas 77019 (713-652-5741) appeared and stated that the Houston Housing Authority did not care what Mayor White said and the manager at Allen Parkway was rude and unprofessional; that she was evicting people just for standing outside. Council Members Johnson, Clutterbuck, Holm, Noriega and Jones absent.

Mayor White stated that he asked for a review of management by an individual, Mr. Mincberg, and there was public session of the Housing Authority and the purpose was to hear from people. Council Members Johnson, Clutterbuck, Holm, Noriega and Jones absent.

Council Member Sullivan stated that Mr. Mincberg was on his rounds now visiting with all Council Members talking about his vision for the Housing Authority and changes he would be making to make sure a good product was delivered and he applauded his work and his appointment. Council Members Lawrence, Johnson, Clutterbuck, Holm and Jones absent.

Mayor White stated that it was not practical for the Council to resolve individual complaints at the Council Table and the board was there. Council Members Lawrence, Johnson, Clutterbuck, Holm and Jones absent.

Council Member Rodriguez stated that he was Ms. Brown's District Council Member and had been out to Allen Parkway Village to townhall meetings and had been communicating and working to resolve issues brought up and would be addressing the concerns with Mr. Mincberg today and then get back to her; and Ms. Brown stated that she had to go to court today regarding eviction as Ms. Clark said she had not paid her June rent but had paid it May 21st, two weeks early and felt she was being harassed. Council Members Lawrence, Johnson, Clutterbuck, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Lenwood Johnson, who was previously not present when his name was called, was now present and appeared and stated that he heard the information on Ms. Brown's concern and it was found the charges were being fabricated of having a felony, then it was brought up someone had a misdemeanor, but with Black children, if they failed to show identification an officer wanting out of the heat would take him in and take six hours to book him and in many cases that was the misdemeanor, families had no money for bail, etc., and so they would plead guilty and get out on time served. Council Members Lawrence, Johnson, Clutterbuck, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Johnson for being an advocate for those at the Houston Housing Authority and they had heard him; and Mr. Johnson stated that Mr. Mincberg needed to speak to residents and he would like to be able to contact him. Council Members Lawrence, Johnson, Clutterbuck, Holm, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Gregory Giamboi, 8109 Joplin, Houston, Texas 77017 (713-202-4603) appeared and stated that he was towing a trailer on 610 and lost his trailer and the police said he could not take it off himself, it had to be done by a city wrecker and the wrecker service said he had to pay \$2,500 right then or his truck would also be taken and the more he complained the more the price went up; that he was able to use someone's credit card and said he had the \$2,500 and then he said it was \$2,800 and when he asked why was told the more questions asked the more problems he would have; that he was rude to those helping him and he also told him if he did not help him get the trash out of his truck it would raise his price again; that he did not feel he was a good representative of Houston and should not be employed as such, it all offended him very much. Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent.

Upon questions by Mayor White, Mr. Giamboi stated that he had the receipt copy with the name of the company and he had been in contact with the Houston Auto Dealer's Association, etc., Mayor White stated the regulations were reviewed on heavy duty towing three to four years ago and to Ms. Vasquez perhaps someone could give him a report on what the regulations or ordinances said; and upon questions, Mr. Heilman stated that he was not familiar with the regulations on heavy duty towing but would check and give him a report; Mr. Giamboi stated that many officers were present; that he was not protesting paying, but that the price was raised and was told would continue to go up if he kept talking; and Mayor White stated that a

representative of HPD was present and had a copy of his invoice and date and he appreciated him coming; and Mr. Giamboi stated that he recently saw an article where people would have to pay an extra \$2.00 on an electric bill to utility companies for cleaning up trees, but his electric bill had tripled in the last four years and felt they made more than enough money, if they did simple maintenance the power lines should be cleared and did not feel constituents and citizens should have to pay. Council Members Lawrence, Johnson, Clutterbuck, Adams, Holm and Green absent. (NO QUORUM PRESENT)

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77016 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Adams, Holm and Green absent. (NO QUORUM PRESENT)

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-466-4477) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Adams, Holm and Green absent. (NO QUORUM PRESENT)

Ms. Laura Hunter, P. O. Box 731, Danbury, Texas 77534 (979-848-6666) appeared and stated that she was a Houston firefighter currently assigned to Station 35 and was present because of events over the last few weeks, that and the media coverage had a definite impact on firefighters, their families and all citizens; that HFD needed a change, but at what cost, citizens were now questioning their character and integrity; that the situation today was due to a select few of individuals who were being allowed to skew public perception of the Houston Fire Department and one citizen became afraid and wanted to know if they were racists; and shared her experiences and professional results of incidents until her time expired. Council Members Johnson, Adams and Green absent.

Council Member Noriega thanked Ms. Hunter for coming and stated that she was impressed earlier listening to her fellow firefighters, they seemed most concerned with the public. Council Members Johnson and Green absent.

Council Member Sullivan stated Ms. Hunter could continue; and Ms. Hunter stated that they were a family celebrating, etc., together and a few members were attempting to assign blame for events and they should be concentrating on finding solutions instead of pointing fingers and causing the public to question them was irresponsible; that the resolution to sexual harassment should continue with enforcement of current policies and command staff lead by Chief Boriskie had done more than any other in her career with implemented programs; and she would continue an active role in improving her department. Council Members Johnson and Green absent.

Council Member Lawrence thanked Ms. Hunter for coming and stated that in visiting fire stations they portrayed the same she said; that maybe a leadership course should be taken before a captains test, just because you were the smartest person it did not mean you should be a captain, it needed much leadership; and she appreciated all she said and felt Chief Boriskie was wonderful; and Ms. Hunter stated that there was much involved in becoming captain so they were working on it. Council Members Johnson and Green absent.

Ms. Julie Childers, 12514 Wealdstone Drive, Tomball, Texas 77377 (713-705-3349) had reserved time to speak but was not present when her name was called. Council Members Johnson and Green absent.

Ms. Lisa Kimball, 2001 Mistwood Court, Pearland, Texas 77584 (713-298-8617) had reserved time to speak but was not present when her name was called. Council Members Johnson and Green absent.

Ms. Shelly Squires, 4414 Young, Pasadena, Texas 77504 appeared and stated that she was a Senior Captain in HFD at Station 21 and felt she needed to come and paint an accurate picture; that the media, political activist and a few individuals had portrayed them as a hateful racist department and it was not true, they were good, hard working and with much integrity; that they served citizens respectfully and were one of the most diverse in the nation; that she believed incidents spoke of were isolated and it was how conflicts were handled that made them who they were; that communication and conflict resolution skills should be incorporated for all as all had different opinions in life; and she supported Chief Boriskie and union president Jeff Cannon who moved them in a positive direction. Council Members Johnson and Green absent.

Council Member Clutterbuck thanked all firefighters for appearing before Council and stated that she too was extremely concerned with the way this spun out of control, with the way the media played in this, people responsible for reporting had been fairly responsible, but for some reason it changed in here opinion when she saw the reporting of the allegeable horrible things going on at HFD using examples from 1997 and 2000 as examples, to her that was irresponsible and did a disservice to the public; that the public needed to know they would get safe, reliable, top tier, best in the world response that HFD had been known for giving and that was her plea to the media to engage their sense of responsibility; that she too supported Chief Boriskie whose actions had resulted in significant changes. Council Members Johnson, Rodriguez and Green absent.

Upon questions by Council Member Sullivan, Ms. Squires stated that she had 13 years in HFD and prior had been a school teacher; that she had a friend in the department who encouraged her to join. Council Members Johnson, Rodriguez and Green absent.

Ms. Iris Rodriguez, 2004 Decatur, Houston, Texas 77007 (713-459-2651) appeared and stated that she was an engineer operator at Station 21 and was a master sergeant in the U. S. Army; that she worked in many stations and in many positions and in the Army was a firefighter, etc., and had fought fires in Bosnia, etc., and she believed discrimination and sexual harassment was not widespread in HFD, but isolated incidents, in her career she faced situations which could have been misunderstood as offensive, however, the right tools to resolve or defuse situations were key; that her solution was a workshop and she shared her experiences in HFD until her time expired. Council Members Johnson, Rodriguez and Green absent.

Council Member Noriega thanked Ms. Rodriguez for coming earlier today and now to Council and asked that she continue; and Ms. Rodriguez stated that she believed in HFD and supported Chief Boriskie and command staff at Local 341 and Jeff Cannon and knew they would continue to do what was right for all firefighters. Council Members Johnson, Rodriguez and Green absent.

Council Member Holm thanked Ms. Rodriguez for coming and stated that all wanted what was best and her recommendations she was appreciative of; that this week on the Agenda was a contract to hire firms to assess and bring forward actions and she very much supported HFD and Chief Boriskie and Jeff Cannon had been a very good representative on behalf of them all; and upon questions, Ms. Rodriguez stated that she was aware of the contract but did not know the details, but would like all to look at a more broad spectrum like women in fire service, they had classes and may have more insight than outsiders who were not really particularly familiar with firefighting, they should look in a sector where firefighting was their profession. Council Members Johnson, Rodriguez and Green absent.

Upon questions by Council Member Sullivan, Ms. Rodriguez stated that at the conferences she had attended this year, because of deaths in HFD, they looked at safety issues and what had been done in HFD; that they had a good representation, they were an aggressive

fire department and very diverse, they and 2% women and most fire departments did not have that. Council Members Johnson, Rodriguez and Green absent.

Mayor White stated that he made a note and they were thinking along the same lines about conflict resolution and giving people tools from effective role playing and her point they should be tools and not just available to senior management, but entering cadets. Council Members Johnson, Rodriguez and Green absent.

Ms. Rebecca Wilson, 4313 Coulburn, Houston, Texas 77045 (832-465-3113) appeared and stated that she was a captain in HFD Station 16 and when she came there were a handful of women with all arriving within months of each other; that graduating was a difficult time and major achievement and she was respected because she earned it; that she had been in many stations and seen many changes; that recently many allegations had been made fueled by the media to paint HFD full of racism and sexism and that was not widespread and if proven true it was a small number who should be punished, but if proven unfounded would rebel rousers be held accountable, she doubted it, until investigations were done no one should jump to conclusions; that the vast majority were good people doing a difficult job. Council Members Johnson, Rodriguez and Green absent.

Council Member Jones stated that Ms. Wilson should continue; and Ms. Wilson stated that she too supported Chief Boriskie and Jeff Cannon who had done a wonderful job. Council Members Johnson, Rodriguez and Green absent.

Mr. Donald Mangum, Sr., 143 Camellia, Sugarland, Texas 77478 appeared, presented information and stated that he retired after 32 years of service in HFD and had promoted up to Captain and was appointed Assistant Fire Chief and it was disturbing and heart wrenching to read and watch all the negative press the Fire Department was receiving, it cast a dark cloud over the department which brought him and others today; that because a few individuals chose to make harmful and unjust decisions, HFD professionals would continue serving citizens with excellent service; that in 1992 HFD had 3 female firefighters and in 1994 after being assigned over the Recruiting and Training Division his goals were to increase women and minority firefighters and a total of 80 female firefighters were hired by revising guidelines and a contract with Houston Community College to do training with specific goals and training objectives in mind and all received diversity training and they had workout clinics, etc., a dietitian was brought in and a diverse review board was established to oversee training and many of their goals became reality and the State Fire Commission indicated the academy had the highest test scores than any other training institution. Council Members Lawrence, Johnson and Green absent.

Council Member Noriega stated that Mr. Mangum should continue; and Mr. Magnum stated that he believed they were on course to become a model department with others wanting to copy, unfortunately the next Administration dismantled many of the programs and went back to business as usual; that with the magnitude of allegations he strongly would recommend the Justice Department being brought in to investigate and thought a memorial would serve as an appropriate reminder of African American's past at the corner of Bagby and Capital instead of a hanging tree; and Council Member Noriega stated that his point was well taken; that Minneapolis had done much of what he did to increase the number of women and he had valuable points and would request his written comments be shared with all. Council Members Lawrence, Johnson and Green absent.

Upon questions by Council Member Sullivan, Mr. magnum stated that he had been a member of Local 341 and the Black Firefighters Union. Council Members Lawrence, Johnson and Green absent.

Upon questions by Council Member Jones, Mr. Magnum stated that he retired as an inspector, but during his 32 years he was promoted to captain and appointed assistant chief, but his last six years he had taken an inspector exam and became Fire Marshal; that he was Assistant Chief 4 years plus and brought in 80 women, then with the next Administration some of his programs were dismantled, he believed they would now be in double digit figures if they had continued the programs. Council Members Lawrence, Johnson and Green absent.

Council Member Adams moved to extend the time by three minutes for Mr. Donald Mangum, Sr., seconded by Council Member Noriega. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Lawrence, Johnson and Green absent. MOTION 2009-0574 ADOPTED.

Upon questions by Council Member Adams, Mr. Mangum stated that he never worked directly in staff services, but from what he gathered over the years results were basically one sided and he was not sure what was going on in that division, to have a department the size of Houston's it did not send a good message; he thought if you had someone to report to outside of the department it made people comfortable to carry their complaints and he thought Los Angeles had such and felt it would do good to have it here. Council Member Green absent.

Ms. Linda Leslie (did not want address published) (713-526-2231) appeared and stated that she came to Council over 20 years ago so she could become one of the first female firefighters and Council forced them to comply; that she had a career from 1990 until she was forced to retire due to a job related injury; that Council Members were saying the past was past and did not want to hear it, but when such things happened it was like a cancer and did not stop and it represented only a segment of what she had to experience as a Kingwood firefighter with OIG and Chief at the time turning a deaf ear; that chief Flanagan spearheaded some of the things which forced her retirement and Chief Dupont had worked with her as a paramedic and witnessed many things firsthand, it happened and would continue until forced to stop; and continued sharing her experiences in HFD until her time expired. Council Member Green absent.

Upon questions by Council Member Clutterbuck, Ms. Leslie stated that she had episodes from 1999 to 2005 and then in 2006 when she was forced to retire; that she worked overtime the night before they made her retirement, they got rid of women who had job related injuries and could not perform the job hired for; that there were multiple complaints and disposition and all OIG would substantiate at the time was procedure violations against the captain she reported against, unfortunately, she did think it should be the Department of Justice because OIG would not get to the truth. Council Member Green absent.

Council Member Jones stated that she received a letter from firefighters where a number of them, including retired, current, assistant fire chiefs, senior captains, etc., asked they keep moving forward on this; that looking into the allegations was not an indictment of all HFD, but it was to identify discrimination based on gender and race and policies which allowed it to continue and it had gone on long enough; that many would not come forward because they were afraid and they were all races; and to Council Member Noriega, chair of the Safety Committee, before the latest incident came out she received calls and emails saying she should have a town hall meeting about those being treated differently based on the color of their skin, one lady said her mom was treated differently by firefighters because of the color of her skin; and if ten women were being discriminated against it was still something wrong that it could happen; and she wanted the focus to identify and solve the problem. Council Member Holm absent.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he was present to see if he could get a code at 3300 Main; that he spoke with Mr. Greer about a rejection people under him gave him and he tried to protect the guy and asked what did he really want; that if he got the drawings right and brought them in they would get the drawings out; and he said to Mr. Greer he wanted a guideline, but was told there was no guideline, each examiner would go over it and that he had the best group of people there he ever had as planning examiners, but they were the most incompetent he had ever seen, just like when he came before about a fire marshal propositioning his daycare director for sexual favors and the pro tem stated she was sure nothing was done, but now firefighters were coming forward themselves, but he needed guidelines to go over so at 3300 Main things could get done. Council Members Holm, Gonzalez, Rodriguez, Noriega and Jones absent.

Upon questions by Council Member Johnson, Mr. Johnson stated that they were saying his plans were incomplete, he drew them, this was new construction for a church; that he was a designer, he was a licensed architect in Tennessee but not in Texas; that one rejection said he needed a geotechnical investigation on it and he did but then someone else looked at it and said something different; that he had a check off list and did everything on the first list, but then the person who checked him secondly scratched off what the first person said and gave him a new list to go by like the first person did not know what they were saying; and Council Member Johnson stated he would like to see the information and check it for him. Council Members Adams, Holm, Rodriguez, Noriega and Jones absent.

Ms. Donna Cristwell, 6319 Paddington, Houston, Texas 77085 (832-628-1163) appeared and stated that she had a masters, an MBA, with a specialty in finance, accounting and marketing from the University of Phoenix online and as of March 31st was working 100% commission and was looking for full time employment and was still victim of Hurricane Ike, she was a homeowner with an adjust rate mortgage and she had insurance and awarded some money, but not enough for the entire dwelling and the insurance was cancelled because paint was peeling; that now the insurance was saying it had to be deemed inhabitable for her to have an apartment, etc., to stay, but she had no air and no bath facilities and now no electricity; that her car engine also needed repair and she was asking for direction. Council Members Adams, Holm, Rodriguez, Noriega and Jones absent.

Mayor White stated Citizens Assistance would follow-up with her at this time. Council Members Adams, Holm, Rodriguez, Noriega and Jones absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Adams, Holm, Rodriguez, Noriega and Jones absent.

Mr. Charles Shields, who was previously added to the Speakers List, appeared and stated that he was present as a citizen of Houston; that he felt his granddaughter was abducted and kept for no apparent cause by the CPS and he needed help in getting her; that he had been fighting since May 11th to get her, they had picked her up from school and those in charge never tried to communicate anything when his wife was listed as emergency contact at the school; that she was texting them from the back seat of the car and she was only 13 years old, but CPS had never contacted them that evening and if it had not been for their granddaughter's text they would have gone to police after her not arriving from school; that they took her immediately to a foster home and they were contacted the next day, but had they followed their own rules she would have stayed with them from the first day and they had gone through the entire process; that he knew it was a state issue, but they had contacted them and were being told they were lying and they were waiting two weeks now on a signature to get her out; that her younger brother, who was not his grandson had been released over a month, but was still being

kept saying they wanted to let them out at the same time. Council Members Adams, Holm, Rodriguez, Noriega and Jones absent.

Mayor White stated that the city was not in position in this body to handle issues concerning CPS custody; and Mr. Shields stated that he already contacted the state but was coming as a citizen of Houston to let them know what was happening to citizens of this city. Council Members Adams, Holm, Rodriguez, Noriega and Green absent.

Ms. Darlene Shields, who was previously added to the Speakers List, appeared and stated that to reiterate what they had gone through with her granddaughter, she was picked up from school on May 11th two weeks before school was out and taken directly to a foster home and the only way she knew was because she text her saying CPS had her and to please come and help; and Ms. Shields continued to explain the situation and how she tried to resolve the situation and what her granddaughter had gone through until her time expired. Council Members Lawrence, Adams, Sullivan, Holm, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Shields stated that her complaint was against CPS; and Council Member Jones stated that Council had no authority over them, but she could direct her and if she would like her office would write letters to try and help her get resolution, but it sounded as if she needed a lawyer; and Ms. Shields stated they had gone through two; that she was not legal guardian but had raised her since she was two years old; and Council Member Jones stated that she should contact her state representative also. Council Members Holm, Gonzalez, Noriega and Green absent.

Council Member Adams moved that the rules be suspended for the purpose of hearing Mr. Marvin Ansley out of order at this time, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Holm, Gonzalez, Noriega and Green absent. MOTION 2009-0575 ADOPTED.

Mr. Marvin Ansley, 132 Carson Court, Houston, Texas 77004 (713-522-4617) appeared and stated that he and his wife were present last week regarding a ditch needing cleaning and at the conclusion of the meeting he and the Mayor pretty much agreed they did not like the term of orphaned ditch and things were done to get the ditch cut, but simultaneously they had never been fined before, but they got cited after coming down, saying they had to clean the ditch themselves and Mr. Norris Davis talked to him today and said they could go home and let them do what they did to fix it. Council Members Holm, Gonzalez, Noriega and Green absent.

Mayor White stated that if Mr. Davis asked him to go home, then he would ask he be relieved of duty, it was not the role Council liaisons play; that the sequence of events as he understood it were..., he looked at this last week and wanted to identify the legal answer to ownership and he said it appeared it could have been an old drainage to the bayou and there was a legal and public policy issue that he expected Public Works and Engineering and its personnel not just to refer something to Legal, but to talk to people about whether they wanted to take position with the Harris County Flood Control District that old drainage ditches should be filled in by landowners, he did not think it was a good idea, but needed professionals to tell them that, but apparently to an email he saw from personnel at the city to communication to the inspector, who before this determination had been made, put notice on his door he was responsible for upkeep of half the ditch and if he did not do it bad things would occur; that was not the conduct he expected and he did not know whose error it was, but did know there was an error and he was saying to Captain Curran and Ms. Vasquez and his chief of staff it was not acceptable and he did not spend his time here speaking to a citizen and trying to resolve these

with care to have someone hanging legal notices on a citizens door; and thanked Mr. Ansley for coming. Council Members Holm, Noriega and Green absent.

Council Member Adams thanked Mr. and Mrs. Ansley for coming back and stated that actually it was a yellow placard they place in the yard on a stake notifying the owner they had so many days to clear a violation or have a lien placed on their property; and thanked Mr. Art Kitter and Mr. Gary Drabek and Ms. Vasquez for working on this every day last week; that she did not know how the inspector received her instruction, but citizens had a right to come and not be penalized, but the issue was being checked and she thought everyone on the bayou was placard; and Mr. Ansley stated that he wanted to thank Mr. David Herrera; and Mayor White stated that he did not think this was retaliation, but incompetence and on this issue and maybe personnel changes needed to be made, and by next week. Council Members Holm, Noriega and Green absent.

Council Member Jones thanked Mr. and Mrs. Ansley for coming and stated that she agreed with Mayor White, this did look like retaliation and she could not wait to see how this happened, but the most important was to figure how to get the ditch cleaned. Council Members Sullivan, Holm, Noriega and Green absent.

Mayor White stated that the other issue was who had the responsibility; that normally a bayou drainage was responsibility of Harris County Flood Control and there were issues of a dry tributary or drainage and he did not know what that was, it could be there was a public policy needing to be made by senior people and he was pretty senior, but what was done at one neighborhood set precedence everywhere and his specific issue was he did not want someone to fill out a generic form out after spending so much time discussing it and someone gets a little notice of a drainage ditch problem and they go out and cite someone; that he was taking time for this and he expected people to do equal time to do their job he gave them direction on and maybe it was a coincidence with the inspector, but if not then there was a failure which must result in changes being made and that was not a request. Council Members Sullivan, Holm, Noriega and Green absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm, Noriega, Green and Jones absent.

Mr. Donald Burns, 2016 Main #2301, Houston, Texas 77002 (713-882-0307) appeared and stated that he lived in Shamrock Manor where Mr. Alfredo was building a cement plant, but was present because of the Shamrock Civic Club, specifically, how the City of Houston was being used by someone living in the neighborhood who built homes and bought lots and the City of Houston Legal Department was being used to bully people; that he lost \$72,000 and the lady who had the trailer park lost \$100,000 plus cleanup and there were no quarter of a million dollar houses there anywhere and the lawsuit was still pending. Mayor White, Council Members Sullivan, Holm, Noriega, Green and Jones absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Burns for appearing before the Council today. Mayor White, Council Members Sullivan, Holm, Noriega, Green and Jones absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present again asking the YMCA be built on the 26.82 acres as it was a need for health, safety, etc., and stimulus money could be used. Mayor White, Council Members Sullivan, Holm, Noriega, Green and Jones absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Ms. Taylor for again appearing before the Council. Mayor White, Council Members Sullivan, Holm, Noriega, Green and Jones absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Dr. Anita Spivey, 1559 Tarrberry, Houston, Texas 77088 (832-426-0255) appeared and stated that she lived in Acres Homes, but traveled daily to Bellfort and Lenore by Hobby airport to take care of her great grand children and last Thursday her seven year old great grandson, a special needs student, was questioned by HPD about a stroller taken from Fiesta, he told her the police were going to bring him stickers because he told them where the scooter was, but they did not ask for an adult or let her know he was being questioned and that was her issue and would appreciate the Council checking into their procedure of questioning youngsters. Mayor White, Council Members Lawrence, Sullivan, Holm, Noriega, Green and Jones absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Dr. Spivey stated that her great grandson answered the officer and when she found out she told the officer why was he talking to him with no adult, and prior the manager from Fiesta was there and when she asked him what was going on he told her it was none of her business, her concern was the officer was speaking and questioning her great grandson about a criminal act with no adult present in their yard at the complex where he lived; and she asked the officer his name and station number and he would not give it to her, she asked he write it down and he said no and the Fiesta manager said it was not her business; and Council Member Johnson stated that he needed to find out if he was on or off duty and he needed to get the name and badge number she got. Mayor White, Council Members Lawrence, Sullivan, Holm, Noriega, Green and Jones absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Gonzalez stated that he worked at Southeast before and many times when police received a call for service they did not have all information and maybe he was trying to have communication with her great grandson and he would suggest contacting a duty sergeant there and speak to someone over the officer and maybe the sergeant could speak to him and counsel and find out the nature of the investigation and his demeanor to her and get it resolved that way and if then she was not satisfied maybe she could take it to the next level and be advised what other recourses there were, but it was important to get facts. Mayor White, Council Members Lawrence, Sullivan, Holm, Noriega, Green and Jones absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he needed more time and his teeth were being extracted and fatal damages by the global mafia; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Sullivan, Holm, Noriega and Green absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

At 4:21 p.m. City Council recessed until 9:00 a.m., Wednesday, August 5, 2009. Mayor White, Council Members Lawrence, Sullivan, Holm, Noriega and Green absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 5, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director, and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member M. J. Khan, P. E. absent on personal business. Council Member Sue Lovell

out of the city on personal business.

At 8:22 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:33 Mayor White called the meeting to order and recognized Council Member Clutterbuck. Council Members Adams, Sullivan, Brown, Green and Jones absent.

Council Member Clutterbuck moved to consider the Monthly Operations and Financial Report and the Quarterly Investment Report out of order, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Adams, Sullivan, Brown, Green and Jones absent. MOTION 2009-0576 ADOPTED.

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller – was presented. Council Members Adams, Sullivan, Brown, Green and Jones absent.

Ms. Parker and Ms. Mitchell reviewed the Monthly Operations and Financial Report, a copy of which is in the City Secretary's office for review. Council Members Adams, Green and Jones absent.

Mayor White stated that in September or October, it might be beneficial to put on the agenda for one of the finance committee hearings, reports from those involved from both the FEMA and private insurance claims, to highlight what seemed to be slow, that he knew there were some issues with one particular Public Works, or at least in the last briefing he had one month ago, one particular Public Works claim and some Aviation claims, but mostly it involved the processes within FEMA and private insurers, that he thought it was noting that, that he needed the wisdom of Council Members on what they ought to be doing and where they ought to be going, that he deeply appreciated, and the citizens of the community, if they knew, the work that was made by several Council Members, that he deeply appreciated the trip that was made to Washington, D. C. and this was something that would be very useful for them because the Texas Insurance Board in Austin, if they had insurers that were not responsive, private insurers and the Federal Government, and their elected representatives there ought to emphasize the importance of getting these claims paid, that he hoped that it would never come to pass, but to be forewarned, his language would probably have to be edited if they had another hurricane and FEMA had not repaid them from the prior hurricane; that second, they would hear from him again but he would lay it out, that in his view, as he described in the State of the City Address at the beginning of the year, this fiscal year and the next fiscal year, at a minimum, and perhaps Fiscal Year 2012 would be difficult years for the City, that he did believe that their economy would turn around and believed when it did so they would continue to be as they had at other times of turn around, a real leader in this Country in employment and job growth and sales tax and home building and everything else, but for the next year and a half to two and a half years of fiscal years there would be time for hard choices and some of those were still going on, they would note that both the City Controller and the Administration prudently, he believed, had lowered the projections of sales tax revenues and that did have some budget consequences, one good thing about discussing the budget every month and having detailed reports from their City Controller and Director of Finance Administration was that they could look at things like what the year to year increase and various budgets, such as the individual budgets of, he guessed the largest ones would be Police and Fire, and there were new facilities which came on line, that there were many different Council Members, for example, who had placed various libraries as a high priority and they had been working on it some time

and were proud of the fact that they were not stopping a project in the middle of it but were opening a building where they would have no services, but those kind of decisions did have consequences on the budget so they would be working through some issues and they should be on schedule for presenting a sort of pro forma FY2011 budget, not to be adopted, that would not be this administration's role, that would be the next administration, but so that people at least would have a map about the choices which would need to be made during the last administration and that there would be good continuity from administration to administration, that the final consequence of what he was going to say was that because of his confidence that this City would come back, and come back strong, the fact that something was deferred did not mean that it would never happen, that he knew this administration took office and some around the table with him, where they had some balloon notes, in particular one public safety contract, and the reason that occurred was that at a time where there were budget shortfalls, even when they were not in recession, that people pushed some expenditures into the future, that did create some problems and they should not all occur at one time, as in the case of the Police contract that they inherited but nonetheless it was happening in various cities throughout the State where people were, for example, deferring pay increases and the like, not because people wanted to but because there was a decline in revenue. Council Members Adams and Green absent.

After discussion Council Member Brown stated that he had requested a month by month projection of their Sales Tax and Property Tax Revenues, and if they would do that expeditiously and add to it a footnote briefly explaining the methodology by which they do these projections, that he was reminded that Mayor White stated that on September 30th they would have a more detailed review of where the City stood financially, and Mayor White stated yes, that those would be for two principle purposes and they would comply with Council Member Brown's request and thought sales tax in particular was something where they would know month to month the actual, there would be more potential for differences between projections and actual, not because of what they knew now, but because of the uncertainties, and that review would include two things, one, scoping out what the choices would be, as best as they could determine them, with the input of all City Council Members, and second, they were in the process of reviewing, and they acted promptly to start the internal review of what they needed to take into account the decrease projections on sales tax revenues, that would involve choices, and finally, they could simply draw down fund balances at a greatly accelerated rate and go through a period of time where people did not see as many hard choices being made, and then defer them to the next fiscal year, they were trying not to do that, that he had never seen, for want of a word, political glory in something like that, but why did they not set a model for thinking ahead, just as they did when they created the surpluses, that he would say that to the City employees who would have to be their partner on this. Council Members Green and Jones absent.

Council Member Clutterbuck stated that she thought it was a perfect opportunity to outline for her colleagues what they planned to do in the Budget and Fiscal Affairs Committee, that in September 3, 2009, they planned to, in addition to the regular reports that were standard with the monthly financial report, to also have a long term view from Ms. Mitchell, like a long term projections of where they were going for the next several fiscal years, as well as a Combined Utility System update of the overall financial status of the Combined Utility System, as well as some options that this Council or future administrations may have to consider, and they would add to that Mayor White's request to have a discussion of where they stood with their insurance claims for FEMA, as well as their private insurance, and she would be asking Alfred Moran to help with that, that he had a memo delivered to all Council Members last Thursday, that it was a very good update; that she knew that in September Mayor White planned to give an update for the pension systems and they would be also reviewing that in the committee in October, after the Mayor's Report; that they looked forward in November and December having a discussion

of the pro forma 2011 Budget, that she thought it was an excellent suggestion. Council Members Noriega, Green and Jones absent.

Mayor White stated that Council Member Clutterbuck participated in a meeting they had on various issues involving pensions, the people who had supported the two reforms of the Municipal system and the Police system were to be commended, the Council Members and the citizens who backed them in the initial referendum, because they did something in both of those agreements, they sort of locked in, essentially, the City's contribution over multiple years that gave them the ability to plan on some of these pensions, that there was another pension system, the Fire Pension System, that under State Law there was not the same provision for bargaining with the pension board and create a new agreement that existed with the other two systems and one of their focuses on that system was going to be Legislative reforms that would occur within the latest Legislative system, that would be done cooperatively with the pension system because they all had the interest in making sure that pensions were secure for those who sought to retire, that to remember as people have found at GM, and other places, if something was not affordable it was not secure, that San Diego found this out and pension systems in California were finding out that long term security also entailed long term affordability for those who were employees as well as the taxpayers, that he would also say that it was a complex issue and quite often he saw things that were said that only a small percentage was true or half true and one example of that would simply be the fact that the markets did fluctuate, obviously there had been a sharp increase in the valuation of assets since April and the people should not take a snapshot at one period of time when they were dealing with things like asset performance. Council Members Noriega, Green and Jones absent.

Council Member Sullivan stated that Council Member Brown's request for information on sales tax and property tax revenue was something that he had been asking Ms. Mitchell for from time to time over the last several months, that she had been responsive, that he could not tell if it was an order or request, but if in fact she produces it could he get a copy as well, and Ms. Mitchell stated yes, and Council Member Sullivan stated that he wanted to thank her for getting that information to him in the past. Council Members Noriega, Green and Jones absent.

Mayor White stated that on that, studies that were done by Barton Smith and his group, along with their own internal, looking at those numbers, as he knew, were the ultimate source and they adjust it, as did the City Controller, wisely, where they agreed with her assessment, when there was a change in the monthly receipts then they would try to make a change in the budget in their projections to account for that, so they were both projections from outside the City, by professionals, combined with what their actual experience was year-to-date, those were the two basic things that went into forecasting sales tax receipts, and Council Member Sullivan stated that what had helped him, with the discussions with Ms. Mitchell, was to break out the Ike related sales tax revenue versus the retail, which started dropping months ago and that conditioned him to start thinking looking forward and it was very helpful. Council Members Adams, Gonzalez, Noriega, Green and Jones absent.

Mayor White stated that he wanted to take the opportunity, Ms. Mitchell and the City Controller, to highlight the following, something that he learned when he was asked to assist a prior Mayor on this particular issue, the City Controller was very knowledgeable on this because he thought she was the Chair of the Finance Committee of the Council at that time, but the ability to forecast sales taxes on capital goods was something that was elusive during the prior administration and anything that they could do, and he knew there was no science on that, but they ought to keep their eye on it, so what Council Member Sullivan was saying concerning not only anything that may be Ike related but if they could take a look at trends in retail sales versus capital goods and he had encouraged their Department of F & A to the extent and would let Ms. Mitchell make the decision, and her professional staff, but he had sort of strongly urged that if they needed outside professional assistance, such as individuals with long experience in the

State Comptroller's Office, where there were a lot of former employees and they were in the middle of these things on sales tax trends and if they wanted to get somebody to advice them on these things during these difficult periods then he would support any request that she made on this line. Council Members Adams, Gonzalez, Noriega, Green and Jones absent.

Council Member Lawrence asked what was the importance of the pension board to City Council and the relationship that the two of them had together, that something that she had been disturbed about was some of the policies they put forward, as far as anytime an election came up and requirements of ballots and not being able to get another ballot if something happened to their original ballot, even if they went over there, and how they were turned in, that she would like to see, and guessed that Legal had to weigh in on it, City Council setting up some policy, because it ended up that very few people voted and it was a lot because of their voting policy and that was something that she did not think they were restricted with State and Federal Law on, and would like to see this Council possibly move forward so that they could work better with the pension board.

Mayor White asked Council Member Lawrence to consider looking at what the requirements were and if she had certain specific questions to get those to him and Mr. Michel and Mr. Mason and Mr. Hall, and they would take a look at that so she would give them an idea where she was coming from and what the specifics were. Council Members Adams, Gonzalez, Noriega, Green and Jones absent.

Council Member Johnson stated that he wanted to take a point of personal privilege to acknowledge Ms. Anna Russell's birthday, and all Members of Council sang Happy Birthday to Ms. Russell. Council Members Adams, Gonzalez and Noriega absent.

Council Member Clutterbuck moved to accept the Monthly Operations and Financial Report and the Quarterly Investment Report, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Adams, Gonzalez and Noriega absent. MOTION 2009-0577 ADOPTED.

Mayor White stated that their City Hall Fellows were present in the Council Chamber and thought they had disseminated a report, which had been given to every Council Member, that the City Hall Fellows, at his request, did an excellent report, which would not go on the shelf, of their observations on ways that they could streamline, improve and attract some of the best and brightest to work at City Hall, that he could tell them that there were some things that would be done, that there were probably things that they could not do in this report, but if they looked at how the report was done, surveying employees, mapping out the recruitment and hiring processes within the City, that it was a model of what they could do to make reformed City Hall processes and get informed opinions about that, and asked the City Hall Fellows to stand and be recognized. Council Member Brown absent.

At 10:11 a.m. Mayor White stated that they would move to the public hearing. Council Members Clutterbuck and Brown absent.

HEARING - 9:00 A.M.

1. **PUBLIC HEARING** to consider the readoption of Article XII, Chapter 32 of the City of Houston Code of Ordinances, relating to standards of care concerning Parks and Recreation Department youth recreation programs in compliance with Section 42.041(b) of the Texas Human Resource Code – was called. Council Members Clutterbuck and Brown absent.

The City Secretary stated that no one had reserved time to appear and Mr. Earl would make some remarks concerning the hearing. Council Members Clutterbuck and Brown absent.

Mr. Doug Earl stated that he wanted to thank them for allowing them to return, for about the past ten years they had made the ordinance come to pass, that as they probably knew the City Parks and Recreation Department ran a wonderful After School Program, they called it After School Enrichment Program and his colleague Kay Joshua, he wanted to recognize her, was their Division Manager and the guru of After School Programming, that it was a program that they ran in virtually all of their community centers and they offered a great variety of programs, including character development, wellness, environmental education, the arts and sports, that kids had a great time after school; that because they were a municipality they did not have to be licenses by the State of Texas, but in lieu of that they did have to adopt a Standards of Care, so as he said this was something they had adopted for the past ten years and they would like to request that again today. Council Member Brown absent.

Council Member Jones moved to close the public hearing, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Member Brown absent. MOTION 2009-0578 ADOPTED.

Mr. Earl stated that he wanted to make it clear that this was a program run by the City Parks Department as opposed to the After School Achievement Program which was licensed by the State of Texas and funded by the City and operated by other entities. Council Member Brown absent.

- 1a. **ORDINANCE READOPTING ARTICLE XII, CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, regarding standards of care for Houston Youth Recreation Programs; containing findings and other provisions related to the subject; providing an effective date; providing for severability - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Sullivan and Brown absent. ORDINANCE 2009-0711 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 34

MISCELLANEOUS - NUMBERS 2 and 4

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 4 (ENERGY CORRIDOR MANAGEMENT DISTRICT) BOARD OF DIRECTORS**, for a term to expire June 1, 2013:
 - Position One - **MR. ROBERT L. MILLER**
 - Position Two - **MR. E. ALAN COCHRANE**
 - Position Three - **MR. STEVE MOSKOWITZ**
 - Position Four - **MR. PETER D. JOHNSTON**
 - Position Five - **MR. DAVID W. HIGHTOWER**

- was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Sullivan and Brown absent. MOTION 2009-0579 ADOPTED.
4. RECOMMENDATION from Director Department Public Works & Engineering to accept the

July 2009 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$5,238,508.36 for Revenue Bond Debt Service as recommended in the Report - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Sullivan and Brown absent. MOTION 2009-0580 ADOPTED.

ACCEPT WORK - NUMBERS 5 through 9

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,416,606.56 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.**, for Woodland Heights Storm Sewer Project - 4.90% under the original contract amount - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Sullivan and Brown absent. MOTION 2009-0581 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$607,689.50 and acceptance of work on contract with **R & B GROUP, INC** for Myrtle Lift Station - 4.08% under the original contract amount - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Sullivan and Brown absent. MOTION 2009-0582 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,727,129.75 and acceptance of work on contract with **INDUSTRIAL TX CORP.**, for Bay Area Blvd. & N. Velasco Pump Station Renewal/Replacement - 7.18% under the original contract amount - **DISTRICTS E - SULLIVAN and H - GONZALEZ** - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Sullivan and Brown absent. MOTION 2009-0583 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,391,432.70 and acceptance of work on contract with **COLLINS CONSTRUCTION, LLC**, for Water Line Replacement in Ellena Gardens-North Section Area - 1.06% under the original contract amount - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Sullivan and Brown absent. MOTION 2009-0584 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,517,367.30 and acceptance of work on contract with **COLLINS CONSTRUCTION, LLC**, for Water Line Replacement in Shepherd Park Plaza Area 2.48% under the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Lawrence, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. Council

Member Lovell out of the city on personal business. Council Members Sullivan and Brown absent. MOTION 2009-0585 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 16

12. **METRO FIRE APPARATUS SPECIALIST, INC** for Mobile Incident Command Vehicle through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council \$1,479,000.00 - Grant Fund - was presented, moved by Council Member Green, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Sullivan and Brown absent. MOTION 2009-0586 ADOPTED.
15. **RUSH TRUCK CENTERS OF TEXAS, LP dba RUSH TRUCK CENTER, HOUSTON** for Automotive, Caterpillar Diesel Replacement Parts and Repair Services for Various Departments \$604,671.00 - General and Fleet Management Funds - was presented, moved by Council Member Green, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Sullivan and Brown absent. MOTION 2009-0587 ADOPTED.
16. **CHEMGUARD** for Polar Solvent/Aqueous Film-Forming Foam for Various Departments \$619,726.25 - General and Enterprise Funds - was presented, moved by Council Member Green, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Sullivan and Brown absent. MOTION 2009-0588 ADOPTED.

ORDINANCES - NUMBERS 22 through 33

22. ORDINANCE approving and authorizing Interlocal Agreement between the City and the **TEXAS DEPARTMENT OF STATE HEALTH SERVICES (“DSHS”)** to provide Analytical Services for Drinking Water for Public Works & Engineering Department; providing a maximum contract amount - 1 Year with two one-year options - \$469,635.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0712 ADOPTED.
23. ORDINANCE appropriating \$2,742,000.00 out of Police Consolidated Construction Fund for the Radio Project Implementation for the Information Technology Department - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0713 ADOPTED.
- 23a. ORDINANCE approving and authorizing ten (10) year Telecommunications License Agreement, with two (2) renewals of five (5) years each, between the City of Houston, Texas, as licensor, and Port of Houston Authority of Harris County Texas, as licensee, for Ground and Lease space at 8675 Clinton Drive, Houston, Texas, in consideration of a license fee of \$2,000.00 per month or \$24,000 annually to be paid to the City, and a similar fee in the event of sub-licensing, for the purpose of licensee’s constructing a new communications tower and a radio communication room, such tower to become the property of the City at the expiration of the agreement - **DISTRICT B – JOHNSON** - had been pulled from the Agenda by the Administration, and was not considered. Council Member Sullivan absent.

25. ORDINANCE appropriating \$1,100,000.00 out of Public Library Consolidated Construction Fund for Purchase of Equipment and Materials for the Kendall Neighborhood Library - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0714 ADOPTED.
27. ORDINANCE appropriating \$7,237,803.84 out of Airports Renewal and Replacement Fund and awarding construction contract to **PYRAMID CONSTRUCTORS, LLP** for Hurricane Ike Repairs at William P. Hobby Airport and Ellington Airport (Project 630); 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 and for contingencies relating to construction of facilities financed by such funds - **DISTRICTS E - SULLIVAN and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0715 ADOPTED.
28. ORDINANCE appropriating \$83,000.00 out of Parks Consolidated Construction Fund as an additional appropriation to Professional Environmental Consulting Services Contract between the City of Houston and **MALCOLM PIRNIE, INC** for Wheeler Park Facility (Approved by Ordinance No. 2007-1328) - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0716 ADOPTED.
29. ORDINANCE de-appropriating \$61,426.00 from Purchase Order issue to Action Target, Inc (Approved by Ordinance 2008-932); appropriating \$90,101.00 out of Police Consolidated Construction Fund, approving and authorizing Third Amendment to Construction Management-At-Risk Contract (Approved by Ordinance No. 2007-1359) between the City of Houston and **GILBANE BUILDING COMPANY** for Construction of the HPD Qualification Pistol Range; providing funding for Design Services and contingencies related to construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0717 ADOPTED.
30. ORDINANCE appropriating \$38,350.17 out of Park Capital Project Fund as an additional appropriation for Sharpstown Golf Cart Barn, and approving and authorizing first amendment to Construction Contract between the City of Houston and **CARRERA CONSTRUCTION, INC** (Approved by Ordinance No. 2008-0582); providing funding for contingencies relating to construction of facilities financed by the Park Capital Project Fund - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0718 ADOPTED.
31. ORDINANCE appropriating \$568,280.00 out of General Improvement Consolidated Construction Fund as an additional appropriation to Construction Agreement between the City of Houston and **PRIME CONTRACTORS, INC** ("Prime Contractors Agreement", approved by Ordinance No. 2008-0332) and to the Agreement between the City of Houston and **SMITH & COMPANY ARCHITECTS** (Approved by Ordinance No. 2006-

1234) and approving and authorizing second amendment to Prime Contractors Agreement for the African American Library at the Gregory School; providing funding for contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0719 ADOPTED.

33. ORDINANCE appropriating \$3,070,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Purchase of easements and other interests in Real Property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Polices/Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with, and finding a public necessity for the Capital Improvement Projects identified in the body of this ordinance - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Member Sullivan absent. ORDINANCE 2009-0720 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. REQUEST from Mayor for confirmation of the appointment of **MR. F. XAVIER PEÑA** to Position Twelve of the **PUBLIC PARKING COMMISSION** for an unexpired term ending December 31, 2009 – was presented.

Council Member Sullivan stated that he wanted to thank Mr. Xavier Peña for his willingness to serve on the Parking Commission.

A vote was called on Item No. 3. Moved by Council Member Rodriguez, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. MOTION 2009-0589 ADOPTED.

PROPERTY

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jake English, Rekha Engineering, Inc., on behalf of Lily Grove Missionary Baptist Church (Reginald Mack, Deacon), for abandonment and sale of 1) South Lawn Avenue, from Stearns Street to Tierwester Street; 2) Alice Street, from Stearns Street east to its terminus; and 3) Cadillac Street, from Alice Street north ±212.87-feet, located in the South Lawn Addition or the Southland Addition, all out of the Louis Gladitch Survey, A-304, Parcels SY9-068A, SY9-068B and SY9-068C - **DISTRICT D – ADAMS** - was presented, moved by Council Member Lawrence, seconded by Council Member Green, and tagged by Council Member Adams.

PURCHASING AND TABULATION OF BIDS

11. **BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC** for Purchase of Automated People Mover System Parts for the Houston Airport System - \$2,580,545.91 - Enterprise Fund – was presented, and tagged by Council Member Johnson.

13. **AMERIQUELL GROUP LLC** for Purchase of Meals Ready to Eat from General Services Administration (GSA) Schedule 07F-0053T Contract through the Cooperative Purchasing Program under the Local Preparedness Acquisition Act for the Houston Police Department \$65,212.73 - General Fund – was presented, moved by Council Member Green, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. MOTION 2009-0590 ADOPTED.
14. **MORNING PRIDE MFG dba HONEYWELL FIRST RESPONDER PRODUCTS** for Personal Protective Gear for Various Departments - \$2,801,947.00 - General and Enterprise Funds – was presented, moved by Council Member Green, seconded by Council Member Clutterbuck, and tagged by Council Member Rodriguez.

ORDINANCES

17. **ORDINANCE AMENDING PORTIONS OF THE CONSTRUCTION CODE OF THE CITY OF HOUSTON, TEXAS**; containing findings and other provisions relating to the foregoing subject; providing for severability - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. ORDINANCE 2009-0721 ADOPTED.
18. ORDINANCE amending Exhibits “A” of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2009-510), to amend the Master Classification Ordinance to add two (2) new job classifications and to revise three (3) job classifications; providing a repealer; providing for severability - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. ORDINANCE 2009-0722 ADOPTED.
19. ORDINANCE approving and authorizing Agreement between the City of Houston and **SUNNYSIDE PLACE COMMUNITY DEVELOPMENT CORPORATION, INC** to provide a Performance Based Loan in the amount of \$1,200,000 in Home Investment Partnerships Funds for the acquisition and rehabilitation of a 150-unit Apartment Complex known as the Chateau Village Apartments located at 3815 West Fuqua, Houston, Texas - **DISTRICT D – ADAMS** – was presented.

Council Member Sullivan stated that through his first term he had noticed a number of projects throughout the City that were receiving these funds and he was supportive of them but would like to have Mayor White's permission to have Mr. Celli and Mr. Sampley's group talk to him about how some projects in his district could potentially benefit from the same type of programs, that he had not been real firm in asking in the past so he could not say they did not respond but he would like to have Mayor White say publicly that was something they could discuss, and Mayor White stated that Mr. Sampley was present, and he knew of three different CDBG projects that they had worked on, that he would say this not in comment to Council Member Sullivan's point but for general information, those that involved applications for tax credit financing and the availability of that was one important part and their scoring the cost effectiveness of a project, that they did, in part, depend on the applications by the private developers for those tax credits and then decisions that were made by the State on the allocations of those tax credits, that from time to time there were potential projects that had been identified by him, Council Members or community organizations, for say, rehabbing units, and it was well to come in mind if there was nobody who stepped up the plate and makes the application or the application for the tax credits was not awarded by the State, then there were certain things that were beyond their control, but Mr. Sampley, in particular, he wanted to commend, and Jeff Smith, for working closely together to encourage developers with a good track record of doing this projects to aggressively pursue this so that where there were

properties that could become blighted properties that they were turned around to the benefit of the neighborhood and the residents; that they would get that information to him if Mr. Sampley was able to do that briefing he would appreciate it.

Mr. Sullivan stated that in District E they were not thought of as having dilapidated apartments but they did have some projects that had received a lot of publicity this year and last year, Tallyho, for instance, and now Alameda Chateau also with respect to water and utilities being cutoff, that he sent a memo to Mayor White a few weeks ago and he had instructed Mr. Celli and Mr. Sampley to respond and they did but the answer was really pretty soft from them and he did not get any resolution and that was what could they do about the number of apartment projects within not just his district but within the City, but in particular his district, that still had a lot of blue roofs, that those were not dilapidated today but if they did not make sure that those projects were watched, at least monitored, they would be dilapidated because he could not imagine that a blue roof on a multi family project, for a year, meant that the walls were clean and safe and all that kind of stuff, that he was going down a path he did not know much about, but he did not think it did much for the neighborhoods where the projects were, even though they were not yet dilapidated, that he was looking for some help.

Mayor White stated that one of the issues that he would ask Mr. Sampley and Mr. Celli, with the cooperation of Council Members to think about on multi family that sustained Ike damage was as follows, that there were apartment owners who had made repairs and there were those who did have private insurance, that he did understand the policy of FEMA on repairs to commercial structures, and that included those that operated as apartments, should they reward or incentivize landlords, not to make repairs or not to make private insurance, by saying that the government would take care of that so that was a little different from those residential structures that did not have private insurance and he just wanted that to be thought thru fairly carefully, that he understood exactly what Council Member Sullivan was saying and he was talking about for profit developers, that on non-profit projects, again, these were points he was making with careful thought and context, where a project was operated by non-profit, then he thought there may be somewhat other considerations, where it was a multi-family operated by a non-profit, when they came to their plan on multi-family CDBG Ike funds, but this was the one that he wanted to really focus on was how they should allocate those, that so far they tended to have a bit of a bias towards the following; what they called apartments to standards, which was if the landlord invested significantly, and they could invest and make something much more habitable for the long run, then that was the criteria that they used within their multi-family apartments to standard program, that there were almost all multi-family units in the City that had one degree of wind damage, and many landlords had repaired those and many had private insurance that covered it and he just wanted him to help him think through fairly carefully what they do if somebody chose not to make repairs or chose to go naked with insurance.

After further discussion by Council Members a vote was called on Item No. 19. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. ORDINANCE 2009-0723 ADOPTED.

20. ORDINANCE approving and authorizing second amendment to agreement between the City of Houston and **W. LEO DANIELS TOWERS, INC**, to change the amounts of the sources of funding to \$785,469 in Community Development Block Grant Funds and \$100,531 in Home Investment Partnerships Funds, in connection with the rehabilitation of a 100 Unit Apartment Building for the elderly and disabled known as the W. Leo Daniels Towers - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. ORDINANCE 2009-0724 ADOPTED.

21. ORDINANCE relating to the fiscal affairs of the **MAIN STREET/MARKET SQUARE REDEVELOPMENT AUTHORITY on behalf of REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET/MARKET SQUARE ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone; containing various provisions related to the foregoing subject; making certain findings related thereto - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. ORDINANCE 2009-0725 ADOPTED.

24. ORDINANCE appropriating \$750,000.00 out of Public Library Consolidated Construction Fund for Purchase of Equipment and Materials for the Bracewell Neighborhood Library - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. ORDINANCE 2009-0726 ADOPTED.

26. ORDINANCE appropriating \$8,070,204.55 out of Airports Renewal and Replacement Fund and awarding construction contract to **AXIOM CONSTRUCTION COMPANY, INC** for Hurricane Ike Repairs at George Bush Intercontinental Airport/Houston (Project 500H); 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 and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - JOHNSON** - was presented.

Council Member Johnson stated that just last week they had a conversation in respect to contracts that had come before the City Council for the Houston Airport System, and the conversation that they had at that particular time was to discuss ways in which they could unbundle some of their contracts, that his staff had a conversation with the Houston Airport System and the conversation was if this was one of the contracts that they could have unbundle and they simply said that they did not know how to quite do this yet, that the point he was making was that last week the commitment was made that they would look at finding ways of unbundling contracts and open up more opportunities for smaller minority businesses to become prime contractors and then to make a comment that they did not know what they were doing yet kind of said to him where they in fact doing it in good faith; that secondly, he asked for a couple of examples of how, or some past contracts, that could have been unbundled and he had not received any information to this point, so he was growing very frustrated in not being able to get the responses that he did not think were difficult, that he thought that these were very attainable and easy responses and was not getting, and asked Mayor White to help him get a simple explanation of what an unbundling of a contract would look like, that he thought last week they talked about it and thought it was a pretty simple process and hoped that they could get something back pretty soon.

Mayor White stated that he thought it was a reasonable request and asked Ms. Stein if she could get to Mr. Hall and Director Potts that request, and he would like to see it as well, and

put an explanation mark behind Council Member Johnson's request.

A vote was called on Item No. 26. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. ORDINANCE 2009-0727 ADOPTED.

32. ORDINANCE appropriating \$2,500,000.00 out of Water & Sewer System Consolidated Construction Fund; amending Ordinance No. 98-575 (Passed July 15, 1998) to increase the maximum contract amount; approving and authorizing fourth amendment to contract between the City of Houston and **ITRON, INC** approved by the same ordinance for a Radio Automated Water Meter Reading System - \$1,610,600.00 - Enterprise Fund – was presented.

Council Member Johnson that in respect to Item No. 32 it was a contract that was about six years old to this point, that it was a part of a \$50 million contract that they had in place that had now grown to \$54 million and this was, he thought, the third extension of that contract, that while he understood very clearly that it was a contract that was a self contained contract in it self and there was no opportunity for unbundling and the MWBE goal was very low, almost ridiculous, it was .6% of the \$50 million, \$302,000, that it was a contract that had been in place for eight years, and of that \$302,000 the contractor had only achieved \$76,000 of a measly \$302,000 of \$50 million that they had paid to the contractor, that he asked last week, why were they extending contracts to contractors who were not meeting the obligation of their contract, that he sent a letter to Ms. Laws yesterday saying that while he truly believed in the good faith effort, he believed it was the terms of their contract to be inclusive of MWBE participation, that \$300,000 of \$50 million, while they all knew was very meager, he thought it was laughable, that the contractor said to him that he did not have to do the contract, \$76,000, and they had paid this contractor \$50 million, and they had only done \$76,000, that it said to him and all of the other contractors out there, was good faith really good faith, that he was saying now that they never extend a contract if they could not meet the obligations of their contract, that he was asking that they do not extent any more contracts, that he would tag Item No. 32, and if he could not get a good enough explanation or movement on that, then he would be voting no on the item, that they needed more information to move forward. Council Member Noriega absent.

Mayor White stated that Item No. 32 had been tagged; that this was something that he would say constructively to help reach the goal that Council Member Johnson was trying to reach, that sometimes it was helpful to him, and he did monitor this, to break out of these contracts what was the cost of manufactured equipment and then there were certain warranty items and then were there things that were more labor intensive in subcontracting, that one of the challenges that he had when he looked at certain contracts and asked the same questions that Council Member Johnson was asking, and he supported diversity, a diverse set of competitive contractors, that they may have seen the memo he put on Council Members desk yesterday concerning the pension fund, but he thought they also needed to be aware that when they were dealing with manufactured items and they consisted of a lot of the contract, and there were manufacturing lines that made these items and software components, then the element of services that could be subcontracted was somewhat more limited, that he was not making any points on this particular contract, he was just saying that if they focused on the portions that could be practically subcontracted then that helped them focused the discussion on what could or could not have been done on the very issue he was talking about it.

After a further discussion Mayor White stated that Item No. 32 was tagged. Council Member Noriega absent.

34. ORDINANCE No. 2009-0676, passed second reading June 28, 2009
ORDINANCE granting to **ENTERGY TEXAS, INC** the right, privilege and franchise to use

the public rights-of-way to use, license, or exploit the Company's facilities within the public rights-of-way to conduct an Electrical Lighting and Power Business in the City and for such other business purposes as the company may desire from time to time, specifically including, but not limited to, the granting of access to those facilities for the delivery of broadband through power lines or similar service within the City of Houston, Texas; containing a repealer; containing a severability clause - **THIRD READING** – was presented. Council Member Noriega absent.

Council Member Brown stated that he had some concerns and had requested from ARA some specific information and had not yet received it and moved to postpone Item No. 34 for one week, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. MOTION 2009-0591 ADOPTED.

NON CONSENT AGENDA - NUMBER 35

MISCELLANEOUS

35. RECEIVE nominations for Position 13 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term that will end March 1, 2011 - was presented.

Council Member Clutterbuck moved to postpone Item No. 35 for two weeks, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. MOTION 2009-0592 ADOPTED.

MATTERS HELD - NUMBERS 36 through 39

36. ORDINANCE approving and authorizing Legal Services Agreements between the City of Houston and **LEMOND & LEMOND LLC** and **THOMPSON & HORTON LLP** for Legal Services and Employment Policy Recommendations associated with equal employment opportunity practices of the Houston Fire Department; providing a maximum contract amount - \$190,000.00 - General Fund – **(This was Item 37 on Agenda of July 22, 2009, POSTPONED BY MOTION #2009-528)** – was presented.

After a lengthy discussion by Council Members, a vote was called on Item No. 36. Council Members Jones, Sullivan and Rodriguez voting no, balance voting aye. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. ORDINANCE 2009-0728 ADOPTED.

37. RECOMMENDATION from Purchasing Agent to award to **L-3 COMMUNICATIONS CORPORATION** for Touch Screen Display Monitors for the Houston Police Department \$60,327.81 - Grant Funds – **(This was Item 13 on Agenda of July 29, 2009, TAGGED BY COUNCIL MEMBER HOLM)** – was presented.

After discussion by Council Members, Council Member Sullivan moved to adopt Item No. 37, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. MOTION 2009-0593 ADOPTED.

38. ORDINANCE approving and authorizing first amendment to Agreement (Approved by Ordinance No. 2005-1098) between the City of Houston and **JP MORGAN CHASE BANK, N.A.** for a Purchasing Card Services Program – **(This was Item 25 on Agenda of**

July 29, 2009, TAGGED BY COUNCIL MEMBERS LAWRENCE; CLUTTERBUCK and KHAN – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. ORDINANCE 2009-0729 ADOPTED.

39. ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to contract between the City of Houston and **CONCEPT ENGINEERS, INC** for Professional Engineering Services for the Houston Airport System, (Project No. 615J) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ** – (**This was Item 39 on Agenda of July 29, 2009, TAGGED BY COUNCIL MEMBER JOHNSON**) – was presented.

Council Member Johnson stated that he would be voting no on Item No. 39, that this contractor was getting an extension although they only had \$15,000 to meet their 7.5% goal back in 2007, they only reached 4.7% of that goal and yet they were still giving them an extension of that particular contract, that he did not know why they were continually coming back and asking for more money when contractors were not meeting their obligations to the contract.

Mayor White stated that he knew that he had gotten an explanation having to do with the scope of work in connection with Ike and he wanted to make sure that Council Member Johnson had access to that information and understood his need and vigilance on this issue.

A vote was called on Item No. 39. Council Member Johnson voting no, balance voting aye. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. ORDINANCE 2009-0739 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Green stated that the Houston Read Commission was proud to announce the grand opening of it's Comcast Technology Center, that a reception would be held on August 27, 2009 at 6:00 p.m., that the Comcast Technology Center was open and available for public use at the Sharpstown Demonstration Center at 7684 DeMoss, for more information they could contract Annie Criner at ann.criener@houread.org; that the War Foundation would have a kickoff event on August 20, 2009 at the Drake, located at 1802 Washington Avenue, for more information they could contract Calvin Randal at thewarfoundation@gmail.com. Council Members Sullivan, Gonzalez, Rodriguez and Jones absent.

Council Member Brown stated that they had some hot weather that they were experiencing now and he spoke last week about Representative Sylvester Turner's emergency request at the Public Utility Commission to prevent the turning off of the electricity of seniors, the disabled and families of limited income who had not paid their bill on time during these hot summer months, that fortunately the Public Utility Commission agreed to reconsider, after first denying this emergency request, and he would personally request the Mayor office or Council Members to write to the PUC, they were going to make their decision, to show some real care for their seniors, disabled and families on lower incomes, that they could call the PUC at 512-936-7000 and urge them to consider the request, that he hoped the Mayor would formally send a letter saying it was a good idea to protect their residents; that he wanted to mention that effective September 1, 2009 they could not use a cell phone in an active school zone, that there was a law against that now, but in order for it to be effective there had to be a sign in front of the school zone that said they could not use their cell phones, that he thought the City ought partner with the school districts in getting the signs up in order to provide the kind of safety they needed for their kids and their parents around the schools; that on Saturday he participated in a welcome home for veterans at the West Gray Multi Service Center for Veterans of Iraq and

Afghanistan, that the veterans hospital sponsored the event, that on Friday he would also be welcoming the 712th Military Police Company, that it was the National Guard that had been in Iraq and Afghanistan for the last year. Council Members Sullivan, Gonzalez, Rodriguez, Green and Jones absent.

Council Member Clutterbuck stated that she would start with a reminder from Council Member Lovell that tomorrow the Quality of Life would meet at 10:00 a.m. in the Council Chamber to discuss two items, a report from the Parks and Recreation Department on a Comprehensive Financial Review of all City owned golf courses, and second a review of the Civic Arts Contracts between the Houston Arts Alliance and the City of Houston departments; that on Saturday she attended a Dynamo game, that it was one of the fun things to do in Houston; that Tim Douglas, her Chief of Staff, would be leaving and moving as Deputy Director of Finance for Economic Development, that with the TIRZs and his background in TIRZ development, as well as working in the apartment community and his law degree, made him the perfect candidate for this job, that she wanted to congratulate Tim. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

Council Member Noriega stated that the last few weeks had seen all of them at the table dealing with a great many difficult things, they had been talking about racism, sexism and law forms and actions to be taken in investigations and all kinds of things and some of that had made her sort of thoughtful about all of it, that one of the things that she had folks ask her was what would she do about those kind of concerns, how could she fix them, what kind of training or outcomes could she bring forward to change that kind of thing, that one of the things that made her do was examine her own life, that one thing that was true about her was that she lived in several different cultures, that her husband came from a different background than she did, he came from a different church, he came from a different neighborhood, that she lived in a different neighborhood than she grew up in so she had an opportunity to regularly examine her point of few and try to figure out if she was right, wrong or needed to modify something, and she would perhaps ask all of them to do the same; that when her son was little he started to count something and he said "Eeny, meeny, miny, moe" and she said "honey, we don't say that" and he asked why and she said they did not, and as he got older she explained to him why not, that there was a phrase that she really hated, it was called "getting the best bang for your buck", that if they thought about it they would get it, she did not like it, but she thought they had to tune their ear and tune their mind and tune their heart to get those things, and she was asking all of them to be patient as they all do that, that she thought they had a lot of firefighters that just needed to tune their ear, that she thought that there may be issues and problems but she thought in many cases what they had were grave misunderstandings, which no one meant to get to this point, that she thought that growing up meant giving up certain kinds of behavior, whether it was horseplay or swearing or words that could be misconstrued, that she knew that sometimes people came and stood at the mike (podium) and went into a speech and tell them why they were here and where they came from and what their point was and why they were qualified to tell them things and what folks may not realize was that in some communities in Houston that was how they begin, they had to give people their pedigree, but in some other settings folks wanted them to get to the point quickly and get up and get down, so there were a lot of opportunities for misunderstanding, whether it was about class, about language, about background, about folks that talked about your mother, that there were any number of ways that they could set folks off, that she thought a little less victim and a little more understanding, the ability to step over things and try to understand where the other person was coming from would serve all of them, that she was most disturbed by folks being afraid to get into an ambulance, that she wanted to look everybody out in the audience in the eye and say they did not have to be afraid of that, that people would take care of other people in a crisis no matter what, and even enemies would link together to pull someone out of the water or to put a fire out, so each of them she would just ask that they be patient and that they help them work their way through this, that they allow the respect that people deserve and that they give up those things that may

be childish things, that it was time to let them go, lets all grow up a little bit and lets all step over some things and lets do better. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

Mayor White stated that he wished they had a transcript of that, that he did not see her reading from notes, that sometimes a key element of leadership, which she had demonstrated so well, was providing context, and thank her for her ability to do that, that the same was true with finding common ground, because unless people found common ground it was hard to have a discussion, that one place that common ground started with was the respect for facts, that one thing that he found was that there was a difference between a fact and a rumor, there was a difference between a fact and a suspicion. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that she wanted to thank the Office of Veterans Affairs for a great event on Saturday welcoming home their U.S. Veterans at the West Gray Multi-Service Center; that on Friday she would be participating on a panel, she would be one of the speakers at the Black and Brown Symposium, hosted by the Texas Women's Alliance, that many of them knew that Joan Rivers would be in Houston speaking at a breakfast about her history and past, that it was for women to come out and learn about business and those networking opportunities, that she wanted to thank Carla Lane and the Texas Women Alliance for allowing her to be a participant in the First Annual One Woman Conference; that on Saturday their office was sponsoring, along with several churches in the Sunnyside Community, a citywide HIV/AIDS Rally which would be held in the Sunnyside Park, that it would begin at 10:00 a.m. on Saturday morning; that on Saturday there would be a Seas of Gratitude Appreciation Luncheon for the World Youth Foundation and would be hosted at Brady's Landing; that for those who like the circus, if they would like to go the Universoul Circus was in town and would be at Butler Stadium, that it began last night, that she wanted to thank Tammy Campbell and the Universoul Circus organizers for providing tickets to youth and families, foster kids and families in the District D area this past Saturday, that she wanted to thank them for giving back to the community; that yesterday there was another explosion at CES around 3:30 p.m. and she would like to thank State Representative Garnett Coleman, that he immediately wrote a letter to the TCEQ and TCEQ contacted the Department of Justice and yesterday at 7:00 a.m. the Federal Government raided CES and right after that a big explosion occurred while the feds were on their property, that right now the Department of Justice was investigating through Friday and hopefully they would find out if criminal charges would be filed against CES for their current violations of their environment, that she wanted to thank Attorney Cargas and the Legal Department for working with their office on this issue and they would wait for the findings to come out about CES, and also the citizens for coming forward, that she wanted to make sure they stayed on top of this issue; that yesterday they had a long meeting about BARC, that many of her colleagues were dog lovers, but sometime it bothered her when she got a complaint from a constituent whose family member or child was mauled or murdered by a dog, that owners were not being held accountable for their animals, that just this year alone they had over 100,000 calls for loose dogs, they had over 2,500 complaints of human bites by dogs, that she wanted to see people stand up for those families whose family members were murdered by dogs, that she sympathized with a lot of things that had occurred at BARC, yes, there were some changes that needed to occur, but also there were some changes that needed to be made in their government when owners of animals were not held responsible or accountable for their actions, that she wanted to see people come before City Council, standing for those families who had to bury their loved ones because of a dog bite, that they had to look at the whole picture. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

Mayor White stated that this was apropos of Council Member Noriega's remarks, people needed to listen to each other, that they were a community and not just a collection of interest

groups, that in context was important just as Council Member Noriega reminded them that the number one thing that he was hired for, for the Fire Department, was to make sure they had qualified men and women who were there when people needed them, that they also needed to be responsive to their citizens, that postal workers lead the nation in being mauled, that stating that fact did not mean that any of them believed that animals within their custody should not be treated inhumanely, that expressing her concern did not mean that she was against dogs and they all needed to listen to each other. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

Council Member Lawrence stated that she wanted to thank Council Member Noriega, that all of them had walked in different shoes and what they brought around the table was just a small part of what the whole City had been through and every person here; that they celebrated Anna Russell birthday for all of the service that she had given the City, that it would be wrong if she did not say that "the City was founded by the Allen Brothers" that there was a wife name Charlotte Allen and the date of her dying was on Monday, that they needed to possibly be aware of that as Houstonians, that she lived in Houston for over forty years, and the two Allen brothers, neither one of them were here over five years, that her dad started a port city in New York, that she had the experience and money, but as a woman when they came to Texas they could not have things in their name. Council Members Johnson, Clutterbuck, Adams, Sullivan, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

Council Member Holm stated that on Friday, Amy Yancy Whitehead, left the District G office on a new life adventure as she joined her new husband in North Carolina, that they had a new addition to District G, Ms. Sally Alcorn, who will be doing the agenda for them; that she wanted to say Happy Birthday to Anna Russell; that she wanted to introduce a subject that continued to be a great concern to a neighborhood in District G, Briargrove Park, that over a year ago there were some traffic devices placed on two streets, East and West Rivercrest Streets, to the neighborhood just east of them, and when that was done they very much objected to it, it was a non standard procedure and did not follow the process and they had continued to be very concerned and after a year she thought that the City owed them, and she would like to suggest that they review why they did it and how effective it was, that it was her understanding at the time that it was a pilot that would be probably implemented in other areas, especially those that really had significant cut through traffic, that she really appreciated Rivercrest's position, that it was one that every single neighborhood was threatened and challenged by, the traffic and the cut through traffic, but at this time she would like for them to evaluate it's usage, that they had not implemented it any where further or investigated any component of it and she would like for them to review and consider the removal of those blockades. Council Members Johnson, Clutterbuck, Adams, Sullivan, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 12:20 p.m. Council Member Khan absent on personal business. Council Member Lovell out of the city on personal business. Council Members Johnson, Clutterbuck, Adams, Sullivan, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary