

City Council Chamber, City Hall, Tuesday, March 10, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 10, 2009, Mayor Bill White presiding and with Council Members Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marty Stein Agenda Director present. Council Member Toni Lawrence absent on city business. Council Member Pam Holm absent on personal business.

Note: Council Member, District H Position, vacant.

At 2:04 p.m. Mayor White called the meeting to order and stated that Council Member Lovell would begin presentations. Council Members Johnson, Clutterbuck, Adams, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that today there was a very special guest present, Stump, a champion dog so special he has three human beings to share his life with and invited Stump and Scot Summers, his trainer, to the podium; that Stump just won the Westminster Dog Show, the most prestigious dog show there was, he lived in Houston and was a Sussex Spaniel, a breed which originated in Sussex, England, in the 19th century, they were used as hunting dogs, but by the end of WWII they were nearly extinct; that now there were 500 worldwide; that in 2003 he entered the circuit and won 119 awards and 50 best show titles; in 2004 he was ranked the number one sporting dog in America but then he experienced a setback developing a body wide bacterial infection and referred to Texas A & M University College of Veterinary Medicine where they literally saved his life after which he retired, but in 2009 he came out of retirement to compete in one last show and at 10 years of age he became the oldest dog to ever win Westminster and the first Sussex Spaniel to win; that all were honored to have him present today; and congratulated him and his trainer and owners; and presented Mr. Summers a Proclamation for Stump who lived to defy the odds, saluted him and recognized him and his trainer for his championship win; and proclaimed today as "Stump Day" in Houston, Texas. Council Members Johnson, Clutterbuck, Adams, Rodriguez and Green absent. (NO QUORUM PRESENT)

Council Member Khan thanked Council Member Lovell for honoring Stump and stated that he made all Houstonians proud for winning such an honor; and Council Member Noriega stated that on behalf of all dog owners they were very proud and thanked Mr. Summers for bring such a true celebrity today; and Council Member Lovell stated that all at the Council Table were presented a dog bone which was an eatable cookie. Council Members Johnson, Clutterbuck, Adams, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that it was a pleasure to bring up special individuals from USO and invited the group to the podium, Mr. Sloan Gibson the president and CEO of USO; Jeff Hill the vice president USO National Office, Ms. Tanya White the regional director USO; Ms. Susie Barlow the director USO of Greater Houston; Ms. Barbara Hailey the local organizer of USO to the podium; that with the headquarters at the Ellington Reserve Base the USO operated two centers in Houston at both airports and offer free internet and entertainment lounges and other amenities for families and men and women traveling around the world; and because of that and in honor of them and those they served presented Mr. Gibson with a Proclamation proclaiming today as "USO Day" in Houston, Texas; and Mr. Gibson presented a USO Texas size belt buckle to Mayor White. Council Members Johnson, Clutterbuck, Adams and Jones absent.

Council Member Noriega stated that as wife of a Lieutenant Colonel she wanted to extend her thanks, it meant a great deal for those using their services to have them; and Mr. Gibson stated that they only had three employees and were staffed with all volunteers from the Houston community and that was what made it work and made it special; and Council Member Noriega thanked all volunteers as well. Council Members Johnson, Clutterbuck, Adams and Jones absent.

Council Member Khan stated that the city was so fortunate to have 17 Sister City relationships, every year volunteers of Houston's 17 Sister City Associations undertook dozens of programs in areas such as culture, education and business and they engaged youth to promote mutual respect and cooperation and young artists from around the world use their imagination to expose their concept of the sister city mission and today they were honoring the 2009 Sister City Young Artists in Houston and invited Ms. Alan Goldberg, president of Sister City of Houston to the podium to announce winners; and Ms. Goldberg stated that on behalf of Sister Cities of Houston she wanted to recognize winners of their annual program for young artists, this was the 13th year of competition and the theme was Pass the Peace and invited the first place winner Mariah Taylor from Westbury High School to the podium and presented her \$200 and Certificate for her art work; and invited second place winner Lee Boynton from Bellaire High School and presented her \$100 and a Certificate. Council Members Johnson and Jones absent.

At 2:19 p.m. Council Member Clutterbuck invited Pastor Robert Moore of Christ the King Evangelical Lutheran Church in District C and who was also president of the Leipzig, Germany Sister City Program to lead all in prayer; and Council Member Clutterbuck led all in the pledge. Council Members Johnson and Jones absent.

At 2:22 p.m. the City Secretary called the roll. Council Member Lawrence absent on city business. Council Member Holm absent on personal business. Council Members Johnson and Sullivan absent.

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

At 2:24 p.m. the City Secretary began calling the public speakers. Council Member Sullivan absent. Council Members Johnson and Sullivan absent.

Rev. Michael Dorn, 800 Houston Avenue, Houston, Texas 77007 (832-752-5886) appeared and stated that he was senior pastor of Trinity Lutheran Church and School and was present in favor of Agenda Item 8, an ordinance which would allow them to purchase portions of Hickory Street and Morin Place; that they were located on Washington Avenue next to the Municipal Court House and Police Department; that the ordinance would allow them to proceed with their expansion of buildings and parking and while it would enhance Washington Avenue it would help them effectively meet and serve needs of those in the community; and urged Council's approval. Council Members Johnson, Khan and Sullivan absent.

Council Member Lovell stated that Trinity pulled her son through the seventh grade and they had a wonderful experience of being a part of the Trinity family; that lessons learned there were not just spoken but taught by example, in the evenings and even in the mornings all around the school where there were thieves the homeless came to use and they were welcomed there to have protection of the church and then were fed and it was an incredible example to the children; and she was happy the city could get this on their Agenda. Council Members Johnson, Khan and Sullivan absent.

Mr. Felix Fraga, 5501 Brady, Houston, Texas 77011 (713-669-5218) appeared and stated that he was present with other speakers regarding an abandoned development in their community; that townhomes were built and then left after some were sold to residents; that they were now faced with a water bill of \$12,000 from leaks developed on slabs which had no homes and he did not think they should be held responsible, there was only one meter and the developer was paying the bills and now they were told if the bill was not paid the water would be turned off; that he hoped when the city permitted a developer they would make sure the developer was responsible; and urged assistance of the city. Council Members Johnson, Khan and Sullivan absent.

Council Member Jones stated that she had spoken with Mr. Fraga and others on this and the problem was the developer abandoned the property and then a water main broke; that the people called the developer and the city to shut the water off, in ran 31 days, they paid money to the owner and now there was a \$12,000 water bill and they were being threatened of having water turned off; and she felt something should be done to help. Council Members Johnson, Khan and Sullivan absent.

Mayor White stated that they had put a hold on the interruption of service and Roberto Medina with Public Works was present to speak with them; that there was an adjustment on the leak charges and then there was the issue that he wanted to be updated on which was separate service of the homeowners; that he would guess the developer was in bankruptcy and they needed to work through it and do the appropriate thing. Council Members Johnson and Khan absent.

Council Member Noriega stated that the development was in District H and she had driven through the area and there were different issues, one problem was the bill was going to the developer and those living in the homes did not even see the bill and they were paying, but it was not enough; that this was a development which may not make it if the city did not work with them, some homes were damaged and open and then some were being lived in and being bought; that many were present to speak on this and the Mayor asked Public Works to address the water bill, but to her there were many issues and she would ask for the Mayor's consideration as the city needed to be on duty even though there was no Council Member in that district; and Mayor White stated that he agreed and to Ms. Acosta he dealt with the City Attorney on this regarding another issue Monday, previously on a previous matter he had to get a bankruptcy lawyer involved in terms of a collection matter on the water bills and the Public Works Department should be a participant in the bankruptcy proceedings and make sure the cash collateral was used to pay water bills and other creditors would realize this should be a priority unsecured claim, if the city was billing the developer he did not know why they should just sit on the side lines, the question in his mind was if the developer received the bill why would the individuals be liable; and Council Member Noriega stated that was a legitimate point and there were other issues with the situation and others may need to be involved; and Mayor White stated to a representative of Public Works he would like this brought to the attention of Mr. Icken and where they should be active would be to make sure there was someone who could quickly take over the responsibility of the property from the developer; and Mr. Fraga stated that someone had already bought it but the new developer, Silverkey, had not been cooperative either. Council Members Johnson, Khan and Lovell absent.

Upon questions by Council Member Brown, Mr. Fraga stated that 9 units were involved and no public street into the property; that he thought two others were there and not occupied and maybe another 15 slabs; and he did not know if the city had enough safeguards when someone received a permit; and Council Member Brown stated that if a bank was involved they needed to be a part of the solution; and Council Member Brown stated to Mayor White that he thought inspectors should go out; and Mayor White stated that he was asking Mr. Icken for that

but they also needed to see what they could do, there would be residential construction from time to time where there were issues with their solvency, they needed to make sure there was a responsible developer and part would be the inspection process; and Mr. Fraga stated that he hoped for safeguards to be put in place against such. Council Members Johnson, Khan and Lovell absent.

Ms. Margaret Stever, 1010 Lamar, Houston, Texas 77002 (713-580-2282) appeared and stated that she was present addressing Agenda Item 40, an item relating to women as related to minority status; that she was representing a minority and women owned professional business and present as she felt the next step after the contracting business determined women were not minorities anymore would be to determine professional women were not minorities either; that her company was 45% owned by women, 10% by minority so they made up an MWBE, her contention was women, gender or color could not be cause for discrimination and they were faced with discrimination daily; that many wanted to see her boss, she was the boss. Council Members Johnson, Khan and Lovell absent.

Council Member Johnson moved that the rules be suspended for the purpose of hearing Ms. Ruby Mosley, Ms. Ruby Bennett and Mr. James Smith after Mr. Kenneth Clebourn, seconded by Council Member Khan. Council Member Lawrence absent on city business. Council Member Holm absent on personal business. Council Members Lovell and Noriega absent. MOTION 2009-0125 ADOPTED.

Mr. Kenneth Clebourn, 3217 Stallings Drive, Houston, Texas 77088 appeared and stated that he was vice president of the Garden City Civic Club and present to discuss the reassignment of Captain Moore who did good work in their community; that Captain Moore had been working with the boys and coming to civic club meetings; that the boys have been coming out now and helping because of Captain Moore's example and they would like him to return as soon as possible. Council Members Lovell and Noriega absent.

Council Member Johnson stated that he would reserve his comments until after the last speaker on the subject, but he appreciated the work he did. Council Members Lovell and Noriega absent.

Council Member Johnson moved that the rules be suspended for the purpose of substituting Mr. Reginald Williams for Mr. James D. Smith on the list of speakers, seconded by Council Member Khan. Council Member Lawrence absent on city business. Council Member Holm absent on personal business. Council Members Lovell and Noriega absent. MOTION 2009-0126 ADOPTED.

Council Member Jones stated that she did not know why Captain Moore was moved, some communities did not have a trusting relationship with law enforcement and based on all she spoke with they now trusted law enforcement and she thought they should help facilitate relationships between law enforcement and the communities when they did have positive relationships; and Mayor White stated that comments on Captain were noted, he worked with Captain Moore when he had another assignment and knew him to be a dedicated officer. Council Member Rodriguez absent.

Ms. Ruby Mosley, 862 N. Victory, Houston, Texas 77088 (281-447-6095) appeared and stated that she was present to say Acres Homes was done an injustice, the Police Chief and officers were hired and working for the community and they did not know what was going on until a decision was made; that Captain Moore had been there about eight months and hit the ground running and you could not tell her sending him to the supply room was a promotion in preparing him to move up; and urged Mayor White to speak with the Police Chief. Council Member Clutterbuck absent.

Council Member Johnson stated that many respected the work Ms. Mosley had done and she had always been a voice for the people; that he would reserve comments until after Mr. Williams spoke, but he appreciated her coming. Council Member Clutterbuck absent.

Ms. Ruby Bennett, 744 Boeneman Drive, Houston, Texas 77091 (713-697-1709) appeared and stated that she was president of the Green Meadows Civic Club and vice president of Acres Homes PIP and they worked closely with HPD; that she thanked and commended Council Member Jones for helping her on a personal note; that she commended Council Member Johnson and thanked him and Mr. Alvin Byrd for helping with street lights in the area; that when Captain Moore was first named to the position, even before he took over he went to PIP and said he would work with them and his doors were open and now they trusted police because of him and urged help in getting him back. Council Member Clutterbuck absent.

Council Member Jones stated that when you have a community like Acres Homes you just don't see such support, this was a neighborhood historically disadvantaged; and urged all listen to their pleas. Council Members Clutterbuck, Sullivan and Lovell absent.

Mr. Reginald Williams, who was previously added to the list of speakers,, appeared and stated that he was district coordinator for Rep. Sylvester Turner; that they had heard concerns of the citizens of Acres Homes and living in the area and seeing the crime; that Captain Moore had been a big influence and force in the area and now people even walked the parks as they felt safer and they had patrol cars going through; that Captain Moore cared about the community and its citizens because he sat with them understood about their needs and concerns. Council Members Clutterbuck, Sullivan and Lovell absent.

Council Member Johnson stated that he appreciated Mr. Williams coming and speaking on behalf of State Representative Sylvester Turner since he was in Austin at this time fighting for issues; that his comments were for the entire Acres Homes Community and he had extensive conversations with many of them and what they perceived the problem to be; that the community felt comfortable with Captain Moore and how he had stepped in; that it was not the number of officers placed on the street but the community participation working with them that cuts down crime; that they found an open door policy with Captain Moore and he did not know why he was moved after eight months but they needed consistency in place and the community was due an explanation and assurances for them to be on the same path; and Mayor White stated that he did respect the citizens coming and expressing support for Captain Moore; that he worked with him before, but a number of vacancies had occurred and there was reassignment from time to time; that he would commit to making sure Chief Hurtt, who made the decisions, did understand the obligations Captain Rodriguez had and the expectations of community outreach; and Ms. Mosley made reference to issues deep in the heart of justice of having someone with organizational skills get the new property up right and start it right was a very weighty issue or there may be a miscarriage of justice. Council Members Clutterbuck, Sullivan and Lovell absent.

After a lengthily discussion Council Member Jones stated that if Captain Moore was placed over the property room, she would like to think there was more than one captain who could get the property room in shape and urged Mayor White to check into this; Council Member Khan stated that he would like the Chief and Mayor to see what could be done, but when Captain Lumpkin was promoted and removed and replaced by Captain Williams all were very upset to have lost him, but Captain Williams outshined in many ways and came up with extra programs and if lessons were learned properly it was likely the new captain would learn and enhance what he already had and it should be done all over Houston; Council Member Noriega stated that she understood Council Member Johnson was arranging a meeting and they would help arrange it with the Chief to talk, it was important for him to hear their concerns and she

would request it personally and she would like Mayor White to have his representative to HPD be a part of it as well; Council Member Brown stated transferring officers to different areas had been brought up to him by officers who disagreed with the policy and if a change was needed it should be looked into, he supported the neighborhood; Council Member Johnson stated that he made a commitment to facilitate the meeting and to the liaison with HPD present today he would like them to ensure the community was given a meeting time and they did not want to meet with someone who could not give them a yes and he wanted it reiterated. Council Member Green absent.

Council Member Jones on a point of personal privilege stated that Meredith Baker an intern in her office was a senior at Clear Lake High School had a mother who was an astronaut, Ellen Baker, and she had three space flights and the apple did not fall far from the tree and she wanted to introduce her today. Council Members Johnson and Green absent.

Mr. Adam Bradell, 5317 Avenue J, Houston, Texas 77011 (832-233-7809) appeared, presented information and stated that he was present on behalf of neighbors who would be speaking also regarding the 5300 block of Navigation and what they had going on with Waterhill Homes; that last summer he contacted HPD regarding the overall perception of the neighborhood and how it was viewed, they had weeds 10 feet high, sidewalks were impassable and he spoke with Mayra Hypolite and August 28th she said she would issue citations for all 70 lots not being maintained and now seven months later they were trying to find out why nothing had been done; that much work had been done over the last three or four days but he thought it was because information had gotten to the new owners, Silverkey Homes, he did not see why a building license should be approved to Silverkey Homes when it was being run by the same family which ran Waterhill Homes and abandoned them last February. Council Members Johnson, Khan and Green absent.

Council Member Clutterbuck stated that this was an important issue and Mr. Bradell touched on a couple of things, one was responsiveness of the Neighborhood Protection Office and she appreciated the work of Mayra Hypolite, but perhaps she was understaffed or overworked as they had this same problem across the city and in District C citations were issued and later bundled and dismissed as one, there was difficulty in following up and she had met with Arturo Michel about this and multiple conversations with Mayra Hypolite and Dorothy Edwards; that several things led to this and one obvious was there was no time limit to city building permits; secondly people should have to submit a completion bond on requirement, many cities required it and she would suggest Council Member Lawrence under her leadership of Neighborhood Protection and Regulation bring it up as a committee topic or that they have stakeholder committees to keep it from happening again; and Mayor White stated that he was not satisfied with either the speed or process used by Neighborhood Protection; that there had been changes and there would be more and they would get it right. Council Members Johnson, Khan and Green absent.

Upon questions by Council Member Rodriguez, Mr. Bradell displayed a stack of unanswered emails over the past months and stated that the last communication from any representative of Waterhill was September 11, 2008, before the Hurricane. Council Members Johnson, Sullivan, Khan and Green absent.

Ms. Jessica Husley, 4809 Brady, Houston, Texas 77011 (713-928-9936) appeared and stated that she was with the Second Ward Super Neighborhood Council and at a meeting March 2nd this came to her attention as a response of Chief Inspector Mayra Hypolite and herself responding to many, many complaints of the community and business owners on Navigation; that she thanked William Paul for such a good response, but at her meeting she heard from those at Waterhill and she had thought it was an abandoned property; and the

reason some things had been done was because of the Chief Inspector. Council Members Johnson, Khan and Green absent.

After a lengthily discussion Council Member Noriega stated that if they did not get a hold of this it could be the beginning of a slide, when you overbuilt and then had economic problems someone went first and this could be it; and Ms. Husley stated that this property was being abandoned before the hurricane and it caused crime; and upon questions by Mayor White, Council Member Noriega stated that the price range had been around \$156,000 or \$176,000; and Mayor White stated that he understood what was said and wanted to make sure they tried to turn this around; and Ms. Husley stated that these people were already applying again and they should pay attention to the names; and Council Member Brown stated that they all had a legitimate concern and he and his colleagues were supportive of finding a quick resolution; and he never worked in a city where a performance bond was not required; Council Member Adams stated that this was an issue citywide; and upon questions, Mayor White stated that first there needed to be a group of experienced people in homebuilding marketing, condos and multifamily to identify troubled properties; on the demolition side he had been moving budgets on demolition up and more had been done; that problems were not that it was not budgeted but there was leftover money at the end of the year for commercial demolitions and sometimes for residential; that improvements had been made, but some lost momentum and in budget meetings first they need to look at what was budgeted and spent on demolitions; and Council Member Jones stated that she agreed with Council Member Clutterbuck this should be dealt with in committee and they did need performance bonds and if some business was left undone then they should not be permitted to do more business and they should work with the Better Business Bureau, what they could control they should, all should be done at the front end to insure completion; and Ms. Husley stated that they were working and getting things done because Mayra Hypolite moved forward and scared them; and upon questions by Mayor White, Ms. Husley stated that the property was sold by Waterhill to Silverkey Homes and the owner was Nicole Felt, who was a relative of the owner of Waterhill, Jason Felt, and Waterhill employees were employed by Silverkey Homes; and Mayor White stated to Ms. Acosta, there were a couple of lawyers here on Council and one of the issues the bankruptcy council should look at was if there was a fraudulent conveyance, the objective would be to get it into the hands of people who could try and continue the development. Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Ms. Terry Basford, 3103 Stargate Court, Houston, Texas 77067 (281-537-1014) appeared and stated that she was president of Four B Technology Group, a professional services firm, and present concerning Agenda Item 40 and in support of the Women's Contractor Association remaining in the City of Houston Affirmative Action MWBE Program and while she understood the proposed settlement affected only women contractors at this time she believed if they did approve the settlement a precedent would be set which would eventually affect the WBE professional service organizations and did not believe it was right to try and solve the 12 year legal problem by discriminating against White women; that moving WBE firms into the SBE category would have a detrimental affect on WBE's because the incentive to use them would evaporate; that WBE's were already disadvantaged and putting them in the SBE group would make them even more so; that all women were at an extreme disadvantage in an industry dominated by men, a man would rather use a man and her firm employed 12 people and that was 12 families who depended on her survival and if they changed this those 12 families may suffer; and urged Council to continue the MWBE Program as it currently existed. Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez and Green absent. (NO QUORUM PRESENT)

Council Member Noriega stated that there was a great deal of sympathy for her position at the Council Table, many women were at the table and there had been a lot of discussion; that they were in a lawsuit and she could not really talk about it but they were between a rock and a

worse rock and she was not sure what they would be able to do, but they were concerned and looking for ways to solve the problem, the question of the settlement had very significant implications for such programs all across the country; and Ms. Basford stated that they were definitely between the rock and the hard place because it impacted their finances and strength of their companies and the responsibility to those in her companies. Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she spoke on Item 40, but she wanted to explain that on Item 40 it was a federal formula which the city could not deviate from to get funding, it was a separate issue; that she knew she was present on the MWBE Program but wanted to make sure it was clear Item 40 was different and had to be complied with based on the lawsuit brought against the city on the MWBE Program; that this was difficult as part of the solution to the problem, to solve the discriminating against one group of people they would be discriminating against another group of people and she did not think that was the way to solve problems; and maybe at some point instead of an MWBE they just have a small business program; and she would not vote to solve discrimination against one group by discriminating against another group; and Mayor White stated that it was important to note that he, the Director of Finance and Administration, the Director of Public Works and Director of Building Services, General Services Administration did pay particular attention on professional services which was something not an issue in the suit which was contractors and it would be their preference the suit go away; that he disagreed with the tenor and reasoning of some of the opinions of federal courts on this particular issue which evolved over the last eight years and it was their intention that this Administration remained strongly committed to trying to create opportunities for people in the city and probably the worst thing that could happen to professional services would be for there to be bad judicial precedence creating others who litigate with respect to professional services; that he wanted to make the points Item 40 did not concern this and their desire was to preserve the program and they did not intend to retreat in the least from a commitment on goals with respect to professional services; and Council Member Jones stated that in the ordinance they were trying to include as many people as they could; that they were not trying to pick one minority over another or one group over another group, but they were trying to keep a program that could consider historically disadvantaged business status, minority status and sex status; that the goal was for all to have an equal opportunity. Council Members Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Deborah Morris, 1714 Eagle Point Road, Crosby, Texas 77532 (281-324-6652) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Rhonda Arias, 10515 Evesborough Drive, Houston, Texas 77099 (713-419-1214) appeared and stated that she was present regarding women's mental health; that there was a 2003 State of Texas law called HB15 also known as the Woman's Right to Know Act and many states had such acts to protect women and give them informed choices on abortion; that under the law a doctor who was to perform an abortion must tell the woman there was certain help available and he had to give her information on fetal development, etc., and the woman had the right to look at it 24 hours before the scheduled abortion of she chose or look at it on line and today she was present representing the Texas Abortion Recovery Alliance, she was a faith based license counselor and they needed to look at risk factors in the Houston area in light of the proposed Planned Parenthood expansion being worked on, this was a mental health issue and they were uniting to ask the City to pass a resolution similar to the State of Texas Right to Know Act and requesting the Department of Health be notified for a formal investigation if any city agency became aware of a violation of the Act, they were seeing clients not being given the information and hurting after the abortion. Council Members Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Birdia Churchwell, 3310 Charleston, Houston, Texas 77021 (713-741-2739) appeared, presented information and stated that crime was continuing to grow and the city already had in place a very compressive model for addressing crime, however, nothing was in the model which focused on nurturing the inner essence known as the spirit; that often that aspect of the individual was confused with religion; that she developed a program called Reaching the Spirit of Crime and it aimed to reduce crime as well as prevent crime by helping individuals use reflective, cognitive, metacognitive and strategies to assist them to access the inner essence; and she was petitioning the Mayor and Council to add that particular component to their diversified model of myriad approaches to addressing crime in Houston. Council Members Johnson, Khan, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Barbara Sorrell-Glass, 4615 Knoxville, Houston, Texas 77051 (713-469-3834) had reserved time to speak but was not present when her name was called. Council Members Johnson, Khan, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Mr. James Poole, 4839 Redbud, Houston, Texas 77033 (713-514-4029) appeared, presented information and stated that P & P Resources was a group they devised to solve some problems of the economic and health education; that the information they presented described how they operated and what would be generated and promoted in the City of Houston; and read an overview of what the company consisted of, which included providing a service promoting good health practices, jobs, commercial growth and safe environment while creating tax dollars to the economy and P & P would work with the city by washing the cans after being emptied by Solid Waste and discussed that operation and personnel needed with a fee of \$2.00 per week per home and they would like the City of Houston to assist in billing by including the fees to residents utility bills. Council Members Johnson, Khan, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that she would give time to Mr. Poole; and Mr. Poole stated that this could be used in any city which used similar services and it was their goal to be part of the assistance in the revitalization of this country and they had programs for the elderly, education, etc. Council Members Johnson, Khan, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Mr. Micah Poole, 4839 Redbud, Houston, Texas 77033 (713-514-4029) had reserved time to speak but was not present when his name was called. Council Members Johnson, Khan, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Cynthia Jetson-Polk, 510 Bizerte, Houston, Texas 77022 (713-695-1629) appeared and stated that she was present on three issues, she was building a house which was trying to be stolen from her by lawyers in Houston; that her disability and social security had been topped and she was a disabled veteran and her main issue was a ticket, she got a ticket on the corner of 45 South and Scott for running a red light she did not run; that an officer was in sight before she got to the light and she stopped and turned on red and the officer waited until she got near him and pulled her over and asked for her license and the ticket was already written and he told her she did not make a complete stop; that she went to court for two days and waited and it was reset and the third day she went she was late and a warrant was made out so she went to pay the warrant but it was not on the records yet; that she went back again to the court room and never saw the judge but was told by someone if she had a warrant she had to go pay it and that was the third day she spent all day at court; and now she was at court hoping someone would help her investigate. Council Members Johnson, Khan, Rodriguez and Brown absent.

Council Member Jones stated that Council heard this story all the time, how officers did not show up and they reset dates and then warrants issued if someone did not show and the

Municipal Courts needed to be fixed, people could not afford to sit downtown all day when they worked and if police were not there the case should be dismissed. Council Members Johnson, Khan, Rodriguez, Brown and Noriega absent. (NO QUORUM PRESENT)

Council Member Green stated that Ms. Polk's case was originally scheduled and there were not enough jurors and that was a failure on the public's side they could not get enough jurors, but Ms. Gowens with the Municipal Courts was present and could speak with her and explain the system so it could be more manageable next time. Council Members Johnson, Khan and Brown absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson, Khan and Brown absent.

Ms. Ollie Brown, 1150 Calles, Houston, Texas 77020 (713-670-8142) appeared and stated that she was a single woman living on social security, a disability benefit, and today she was asking for assistance to make her living arrangements more secure; that during Hurricane Ike a huge tree fell on the fence and the tree was on property owned by the City of Houston and they did take responsibility and after three months came and cut the tree and a month later came and removed the stumps and all and she was appreciative, but now she was left with repairing that part of her fence; that she had other repairs she had to handle, but this was because of the City of Houston and she was asking that a small portion of a greater burden be repaired or compensated by the City of Houston and the rest of the responsibility was hers; and special thanks to Council Member Johnson's department, Mr. Alvin Byrd tried to help her each time she tried and many did not, she made many calls to Ms. Kimberly Pierce and still had not received a return call and she would like Council to have her return her call. Council Members Johnson, Khan and Brown absent.

Mayor White stated that he knew Ms. Vasquez had pictures and they considered this a serious matter and wanted to be able to help her and get this taken care of and she reported directly to him. Council Members Johnson, Khan and Brown absent.

Council Member Jones stated if something the city was responsible for damaged someone else's property shouldn't the city fix it; and Mayor White stated that he did not want to set precedent by this particular answer, but they did have a special team for Ike related damages and they would get on this particular case. Council Members Johnson, Khan and Brown absent.

Dr. Grace Butler, 4660 Beechnut, Houston, Texas 77096 (713-668-4673) appeared, presented information to Council Members and stated that she was speaking today about a disease which affected everyone, colorectal cancer, it was the third leading cause of cancer death and yet it was one of the preventable cancers so people were dying needlessly; that today she was bringing awareness of the disease and its prevention, she represented a small nonprofit organization, Hope Through Grace, and they were pursuing two goals one was education and the second was they covered the cost of colonoscopy screening for the uninsured; and urged Council to help pass on the information. Council Members Johnson, Khan and Brown absent.

Upon questions by Council Member Green, Dr. Butler stated that they had a gastrologist in the community who said he would help; that right now they had a waiting list for screening, but no one was paying for the cost; and they could get in contact with Hope Through Grace by visiting www.hopethroughgrace.org and by 713-668-HOPE and they had two events coming up, the Chief Medical Officer of the American Cancer Society accepted their invitation to come to Houston on March 26th at a luncheon from 11:00 p.m. to 2:00 p.m. and the Mayor and Council

were invited and their second event would be a fun run, March 21st at Tom Bass Park and all were welcome to that also. Council Members Johnson, Khan and Brown absent.

Council Member Jones stated that she did not know colon cancer was preventable and she thanked her for that information; that her material showed it killed Black people at a higher rate and if detected early it was preventable; and Dr. Butler stated that family history could place one at a much higher risk; that she was a colon cancer survivor, stage three and she had one daughter who said both her parents had colon cancer and one survived so she has colonoscopy screening; and Dr. Butler presented a "Blue Star" pin to all at the Council Table, to raise awareness of colorectal cancer. Council Members Johnson, Khan and Brown absent.

Ms. Carrol McLaurin, 2840 Shadow Briar Drive #211, Houston, Texas 77077 (832-549-9460) appeared and stated that she was also speaking on colorectal cancer, it was Colorectal Cancer Awareness Month, her husband was diagnosed at age 41 and she buried him at age 43 and at age 49 she was diagnosed with the same disease and knowing it was a controllable disease she made it her goal to make sure everyone knew it was preventable, her husband ran into over \$300,000 before he died and her expenses for just chemotherapy was \$480,000 and it was devastating on financing, but it was preventable and urged all make everyone aware. Council Members Johnson, Khan and Brown absent.

Council Member Green stated that Dr. Butler summed it up and she added to it as well and he was glad they were putting the word out that organizations were there to help and he would join them as he was sure his colleagues would as well. Council Members Johnson, Khan and Brown absent.

Ms. Aretha Johnson, 9022 Kalewood, Houston, Texas 77099 (832-651-4888) appeared and stated that she too was with Hope Through Grace and she was called "the Colon Lady" she asked all if they had their colonoscopy yet, everyone should have one; that in her family everyone was screened one even starting in their 20's because it was in the family and they had numerous polyps removed; and urged all to ask everyone if they had their colonoscopy. Council Members Johnson, Khan, Brown and Jones absent.

Ms. Sherry Harris, 7305 Regency Square Court, Houston, Texas 77036 (713-266-5398) had reserved time to speak but was not present when her name was called. Council Members Johnson, Khan, Brown and Jones absent.

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

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he was again requesting money he owned that Bill White released to the county, it was criminally withheld by Ed Emmett and he had assassination attempts by Bill White, he was being computer sexually assaulted; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Johnson, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mrs. Shannon Rafetto, 5313 Avenue J, Houston, Texas 77011 (832-758-5344) appeared and stated that she lived in the Eastend almost 1-1/2 years and fell in love with the charm; that her biggest concern with Waterhill Homes who built her home in 2007 was the concern of the water, it was in Waterhill's name and Council should not be fooled and think they were bankrupt, they were lying low and would be assuming a new name with the same owners, current owners were Silverkey Homes and it was being run by the immediate family members of Waterhill Homes; that they were pleading with the City of Houston to install them 9 individual

water meters as there were only 9 homes there and that way they could be assured they were all paying their own water and they would pay for whatever fees were necessary, but they wanted assurance their water would not be cut off. Mayor White, Council Members Johnson, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Rodriguez thanked Ms. Rafetto for coming and stated that Silverkey was the new homeowners; and upon questions, Ms. Rafetto stated that was correct and the president was John Wasserberg and Jason Felt and the owner of Silverkey was Nicole Felt, sister to Jason Felt. Mayor White, Council Members Johnson, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. David Rafetto, 5313 Avenue J, Houston, Texas 77011 (832-758-5344) appeared and stated that when he and his neighbors first bought their homes Waterhill had a stellar reputation with the Better Business Bureau, so it was not like they did not do their homework, this was something unforeseen; that they appreciated the city's attention on the water issue, but there were vacant properties, 9 homes were occupied and 2 nearly finished homes had no one in them and then there were 4 which were just the shell of a home with no exterior siding and their pictures showed some fires had been set and that was alarming as when one townhome was on fire all could go up in smoke; that when Silverkey bought the properties they also bought the partially finished homes and if the city had any extra money for demolition it would be a fabulous use of it. Mayor White, Council Members Johnson, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Anna Szary, 5409 Lindsay Lane, Houston, Texas 77011 (281-235-8528) appeared and stated that she was also a resident of the Waterhill community and her concerns was they did not want a developer owned by the same people, Jason Felt and Jonathan Wasserberg, to take them over; that they had been through much with the builders, not honoring warranties and leaving their community with no grass cut and no maintenance of properties and no final construction; that the ones not completed were turning into dangerous buildings and their streets were not on a map which was problematic for emergencies; that they all paid taxes and their mortgage; and urged the city's assistance. Mayor White, Council Members Johnson, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Noriega, Ms. Szary stated that they did not have an attorney as yet but would probably be hiring one. Mayor White, Council Members Johnson, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Jean Marie Gueniot, 710 W. 8th, Houston, Texas 77007 (281-682-5658) appeared and stated that she also owned a Waterhill Home and there were other communities besides the ones on Navigation, there were about 7 plus; that on her block there were 14 houses unfinished, Waterhill abandoned the properties about one year ago, leaving debris and attracting rodents, there was rotten wood and water in bathtubs and the homeless and looters came by and many would not let their children play outside; that they also had damage in their homes due to faulty construction of roofs and decks and she experienced about \$25,000 in damage; that residents had problems with plumbing, air conditioning, electric, etc., and because Waterhill was not honoring any warranties they individually hired attorneys but still had no success and they recently were finding out some of their homes had liens against them and the liens were not there when they closed; that the city was spending money on a walking path but no one wanted to use them because what was happening and they felt trapped; and urged the city's assistance and she too would love her own water meter. Mayor White, Council Members Johnson, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that they might want to get together and see if they could be certified as a class against them, but what the city could control they would. Mayor White,

Council Members Johnson, Clutterbuck, Sullivan, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Vice Mayor Pro Tem Lovell, Ms. Gueniot stated that no issues they were now having had been found on inspection, for instance nails holding the panels on outside were now inching out, so things were hidden. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she saw the houses first going up and they were cool, very attractive and she could see where these things happening were a surprise; and after driving by later she was truly shocked. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Pegah Zabihi, 708 W. 8th, Houston, Texas 77007 (832-891-1228) appeared and stated that there were multiple Waterhill communities, she could name at least seven and they have about 80 undeveloped properties; that when buying a home with your mortgage it was not necessarily true an inspector was sent out, they sent an appraiser who did not do a full home inspection, the city was actually the one to do the inspection and let you move on to the next level; that with theirs on Navigation they had abandoned properties that were unconstructed and extremely hazardous, they had standing water, loiters, thieving, exposed wires, numerous things had been done to the property and to them as homeowners, none of their warranties were being honored and no calls were returned and the owners, Jason Felt and Jonathan Wasserberg, wanted to hold onto their properties so they claimed bankruptcy through Waterhill and had started the new company Silverkey, she was sure they wanted to keep all their properties and then build and it was unjust and needed to be stopped, one issue she had was the title company Waterhill used would not close a title with you unless you used their title company and now she was contacted by an attorney because of contractors and subcontractors Waterhill used with liens on her property and when she closed it was free and clear of liens and that was not fair to her when she closed it free and clear and a major issue was Waterhill filed bankruptcy and what led to it was misuse of their construction draws. Mayor White, Council Members Johnson, Sullivan, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Ms. Zabihi and others for coming today and stated that they had all received Council's attention and measures were being taken to look into it. Mayor White, Council Members Johnson, Sullivan, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Dr. Richard Piazza, 2413 Ralph #12, Houston, Texas 77006 (858-337-7655) appeared and stated that he was also present on Waterhill but much had already been said; that this was not his first house to buy but it was his last house; he bought it in 2006 and the house was inspected by a certified inspector but when problems occurred he got a website, waterhillsucks.com, and they could see the whole story; that the estimated damage to his house ranged upwards of \$200,000 and they paid in the mid \$400,000 for the house; that he secured an attorney and spent \$80,000 in legal fees so far and Silverkey was a recreation; that he could not hold the City of Houston responsible for the buildings, but he could say they had a responsibility, when their engineers and legal fees for real construction engineers came in they saw beyond basic construction defects of city code violations so the question was where were the inspectors and in addition they had a responsibility to see who they were issuing permits to, what happened to him was not Council's fault, but he did hold them responsible for investigation to see who was doing all these things and they could not let them recreate themselves, they were evil; and in 2007 they took off part of his siding to see the extent of the damage and so he

brought an engineer in and insisted if it was to be reconstructed by them it had to be overseen by an engineer he would pay for and they disappeared. Mayor White, Council Members Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that as they told everyone else she thanked him for bringing this to Council's attention, clearly it was not specific to one neighborhood and as they were sitting there questions were being written and answers were being asked for. Mayor White, Council Members Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Eddie Daryani, 423 Electra, Houston, Texas 77024 (713-405-9482) appeared and stated that he bought property at auction from the City of Houston, on October 2007 the City of Houston had an auction and introduced property 929, parcel SY6-049, in the 3900 block of Sardis Lane, Houston 77088 and listed as Unrestricted Reserve E, he put earnest money and went to close and a few properties and on this one found they were trying to put restrictions so he mentioned the ad saying Unrestricted Reserve E and displayed a copy. Mr. Daryani further stated that he tried to get a refund on his \$2,500 he placed but they would not give him the refund and then the property was put back in auction in 2008 and this time corrected their mistake in the add and placed all restrictions that were on it, but in refunding his money they did not do it; and urged Council's assistance in getting his money back as the property was misrepresented. Mayor White, Council Members Johnson, Sullivan, Khan, Rodriguez, Brown, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she would refer this to the Administration, if they advertised something improperly and he relied on it; and Vice Mayor Pro Tem Lovell stated to clear this up, Mr. Christy with the Real Estate Department was present but had to leave and her understanding was the restriction was it was to be single family, residential; and Council Member Jones stated that the ad stated it was unrestricted so it was posted wrong; and Vice Mayor Pro Tem Lovell stated that the contract did say restricted to single family residential use and Mr. Daryani initialed it; and Mr. Daryani stated that he did not sign the contract, he refused because of the restriction; and Vice Mayor Pro Tem Lovell stated that this could not be solved right here and she would ask for Ms. Vasquez's help in getting him in a room with Mr. Christy and see if they could resolve the issue, the earnest money went back because he failed to close by the closing date; and if Council Member Jones would like Mr. Christy to call her with an explanation it could be arranged. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Patricia Simmons, no address (no phone) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Carla Murphy, 3402 Timmons #1, Houston, Texas 77027 (713-501-2364) appeared and stated that she owned a couple of condo units at 8100 Lenora near the intersection of Telephone and Bellfort in Council Member Rodriguez's district; that there were 58 condominium units built in the 1960's and in the 1990's most of the properties were boarded and abandoned and being used as crack houses, but then they started buying the properties and living there or renting it out and about one year ago they began to see a huge spike in water bills coming from one of the three water meters which served the property, the usage jumped from approximately \$1,000 a month to about \$4,500 or more a month and at that time the homeowner president got involved with the Water Department to try and find a leak and even hired a professional leak detector who could find no leaks, but it was now finally fixed and last week the Water

Department said they were ready to settle but there was a \$60,000 water bill on the one meter and they said they would discount it by \$15,000 and they wanted the \$45,000 by this coming Friday and seeing how it could probably not be paid they wanted them to sign a note to them for that amount and give them a lien on the property or they would cut off the water and today she was urging Council's assistance. Mayor White, Council Members Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Mr. Roberto Medina with Public Works was present and would speak with her and those with her on the issue. Mayor White, Council Members Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Felton Rubin, 1302 Shillington Drive, Katy, Texas 77450 (281-579-7753) appeared and stated that he wanted to explain what caused them to have such a large water bill; that his function was to go in and find where the water leak was and fix it and hired USA Leak Detection and he could not find out where the water was going and made two recommendations, first, put meters on each line for each of the units and shut them off and it should show the leak and they did it at a cost of about \$2,000 and still found no leak so he said if he could check the sewer line and he did that and found nothing so secondly he suggested they go in and re-pipe the 21 inlets to each of the condos and that was about 19,000 feet of line costing about \$19,000 and the leak stopped and what they were assuming was the one building that was burned must have had a broken line underneath and had water running into Braes Bayou to the back of where the building had stood because walking the complex there was no soft spot anywhere, since this was fixed their bill was now \$1,043.00 a month; and they were not saying the city did not try to work with them, but for the short time frame they were given for \$4,500 there was no way to do it. Mayor White, Council Members Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Mr. Rubin for coming and stated that Mr. Roberto Medina with Public Works was present and would speak with him and others present on the issue. Mayor White, Council Members Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was again present for the YMCA to be in their community of Willow Run, they needing funding, \$50 million, and whatever they could do would be appreciated; and Council Members Jones and Noriega committed themselves and she had received letters from others; and they were looking for this to happen. Mayor White, Council Members Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that there was a full moon and the rodeo was still going on and the best thing in Council today was the dog present and the colon lady because his mother had died and he now needed it; that he was running for City Council and his website was www.mayorgalvan.com and District H was the best as it stood for hemp, Hispanic, Heineken, etc. Mayor White, Council Members Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 5:24 p.m. City Council recessed until 9:00 a.m., Wednesday, March 11, 2009. Council Member Toni Lawrence absent on city business. Council Member Pam Holm absent on personal business. Mayor White, Council Members Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, March 11, 2009, with Mayor Bill White presiding and with Council Members Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Toni Lawrence absent on city business.

Note: Council Member, District H Position, vacant.

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

At 9:33 a.m. Mayor White called the meeting to order. Council Members Adams, Khan and Green absent.

MAYOR'S REPORT - American Recovery and Reinvestment Act (ARRA) Overview

Mayor White stated that he wanted to share with his colleagues what had occurred in the last few days, that Inc. Com, a national publication, this week released it's 10 best cities for doing business in the United States, the top ten cities on the County by population, and Houston was on top and number four overall in the United States of cities of all sizes, that it followed a couple of days ago when Site Selection Magazine selected Houston as the number one city for corporate expansions and relocations in the United States, that they were going to have some hard times but Houston continued to get recognition, twice in one week, as the national leader among big cities as a place to do business. Council Members Adams, Khan and Green absent.

Mayor White called on Ann Travis to talk about the amount of federal funds available under the stimulus package and respond to Council Members. Council Members Adams, Khan and Green absent.

Ms. Travis reviewed a presentation titled "The American Recovery and Reinvestment Act of 2009", a copy of which is in the City Secretary's Office for review. Council Members Johnson, Adams, Holm and Lovell absent.

Mayor White stated that as Ms. Travis was going through the presentation he was going through a 121 page summary of the various provisions within the bill and in each federal department there were line items and people around the table may have a particular interest in those line items; that one example of that was that the City of Houston for some time had sought to have a Job Corp facility, with even identified sites, that could serve the needs of young women who had children, that there was currently not such a site and the program provided some structure and discipline for people who were at risk, that people had found in dealing with the program that it would make more sense to have a dedicated facility that had women with children and was accessible to families and had a supportive environment, that they could not get such a facility because they did not have money, that there was additional money now, that whether one agreed or disagreed with additional funding for various programmatic activities it was important to them, on behalf of the people they represented, if they thought money would be well spent within the community to seek federal funding for a particular purpose and not all of their departments had all of the expertise within their

departments and knowledge of the federal authorization or appropriations process, they had professionals who could assist them who they regularly pay for to represent them in Washington and Ann and her team did a great job, but there was going to be a lot of competition, both at the State and Federal level for these funds, that if anybody was interested to let them know. Council Members Johnson, Adams, Holm and Lovell absent.

Members of Council thanked Ms. Travis for her presentation, and Council Member Clutterbuck stated that she had a question about street projects, major thoroughfare projects, that were not on the TPC agenda, was it possible and covered by the stimulus plan if they were not passed by the sub committee of the HGAC, and Mayor White stated that the questions came up while he was at the White House and the Secretary of Transportation said that there had been an amount set aside which was going to be awarded directly by the Department of Transportation on a competitive basis by entities that would apply as opposed to the State formula funded that would be allocated to the States, so he would ask for them to package and prioritize projects that did make it on the list, that were on the TIP, that most of them were managed by Harris County or TxDOT and they occurred in all parts of the City, and they ought to be seeking that funding from the Department of Transportation, and Ms. Travis stated that there would be a 3% set aside formula that the Texas Transportation Commission would allocate, that it was about \$675 million, around the State, that they had talked about looking at the 2006 Enhancement Projects that they submitted to the State that were not funded, but that was not set in stone, but she thought there would be another opportunity for their local MPO to allocate additional monies from the State to a region with the 3% set aside, and Council Member Clutterbuck stated that if they had specific projects, and there was one project that was essential to their north south mobility in the central part of Houston, Kirby Drive, south of Highway 59, which had been held up and delayed because of an error in the surveying of the property and the evaluation of exactly how much property the City actually owned, that it was called Kirby Four B, Phase Four B, and because it was miss-surveyed and they needed to acquire property from five different property owners in order to expand the width and they had already negotiated a smaller street design, it was 90% built and was shovel ready, it was essential to the north south traffic in Houston, which as they all knew there were no major north south arteries, except for the Loop and the Beltway, but this portion of Kirby Drive was held back and the last time she asked it was indicated that they could not find the funding for the property acquisitions, that after she attended the HGAC meeting, at which this was first rolled out as a prospect, she asked the administration about the viability of the project and it was her understanding that it was not submitted to the subcommittee at HGAC and she wondered how they would get it on there and what the status of the funding was for it, that it met all of the criteria of the stimulus package and she knew they had multiple needs competing for limited funds but she was concerned to see the portion of Kirby Drive end up on the stimulus package but was for sidewalk enhancements around the Metro line at Richmond, which was not yet approved by the Metro Board and she would urge the administration's focus and the advocacy; and Mayor White asked Ms. Travis if they could make a note of that and get an explanation of what the approach of the Department of Public Works was to this particular project.

Council Member Khan stated that he saw that the Army Corp of Engineers was receiving \$4.6 billion and asked if there were funds they could go for regarding flood control, was it something that was appropriated and which they could tap into; and on the Homeland Security Fund, they knew they needed inner operable radio system and was there any funding sources in the package which they could go for; and there were talks by some governors to not welcome all of the funding, including the Governor of Texas, what happens in that situation, and Mayor White asked Ms. Travis to start, that he thought she had conversations with Mike Talbot members of the Corp, and Ms. Travis stated that she spoke with Jack Peterson, who represented Harris County, along with Mike and they were aggressively going after additional monies for the Corp and she thought they could also look at detention and other possibilities for Public Works to do as well, so they would be having those conversations with Mike Marcotte

and Mike Talbott, that it was a long and painful road when they went after Corp money, but she thought there were opportunities, and were already in the President's budget; that on the inner operable, yes, she thought they would definitely aggressively going after inner operable money and had also gotten the Omnibus Bill that the Senate was going to pass, if they had not already, today, that they did get some FY09 earmarks for \$1.6 million for inner operable and continued to get Homeland Security formula dollars, so they were going to go after that money as well; and the third, some money would go through the State and some of it they could apply for it directly from the agency and there was a lot of discussion in the Legislature about the stimulus, that Jim Dunham was chairing a select committee in the House on the stimulus and there was also a subcommittee on the stimulus in the House Appropriations Committee, a lot of discussion about the process and how quickly the money would move through, that it was a concern, and she thought those comments were general policy, but obviously what ever the administration wanted to go for, they would try to go for. Council Member Clutterbuck absent.

Council Member Brown asked what percentage of the total allocation that Houston was likely to get actually came through the State or were there any funds that they got directly, and Ms. Travis stated that there were a lot of programs so most of them would probably go through the State, but the weatherization they could apply for directly, the Energy Conservation, CDBG, the COPS Program, there were several programs that they could apply for, but she could not tell him how much would go through the State versus directly, that as to the consultants, she did not now if Whit would be working with them but Susan Lamp with Aiken Gump was working with them and Finance, that they had a lot of people looking at these announcements.

After further questions by Council Member Brown, Mayor White stated that within those categories of funds that were allocated to the State, that they had a couple of pools of those funds, that one pool would be transportation dollars, about \$2.3 billion, of that amount they knew what the population of their City was, that there were also numbers that could be generated about what their contribution to gasoline and diesel fuel taxes were and then somebody could try to compare that to what was allocated to programs that were in and around the City and come to some conclusions and then similarly with the weatherization funds he thought it was the case of energy efficiency and conservation block grants had a formula allocated to municipalities similar to CDBG and the weatherization grants had \$200 million plus and went to the State and since the City of Houston represented something like 11% of the population of the State then they would figure that if the number was much higher or lower than that then there was an issue, so he would leave it at that, and Council Member Brown asked if the State was taking an administrative fee off of the top or should they be, and Mayor White stated that for example the initial proposal for the allocation of CDBG funds, well in excess of \$1 billion to the State to help them recover from Hurricane Ike had an allocation for administrative expenses for the State of around 20%, and Ms. Travis stated that it was around that range, and Mayor White stated on \$1.3 billion or so, that they objected to that and did not think that it should cost that much to administer that program at a State wide level but it was something to keep one's eye on, and Council Member Brown stated that he noticed there was high speed rail funding in there and he was very supportive and hopefully they could have a leadership position on that and would also mention that they had some very needy and ripe superfund and Brownfield developments and hoped that they would be looking specifically at funding for those to get those off of the ground, and Mayor White asked Ms. Travis, with the Brownfield coordinator, that he thought to be helpful with a lot of them, that they had not talked or reviewed that one in particular at the senior staff meeting, about the criteria and process and who was responsible and a little memo to him and a copy to the Council Members, he thought, would be very helpful, and Ms. Travis stated she would be happy to, that she knew that Parks was looking at that and also their Brownfield Program, that they had a lot of projects in the queue already for that, so she thought they were aggressively looking at that.

Council Member Lovell stated that Galveston got a large portion of that money, and they

should get money, but when they looked at the damage they had in Houston and the need in Houston it was really great even though they did not get a direct impact like Galveston did from the storm; that they were competing with Harris County on the things they needed and she thought they did a really great job of putting together what their needs were; that she would like to see, through whatever committee, that they sort of have an ongoing lobby effort, that they were ready to reach out to whom ever they could when the funding came up, to be organized and ready to go in and make their case as to why Houston should get a large portion of the money; that she wanted to see them have a team together that continued to be ready to go when the hearings became available where they could call on their people to make their cases to why they should get the funding, and Ms. Travis stated that she agreed and could use everyone's help on that and also getting more in depth with staff on formulas and criteria. Council Members Sullivan and Brown absent.

Council Member Adams stated that she was looking at the designation of funds coming to Texas and knew there was some money in there for the disaster assistance program and asked how would it come to the City of Houston, was it for future disasters or could it be for disasters that had already occurred, and Ms. Travis stated that she did not think it was directly connected to a storm necessarily, but she thought generally, that these were formula grants that Chief Storemski and Cheryl Murray worked on every year on urban areas security money and disaster grants that they could beef up various things and she thought they had done some storm mitigation programs with this formula money, so yes, and she thought it was definitely a discussion to have with Dennis on that, on what they were working on, that there was a long laundry list of needs and knew they were looking at inner operable radios as well, which would obviously help during storms or disasters. Council Members Clutterbuck, Rodriguez and Lovell absent.

Mayor White stated that there was a specific title on the Disaster Assistance Loan Program and there were several disaster assistance but the one he was looking at applied to disasters occurring in calendar year 2008 where the damages exceeded \$5 million, where the local government had suffered a loss of 25% more in tax revenues, but there may be other assistance programs, so they ought to take a look, that he really encouraged his colleagues, that he did not ask everyone to memorize 1 of 120 page summary, but he knew each of them and thought if somebody flipped through the titles, and people had different areas and expertise, and it could even be one project, that a long delayed Clinton/Wayside interchange would be a good example if somebody really wanted to take that and help them push it through their own Department of Public Works, HGAC process or federal processes, he invited that kind of participation, that it was probably best but they would get some of that information to her. Council Members Clutterbuck, Rodriguez and Lovell absent.

Council Member Jones stated that there was a group called the Gulf Coast Collaborative, of which she was a part, and was really excited, where they had United States Senators and Representative and State Senators and Black Mayor's working for the States of Texas, Louisiana, Mississippi, Oklahoma, Arkansas and Missouri trying to do a regional approach where they were trying to agree on what went where so they did not have all the elbows being thrown, that they had their first meeting during the inauguration because they knew the money was going to be coming down, that they had some more meetings set up but were trying to decide whether they were going to have it in Houston or somewhere else, that she would keep them updated on what they did. Council Members Clutterbuck, Lovell and Green absent.

At 10:18 a.m. Mayor White stated that he wanted to thank Ms. Travis for her presentation and they would go to the consent agenda. Council Members Clutterbuck, Lovell and Green absent.

MISCELLANEOUS - NUMBER 1

1. RECOMMENDATION from City Attorney to increase the price for the Code of Ordinances for outside subscribers to \$350.00 per set and authorize the City Attorney to make future adjustments based on specified criteria – was presented, moved by Council Member Khan, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Members Clutterbuck and Lovell absent. MOTION 2009-0127 ADOPTED.

ACCEPT WORK - NUMBER 2

2. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$472,475.00 and acceptance of work on contract with **ARROW SERVICES, INC** for Asbestos Abatement and Interior Demolition at Gragg Building, 2999 South Wayside Drive 0.05% under the original contract amount - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Members Clutterbuck and Lovell absent. MOTION 2009-0128 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 3 and 3a

3. ORDINANCE appropriating \$333,619.80 out of Reimbursement of Equipment/Projects Fund for Purchase of Road Spike Systems for the Houston Police Department – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Members Clutterbuck and Lovell absent. ORDINANCE 2009-0192 ADOPTED.
- 3a. **ALL AMERICA SALES CORPORATION** for Road Spike Systems for Houston Police Department – was presented, moved by Council Member Khan, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Members Clutterbuck and Lovell absent. MOTION 2009-0129 ADOPTED.

ORDINANCES - NUMBERS 5 through 36

5. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Burdine Street, from Gasmer Road to Dyrad Drive (Parcel SY3-052); vacating and abandoning said parcel to Houston Independent School District, the abutting owner, in consideration of (i) its dedication back to the City of said parcel as a 60-foot-wide utility easement, designated as Parcel VY4-006; both parcels being out of the replat of New Westbury Village, Section 3, in the George Allen Survey, A-96, Houston, Harris County, Texas, (ii) its construction of a ± 150-foot section of West Airport Boulevard, connecting to Chimney Rock Road, and (iii) its payment of \$300.00 (minimum fee), and other consideration to the City - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0193 ADOPTED.
6. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 16-foot-wide utility easement (Parcel SY8-004) and the attendant aerial easement; vacating and abandoning said easements to FR-Enclave, L.P., the abutting owner, in consideration of its conveyance to the City of a 16-foot-wide utility easement (Parcel VY8-031); all three (3) easements being out of Reserve “A” of the RVB

Reserve C Subdivision, Houston, Harris County, Texas; and its payment of \$178,310.00 and other consideration to the City - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0194 ADOPTED.

7. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Arncliffe Drive (Parcel SY6-098), from Streamside Drive West approximately 181 feet, containing 0.2539 acre (11,060 square feet) of land, more or less; vacating and abandoning said tract while retaining a full-width utility easement and hike and bike trail easement (Parcel QY9-009), and approving HCFCD's conveyance to the City of 0.1122 acre (4,888 square feet) of land, more or less, for right-of-way for and construction of a cul-de-sac at the eastern terminus of Arncliffe Drive (Parcel AY7-256), all located in the Inwood Forest Subdivision, Section 14, K. Morgan Survey, A-573, Houston, Harris County, Texas - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0195 ADOPTED.
8. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (1) Hickory Street, from the Texas and New Orleans Railroad right-of-way south approximately 355 feet (Parcel SY8-003A), (2) Morin Place, from its western terminus east approximately 92 feet (Parcel SY8-003B), and (3) a 10-foot-wide storm sewer easement (Parcel SY8-003C), all in the John Austin Survey, A-1, Harris County, Texas; vacating and abandoning said property interests to Trinity Lutheran Church, abutting owner, in consideration of owner's conveyance to the City of (A) two 20-foot-wide storm sewer easements (Parcels LY8-021A and LY8-021B), (B) a 10-foot-wide sanitary sewer easement (Parcel DY9-034), and (C) a 10-foot-by-20-foot fire hydrant easement (Parcel KY0-081), also located in said John Austin Survey, A-1, Harris County, Texas - **DISTRICT H** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0196 ADOPTED.
11. ORDINANCE rescinding Ordinance 2008-953 and deappropriating the previous appropriation of \$773,181.98 for leased space; appropriating \$737,756.31 out of Police Consolidated Construction Fund and approving and authorizing Lease Agreement between **RP SAM HOUSTON PLAZA, LP, Landlord**, and the City of Houston, Texas, Tenant, for the lease of Office Space at 523 North Sam Houston Parkway East, Houston, Texas, at a monthly rental of \$11,736.00, with other expenses as set forth in the agreement, for the Public Safety Radio System Project - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0197 ADOPTED.
18. ORDINANCE relating to the Fiscal Affairs of the Southwest Houston Redevelopment Authority on behalf of Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone); approving the Fiscal Year 2009 Operating Budget for the Authority - **DISTRICTS F - KHAN and G - HOLM** - had been pulled from the Agenda by the Administration, and was not considered. Council Member Lovell absent.
- 18a. ORDINANCE approving the issuance of Bonds and Notes by the Southwest Houston Redevelopment Authority - **DISTRICTS F - KHAN and G - HOLM** - had been pulled from the Agenda by the Administration, and was not considered. Council Member Lovell absent.
22. ORDINANCE appropriating \$600,000.00 out of Parks Consolidated Construction Fund for Stormwater Detention Basin at Keith-Wiess Park under Contract with the **HARRIS**

COUNTY FLOOD CONTROL DISTRICT (as approved by Ordinance No. 2005-1033) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0198 ADOPTED.

23. ORDINANCE approving and authorizing agreement between the City of Houston and **THE GREATER HOUSTON CYCLING FOUNDATION** for the Operation and Maintenance of the Alkek Velodrome for the Parks & Recreation Department - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0199 ADOPTED.
26. ORDINANCE appropriating \$245,600.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to the Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Widening of U.S. 59 from North Park Drive to Harris County Line (approved by Ordinance No. 2004-1029) - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0200 ADOPTED.
27. ORDINANCE appropriating \$312,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Relocation and Adjustment to the Waterline along Beltway 8 from the west of Greenspoint Drive to West Hardy Road; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0201 ADOPTED.
29. ORDINANCE appropriating \$375,074.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **WESTON SOLUTIONS, INC** for Sims South Wastewater Treatment Plant Improvements; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0202 ADOPTED.
30. ORDINANCE appropriating \$1,164,119.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Services Contract between the City of Houston and **TEXAS AMERICAN ENGINEERING** for Engineering Services associated with the Design of Water Line Replacement in Garden Oaks, Riverwood Estates and John Alber areas **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0203 ADOPTED.
31. ORDINANCE appropriating \$386,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Fifth Amendment to Professional Engineering Services Contract between the City of Houston and **AECOM USA, INC dba AECOM USA GROUP, INC** for Engineering Services associated with Capacity Improvements at the East Water Purification Plant **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0204 ADOPTED.

32. ORDINANCE amending Ordinance No. 2009-44 passed January 28, 2009 relating to Construction Contract for the Generic City Wide Overlay Package #13 (Work Order Contract) to correct the Outline No. of the Engineering Testing Services Contract – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0205 ADOPTED.
35. ORDINANCE No. 2009-179, passed first reading March 4, 2009
ORDINANCE granting to **K & S CONSTRUCTION SERVICES, LLC, A Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0179 PASSED SECOND READING IN FULL.
36. ORDINANCE No. 2009-159, passed second reading March 4, 2009
ORDINANCE granting to **ACE SEPTIC AND PLUMBING COMPANY, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Lovell absent. ORDINANCE 2009-0159 ADOPTED THIRD READING IN FULL.

Council Member Sullivan moved to suspend the rules to consider Item No. 10 out of order, seconded by Council Member Khan. Council Member Lawrence absent on city business. Council Member Lovell absent. MOTION 2009-0130 ADOPTED.

10. ORDINANCE increasing rates and charges for the use and services of the Combined Utility System – was presented. Council Member Lovell absent.

After discussion by Council Members, Mayor White stated that from the time the Council voted on the restructuring system in 2004 the electricity prices had doubled and the chemical prices had tripled, that each person put pressure on the water sewer system to find efficiencies and figure out where to tighten the belt, but as a practical matter at a certain point they were faced with either the alternative of some increase to take into account those extraordinary cost increases, which had increased more than the Consumer Price Index, or they do not have a rate increase and then cut the capital and maintenance spending of the system, in which they just simply deferred the rate increase to some later time, that happened at least three times within the City, once at the beginning of this administration where there was a balloon note and it occurred twice at other times in the last 30 years where people deferred rate increases and there was a big, massive, rate increase in order to take into account all the deferred maintenance, that they were trying to avoid that; that as to where they were going with rate increases, that, in part, would depend on the City Council and the Mayor in subsequent years, that what they had done in this administration was that they held the lines on rate increases so that they were less than the increases in the cost of the utility system, that there would be a rate study that should come out within the next year, and he would put it bluntly to people who would be serving in the future that the level of capital spending of \$275 million, more or less, per year in the water sewer system could not be sustained so long as they had the history of the cost rising more than their revenues rise, so moreover this was a big issue that water utilities would be facing throughout the Country that he for one encouraged water conservation, that he did not like waste.

After further discussion by Council Members, Council Member Jones stated that she was going to make a specific request for each department to present during budget how much money it spent each year on outsourcing, who they were outsourcing with and why were they outsourcing, that she had been asking for this for a month and had not received the answer. Council Member Johnson absent.

After further discussion, Council Member Clutterbuck stated that for the public's information their combined utility system paid for many of the things that they used everyday, the sewer and waste water removal, the purity and safety of their water and flood control, that a number of things got funded out of their combined utility system and as Mr. Marcotte explained the rate structures for their utility, as well as for many other municipal utilities, did not include a profit, that they did not make money on it, they passed their cost directly onto the consumer and when they had situation like the rest of the public experienced with increased electricity costs they had to pass that on to the consumer, that they did not pass it on in a timely fashion, unfortunately, there was a lag time in passing it on because they did not make the changes contemporaneously with the increases, similarly if anybody worked in the chemical industry they knew how chemical costs had increased exponentially and unfortunately they were not immune from that either, the security and safety of their water system was linked directly to their chemical costs; that she wanted to assure her colleagues that they would have a complete review of this, that as an elected official she thought it was incumbent on them to review this every year, that to defer it or delay it until after they were all term limited was irresponsible government, that she did not feel enthusiastic at all about the rate increase but felt they had no other choice, and urged the public to understand they were difficult decisions and they were not made lightly and encouraged them to look at what other cities did, that their rates in Houston, in a City that flooded and basically at sea level were much lower than they were in Dallas, Austin or San Antonio. Council Member Johnson absent.

After further discussion, Council Member Brown stated that he would like to see, as they looked at it next year, that they have a principal involved that was similar to the senior exemption, those persons who were less able to pay perhaps should be given some consideration. Council Members Johnson and Rodriguez absent.

After further discussion Council Member Sullivan stated that he was interested in improving their efficiencies and there had been discussion that outsourcing was a bad thing and expensive and cost more money and that was just not always the case, they had some successful outsourcing operations in his district in the waste water and water treatment area and they worked very well and had for years, that he was going to be an advocate for continuing those operations when those contracts came up, so he wanted to be on the record and let the public know that outsourcing was not all bad and did not always cost more money. Council Members Johnson and Rodriguez absent.

After further discussion by Council Members, Council Member Green stated that he thought they had to be very honest and candid with their constituents, that because he knew the citizens would much rather spend \$2 or \$3 or whatever the case may be because they could not afford to put in a whole new sewer system or whole new pipes in their home because of some maintenance issue on the City's part that caused water and sewage to back up into their homes, that in many case the City of Houston would not pay for it, and that was the part that they needed to explain to people, that he got a lot of calls from people, that he thought the citizens needed to know that if they made this investment into their combined utility system once again they were getting their money's worth.

A vote was called on Item No. 10. Council Members Sullivan and Holm voting no, balance voting aye. Council Member Lawrence absent on city business. ORDINANCE 2009-0206

ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PURCHASING AND TABULATION OF BIDS

4. **AGILENT TECHNOLOGIES, INC** for Gas Chromatograph/Mass Spectrometer for Houston Police Department - \$114,915.21 - Police Special Services Fund - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0131 ADOPTED.

ORDINANCES

9. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue and Refunding Bonds in several Series Designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the Bonds; authorizing the defeasance, final payment, and discharge of certain Combined Utility System Commercial Paper Notes and certain Combined Utility System Outstanding Bonds; authorizing the execution and delivery of Escrow Agreements; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Escrow Verification and engagement of Escrow Agents, a Co-Bond Counsel Agreement, and Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Clutterbuck absent. ORDINANCE 2009-0207 ADOPTED.
12. ORDINANCE approving and authorizing various contracts for Elderly Services provided through the Harris County Area Agency on Aging between the City and (1) **ALZHEIMER'S ASSOCIATION - HOUSTON & SOUTHEAST TEXAS CHAPTER**, (2) **NEIGHBORHOOD CENTERS, INC**, and (3) **PERRYLEE HOME HEALTH CARE SERVICES, INC**; providing maximum contract amounts - \$4,744,565.58 - Grant Fund – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Noriega absent. ORDINANCE 2009-0208 ADOPTED.
13. ORDINANCE approving and authorizing seven (7) Single Family Home Repair Contracts between the City, as the Repair Agency acting on behalf of seven (7) homeowners, and three (3) Construction Contractors (**CM CONSTRUCTION, JOSHUA DADE HOMES and GENERAL CONTRACTOR SERVICES, INC**) and providing \$591,415.00 in Community Development Block Grant Funds (including a 10% contingency of \$53,765.00) for the Demolition and Reconstruction Work (Tier III) on seven (7) houses under the Single Family Home Repair Program Administrative Guidelines, as amended - **DISTRICTS B - JOHNSON; D - ADAMS and DISTRICT H** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. ORDINANCE 2009-0209 ADOPTED.
14. ORDINANCE amending Ordinance No. 2007-1193, as amended by Ordinance No. 2008-661, and appropriating \$2,026,000.00 out of the TIRZ Affordable Housing Fund 2409 to continue implementation of the City's Workforce Housing Downpayment Assistance Program – was presented, and tagged by Council Member Jones.

Council Member Jones stated that Item No. 14 had not come before the Housing Committee and would come before the committee tomorrow at 2:00 p.m. where they could discuss it and that was why it was being tagged, that based on what she had been briefed on it seemed like a good deal for them, and Mayor White stated that these were some very important items and had been in process for a long time, that it was a very successful program and built on the vision that many Council Members had expressed, that he wanted to remind everybody that every time they put a house on a LARA lot where there were no improvements a substantial portion of that monthly mortgage payment went to pay for the school taxes and public safety and others and they had more people pulling the wagon of the finances of the City, that he would also say that when they reviewed the consolidated housing budget he heard it echoed around the table that they needed to make it attractive for some of the volume builders to come in and build good quality and affordable houses because they had built up such a large inventory of the LARA lots and in that consolidated housing budget they had set aside money for the support of LARA and other things and they needed to get that money spent as opposed to just sitting around in an affordable housing account.

15. ORDINANCE approving and authorizing Agreement between the City of Houston, **MOUNTAIN TOP DEVELOPMENT** and **CAPITAL ONE COMMUNITY DEVELOPMENT CORPORATION II** to provide a second Lien Construction Loan of Federal "HOME" Funds in the amount of \$140,000.00 for eligible costs in connection with the construction of two (2) affordable homes - **DISTRICTS B - JOHNSON and D - ADAMS** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. ORDINANCE 2009-0210 ADOPTED.
16. ORDINANCE consenting to the creation of the **INTERNATIONAL MANAGEMENT DISTRICT** and the inclusion of certain land within the district - **DISTRICTS C - CLUTTERBUCK; F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. ORDINANCE 2009-0211 ADOPTED.
17. ORDINANCE approving and authorizing amendment to the agreement between the City of Houston, Texas, **THE FOURTH WARD REDEVELOPMENT AUTHORITY**, and **REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS (FOURTH WARD ZONE)** in connection with the City's Reinvestment Zone Number Fourteen over the Fourth Ward Area approved by Ordinance No. 2000-1110 - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. ORDINANCE 2009-0212 ADOPTED.
- 17a. ORDINANCE relating to the Fiscal Affairs of the Fourth Ward Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS (FOURTH WARD ZONE)**; approving the Fiscal Year 2009 Operating Budget for the Authority and the Fiscal Years 2009-2013 Capital Improvement Budget for the Zone - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. ORDINANCE 2009-0213 ADOPTED.
19. ORDINANCE accepting the individual proposals from **WESTCHESTER FIRE INSURANCE COMPANY, LEXINGTON INSURANCE COMPANY, CONTINENTAL CASUALTY COMPANY, UNDERWRITERS AT LLOYDS, RSUI INDEMNITY COMPANY, GREAT LAKES REINSURANCE (UK) PLC; SWISS RE INTERNATIONAL SE, IRONSHORE INSURANCE, LTD., AXIS SURPLUS INSURANCE COMPANY, ARCH SPECIALTY INSURANCE COMPANY, ESSEX INSURANCE COMPANY, ASPEN INSURANCE UK LIMITED** which are participating in the Layered Property Insurance Program and approving and authorizing the purchase of a General City Property Insurance Policy - \$10,464,566.00 - Property and Casualty Fund – was presented. All

voting aye. Nays none. Council Member Lawrence absent on city business. ORDINANCE 2009-0214 ADOPTED.

20. ORDINANCE accepting the proposal from **LEXINGTON INSURANCE COMPANY**, approving and authorizing the purchase of Terrorism Insurance for the proposed City-wide Insurance Policy for all scheduled City of Houston locations - \$703,046.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. ORDINANCE 2009-0215 ADOPTED.
21. ORDINANCE approving supplemental allocation to Legal Services Contract between the City of Houston and **ANDREWS & KURTH, L.L.P.**, for Professional Services to assist in litigation arising out of activities financed by the Fund - \$100,000.00 - Combined Utility System General Purpose Fund – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Clutterbuck absent. ORDINANCE 2009-0216 ADOPTED.
24. ORDINANCE amending Ordinance No. 2000-1147 passed on December 20, 2000 to increase the maximum contract amount for Contract between the City of Houston and **UNISYS CORPORATION** for Computer, Hardware, Software Licenses, Mainframe and Professional Services for Various Departments - \$2,321,973.00 - General Fund – was presented.

After discussion by Council Members, Council Member Johnson stated that he did not understand why they were not able to meet their goals and on top of that give them an increase, that it was almost like they were awarding a company for not meeting the full obligation of their contract, that as they looked at this contract being 17% and now 3% he did get word that there was no capacity for this particular contract because the work was done all through Unisys, if there was no capacity he was trying to figure out why the MWBE Department put in 17% and they only reached 3%, that he would like to get some information on this, that he would tag the item and hoped that it was an item that would come before their MWBE Committee, that they could then discuss it.

After further discussion by Council Members, Council Member Noriega stated that this was a contract to continue and finish out a 25 year old records system for the Police Department and the public safety was dependent on their ability to keep this system in place until they build a new system, and one of the places where it would be appropriate to address goals was with the new contract, that as it stood now they did not have much in a way of choice when it came to who handled the closing out of the system, and they anticipated it not taking the full time in the contract and there was a 30 day clause where they were allowed to leave it when they had finished with it, that they had quite a bit of discussion about it at Public Safety Committee on Monday and her understanding was that they were going to discuss it at MWBE Committee but she would like to ask for some real review of how they sit down and set the goals, if indeed the department sets the goal and the goals were not realistic that was a serious problem, they needed to make sure that people understood the appropriate way to do it, that she thought all of them were serious about having the goals met they did not want to have a made up goal with a made up answer and people not being held accountable, at the same time this was probably not the test case because they were needing to move forward, that she would like to add her tag to this as well. Mayor White and Council Member Holm absent. Vice Mayor Pro Tem Lovell presiding.

After further discussion, Mr. Hall stated that this had been a subject that he had been directly communicated to by the Mayor most recently about the issue, they had been having a series of meetings to improve the performance and much of it was structural but he thought it was important for all of them to try and make it work as best they could, that their Affirmative

Action Division was essentially a support division for this program, it did not run MWBE or contracts, it's purpose was to help administer their MWBE Program by doing all of the required work to include their capacity studies that they had approved and for recommending to the Council their overall goals in the several programs where they had minority, women and disadvantaged business participation so they recommended that to the Council, overall goals for the City in these various categories that they voted on, that when that was done it was up to the people who knew what the work was in a given contract, that obviously Affirmative Action could not be an expert on construction or computers and vertical construction and all of that stuff, it was the department's who actually first looked at the actual directory they had for certified businesses in the various categories and they all listed those businesses that had been certified and it was on that basis that they matched up what they as experts, understanding what the Mayor said, it was impossible to know with precision what work was to be done in a multi million dollar contract, match that up with capacity and set a realistic goal, that was their job, that what was critical was that there was a project manager assigned to each one of those, whether it was a computer or construction contract, that person was the person who was on the site every day who knew who was out there doing the work and whether or not there was something that ought to be changed, whether or not the scope was changed, whether or not there was a change order or whether or not some of the work that was contemplated had not been done, that was the person who monitored that; that he would say that in the Mayor White administration they had implemented a computerized, self reporting procedure for contractors, meaning that every month on a monthly basis the contractors actually report how much they had paid to minority firms, there was an area for improvement and that was going to be improved over the next three or four weeks, he had been mandated to make certain, because they had not been connected well enough to relate that to at what stage in the work the minority participation should show up, if they understood what he meant, an example, Issa Dadoush on his projects said that most of his work in his vertical construction by minorities was done in the finish work so the money would be paid at the end, they had to match it up, they were going to make it happen and make that work, that also they were going to provide Ms. Laws with the name of who the project manager was, they did not do that today, on all of these projects, that he thought it an a manner of four, five or six weeks, with the help of all of their departments, they would have a better process, but it was important to know that she had no role at all, other than support to advise and setting goals on individual contracts, they did call her when they had unusual ones, when it was a zero, to get her advice and concurrence, that he would close by saying that a contractor could go find a minority or women contractor and there was an expedited process for certifying them, that if there was somebody who they did not know about and had not been certified and who could do something special they could include them, submit them and have them certified on an expedited basis to assure the program worked, that it needed everybody to make it work and they had so many contracts in so many different areas of work until often there was going to be, as the Mayor suggested, just impression in setting goals, that they thought there was this much of that kind of work and that much of this kind of work and obviously some times that did not work out, that she did advise that generally people who came within a point or two of the goals actually got a satisfactory and sometimes people who fell short, like in a situation like this, might get a satisfactory because they demonstrate to her, after they receive the letters, that they had made the good faith effort to go find somebody else, that subcontractors go out of business, they had too much work, they could not finish on the timelines, all of these were relevant issues in making those judgments, that he thanked them for the opportunity to say that on her behalf because every conversation seemed to suggest that she did not insure it and she had no part of insuring it or setting the goal in the first place on an individual contract; that they were approving that system at the mandate of the Mayor because frankly they had not had the kind of seamless communication they ought to have, that there was now going to be communication with the project manager, which was the other side of knowing who that was by name, so that they knew what the reports were and what the analysis was as the project went along, from Affirmative Action, that they were also, frankly, investigating whether or not there could be a delay in progress payments on that basis that what

they had committed to do they appeared not to be going, that was something they had not completely flushed out yet but were trying to find a way to make it work and not disrupt the completion of the work which was the reason for the contract in the first place.

After further discussion Council Member Khan stated that he would like to see, if they were not doing it already, if there was a history of a contractor or vendor or supplier for not meeting MWBE goals that they take that into account when they were dealing with them next time, and Mr. Hall stated that was an issue that he thought the Mayor was probably going to invite some Council input, that right now the rule was that they had to have had two consecutive non compliance unsatisfactory for action to be taken against them in denying their contract for some period, that Director Marcotte thought that they ought to start thinking about that because it was possible to gain that, in other words, if they had one good, one bad then one good that rule would never apply, that this could be a little bit more difficult, that they had a group of directors who were now meeting about that issue to figure out how they could better do that and not create a problem, that he personally thought it would be irresponsible for them if somebody on the first time they missed one they said they were out and could not do any more business, that how they developed some balance in that was something the directors were talking about now, that his guess was when they made a recommendation to the Mayor he would invite Council to engage on that because it was a serious policy question about how they dealt with that.

After further discussion Council Member Johnson stated that he thought that the conversation went from simply dealing with contractors meeting their goals to now talking about Velma Laws, that this was not about Velma Laws, that he thought he made a comment once before that said if they could not get the department in line then it needed to be scrapped and started over, that it was interpreted that he said to scrap the entire department period, so now everybody was calling him and asking why he wanted to get rid of the entire MWBE Department or why he wanted to get rid of it, that was not what he said, that he said they needed to get people in who were going to be aggressive to insure that they were making it possible for everybody in the City to have work, and Mr. Hall stated that what he thought was really important for them to remember was that their goal was the attainment of the overall goals set by Council, not those on an individual contract, so that if a department was under on one they needed to try to be over on the next one, because they needed to measure it, as Council Member Johnson had suggested, on how much was actually achieved on the goal that Council action was set, and that was not a question, necessarily, of what performance was on each individual one when they had thousands of them.

Council Member Rodriguez stated that he thought it was great idea in terms of bringing their contract compliance officers to the next committee meeting and he would be willing to do that, that he would also like to have Mr. Hall, after they got the plan tightened up and a new process, come to the committee and brief the committee as a whole.

After further discussion, Council Member Adams asked Council Member Rodriguez when he set his next meeting or the meeting after that to include the contract compliance officers if they may also get educated by the directors or the people in position, the processes that they went through when they were getting the contracts and bringing the necessary contractors in and when they were setting the goals and how they set the goals and how they were measuring the goals against the various contracts, and Council Member Rodriguez stated that he definitely would and appreciated the recommendation and would work on that with her. Council Member Holm absent.

25. ORDINANCE awarding contract to **ANGELINA FUELS, LLC** for Wood Waste Removal Services for the Solid Waste Management Department; providing a maximum contract

amount - 3 Years with two one-year options - \$770,000.00 - General Fund - was presented, and tagged by Council Member Green. Council Member Holm absent.

Council Member Green stated that he had a couple of questions answered regarding the \$30,000 spend on concrete and the \$15,000 for carpentry and he wanted to be clear that the contractor was building a site for them or was it just for the recycling of the waste; that his other question was that the last sentence on the RCA said that the Affirmative Action Division would monitor the contract, that it did not say that Solid Waste would monitor, that on Item No. 24 the last sentence in the RCA said that the Affirmative Action Division would continue to work with this contractor to achieve the required goal, that some of them read the RCAs and it did not say that when they got upset at the end of the contract do not hold Affirmative Action responsible, it did not say hold Solid Waste Department responsible, so they were only left with what the RCA said, so maybe the first thing they needed to do was change what he RCA said, and if it said that the Solid Waste Department was going to monitor it then they probably needed to put that because based on the RCA, and this was the front end of the Council action, they were going to talk to Ms. Laws, so the back end do not say it was not their responsibility when it said in black and white that it was the Affirmative Action Department's responsibility, and Mayor White stated that was a good point.

After further discussion Council Member Green stated that he supported the item in theory but wanted to make sure that the MWBEs that were participating were adding value to the item. Council Member Holm absent.

28. ORDINANCE appropriating \$17,600.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing an amendment to the restatement of contract for Professional Engineering Services between the City of Houston and **WILBUR SMITH ASSOCIATES, INC** for Herman Brown Park Trail Phase II - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Holm absent. ORDINANCE 2009-0217 ADOPTED.
33. ORDINANCE de-appropriating \$3,722,015.00 appropriated from the Street & Bridge Consolidated Construction Fund by Ordinance No. 2008-30 in connection with the Holcombe Blvd. Reconstruction Project, \$1,200,000.00 appropriated from the Street & Bridge Consolidated Construction Fund by Ordinance No. 2008-701 in connection with the Bayou Drive Project, and \$2,675,300.00 from the Street & Bridge Consolidated Construction Fund by Ordinance No. 2008-1008 in connection with the North MacGregor Drive Project; appropriating \$3,722,015.00 from the Woodlands Regional Participation Fund for the Holcombe Blvd Reconstruction Project as described by Ordinance No. 2008-30, \$1,200,000.00 from the Woodlands Regional Participation Fund for the Bayou Drive Project as described by Ordinance No. 2008-701, and \$2,675,300.00 from the Woodlands Regional Participation Fund for the North Macgregor Drive Project as described in Ordinance No. 2008-1008; authorizing the transfer to the Street & Bridge Consolidated Construction Fund of an amount equivalent to expenditures to date in connection with the Holcombe Blvd Reconstruction Project from funds appropriated herein for such project. – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Holm absent. ORDINANCE 2009-0218 ADOPTED.
34. ORDINANCE appropriating \$500,000.00 out of General Improvement Consolidated Construction Fund for Construction Services under existing Job Order Contract with **WILLIAMS & THOMAS, LP dba JAMAIL CONSTRUCTION** (approved by Ordinance No. 2007-0167), Systems Furniture Reconfiguration Services under an existing Citywide contract with **HOUSTON INSTALLATION SERVICES, INC** (approved by Ordinance No. 2005-0161), and purchase of Modular Furniture and Installation Services and authorizing the Director of the General Services Department to issue purchase order for the

Renovation of office space at 611 Walker for the Finance Department **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Holm absent. ORDINANCE 2009-0219 ADOPTED.

NON CONSENT AGENDA - NUMBERS 37 through 39

MISCELLANEOUS

37. **MOTION TO SET A DATE** not less than seven (7) days from March 11, 2009, to receive nominations for appointment to Position 4 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for term to expire December 31, 2010 – was presented. Council Member Holm absent.

Council Member Khan moved to set March 25, 2009 to receive nominations for appointment to Position 4 of the Board of Directors of Reinvestment Zone Number One (St. George place), City of Houston, Texas, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Holm absent. MOTION 2009-0132 ADOPTED.

38. **SET A PUBLIC HEARING DATE** regarding amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Five (Memorial Heights Zone) - **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and DISTRICT H - HEARING DATE - 9:00 A.M. - WEDNESDAY - MARCH 25, 2009** – was presented. Council Member Holm absent.

Council Member Khan moved to set a hearing for March 25, 2009 regarding amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Five (Memorial Heights Zone), seconded by Council Member Adams. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Holm absent. MOTION 2009-0133 ADOPTED.

39. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for Beeson Properties for the site located at 6800, 6900, 7010 and 7020 Old Katy Road - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - KHAN; G - HOLM; DISTRICT H and I – RODRIGUEZ - HEARING DATE - 9:00 A.M. - WEDNESDAY - APRIL 29, 2009** – was presented. Council Member Holm absent.

Council Member Khan moved to set a hearing for March 25, 2009 to consider a Municipal Setting Designation ordinance (MSD) for Beeson Properties for the site located at 6800, 6900, 7010 and 7020 Old Katy Road, seconded by Council Member Adams. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Holm absent. MOTION 2009-0134 ADOPTED.

MATTERS HELD - NUMBERS 40 through 46

40. RECOMMENDATION from Director of the Affirmative Action and Contract Compliance Division of the Mayor's Office for MBE and WBE participation goals for contracts funded under Environmental Protection Agency grants or loans – **(This was Item 1 on Agenda of March 4, 2009, TAGGED BY COUNCIL MEMBER GREEN)** – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Member Holm absent.

After discussion by Council Members Green and Jones, a vote was called on Item No. 40. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Noriega absent. MOTION 2009-0135 ADOPTED.

41. RECOMMENDATION from Chief of Police for Extension of Leave of Absence without pay for Sr. Word Processor **B. N. MITCHELL** – (**This was Item 2 on Agenda of March 4, 2009, TAGGED BY COUNCIL MEMBER HOLM**) – was presented, moved by Council Member Khan, seconded by Council Member Adams. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Noriega absent. MOTION 2009-0136 ADOPTED.
42. RECOMMENDATION from Purchasing Agent to award to **UNICO CORPORATION** for Uniforms through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Cooperative for Various Departments \$1,131,866.28 - General, Enterprise, Storm Water and Fleet Management Funds – (**This was Item 22 on Agenda of March 4, 2009, TAGGED BY COUNCIL MEMBER HOLM**) - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Noriega absent. MOTION 2009-0137 ADOPTED.
43. ORDINANCE approving and authorizing agreement between the City of Houston and **THE CNA CORPORATION** for Professional Services for the Drafting of a Regional Catastrophic Preparedness Plan for the Mayor's Office of Public Safety and Homeland Security; providing a maximum contract amount - \$2,509,444.00 - Grant Fund – (**This was Item 25 on Agenda of March 4, 2009, TAGGED BY COUNCIL MEMBER JONES**) – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Noriega absent. ORDINANCE 2009-0220 ADOPTED.
44. ORDINANCE appropriating \$1,157,035.00 out of Equipment Acquisition Consolidated Construction Fund; approving and authorizing contract between the City of Houston and **ASSETWORKS, INC** for Fleet Management Information System for Various Departments; providing a maximum contract amount; authorizing the issuance of purchase orders \$1,443,899.00 - Enterprise and Central Services Revolving Funds – (**This was Item 35 on Agenda of March 4, 2009, TAGGED BY COUNCIL MEMBER HOLM**) – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Noriega absent. ORDINANCE 2009-0221 ADOPTED.
45. ORDINANCE amending Ordinance 2005-0241 to increase the maximum contract amount; approving amendment to Contract between the City of Houston and **FULCRUM POWER SERVICES L.P.** for Professional Energy and Fuel Management Services - \$500,000.00 - Central Service Revolving Fund – (**This was Item 39 on Agenda of March 4, 2009, TAGGED BY COUNCIL MEMBERS JONES and GREEN**) – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Noriega absent. ORDINANCE 2009-0222 ADOPTED.
46. ORDINANCE amending Ordinance No. 2005-0161 (passed on February 23, 2005) to increase the maximum contract amount for contract between the City of Houston and **HOUSTON INSTALLATION SERVICES, INC** for Furniture Relocation Services for Various Departments \$229,140.00 - General and Enterprise Funds – (**This was Item 42 on Agenda of March 4, 2009, TAGGED BY COUNCIL MEMBER JONES**) – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Noriega absent. ORDINANCE 2009-0223 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Lovell stated that the family of Officer Rick Salter were in their prayers and thoughts, that she knew he under went surgery but was still in critical but yet stable condition, so all of their thoughts to his family and all at HPD; that yesterday was a great event, Stump, the Westminster Dog Show Champion, came to visit and it was very successful and due to the fact that they had a lot of people working on it; that she wanted to say congratulations to the Houston Public Library for receiving a very prestigious award from the Texas Library Association, the Wayne Williams Library Project of the Year, that the reason they got the award was based on a project they submitted, that after Hurricane Ike they called all employees to work but the problem was they did not have anywhere to put their children, they reached out to Dr. Lawson, who reached out to Neighborhood Centers and the Parks Department and within 24 hours they had a childcare facility set up at the Central Library where people could bring their children there so people could come to work and serve the citizens of the City of Houston, that they would receive the award on April 1, 2009 at the George R. Brown Convention Center; that she wanted to congratulate Terence Fontaine who was ordained on Sunday as a Deacon at the Wheeler Avenue Baptist Church; that this week was "Read An E Book Week" and if they had teenagers at their house they knew it was very difficult to get them to read anything, but E Book had a great selection of books to read, that there was a new local author from Spring, Missy Jane; that she wanted to say congratulations to the Metro Board of Directors for finally adopting a contract to start building their four additional light rail lines of Houston which were much needed, that she wanted to remind them that it was a partnership and just because they had the contract did not mean they had to stop listening to the concerns of the citizens or the people at City Council, they had been very good at doing that and she wanted to make sure they continued that partnership. Council Members Sullivan, Khan, Brown and Jones absent.

Council Member Johnson stated that they had seen an increase of youth violence and had been hearing more and more stories about young people being shot and getting involved in criminal activity, that he thought it was incumbent upon the City to do as much as they possibly could do to start setting up more preventive programs to deal with the issues they had been facing for a long time, that he thought it was incumbent upon their citizens to start wrapping their arms around their youth, that if they wanted to reach the children then they had to at least speak to them; that on Saturday, March 14, 2009, he would be hosting a community forum with TI, the rapper, that he had a song that children all over the Country had been singing, that he had a good message and was on a cross country tour to talk to young people about violence amongst the youth, that they would be at Texas Southern University at 2:30 p.m. in the auditorium; that last week he mentioned the epic battle between Yates and Wheatley and many of them knew how he felt, his entire family went to Wheatley and he grew up across the street from Wheatley, that unfortunately they did not win, that he was saying to Yates and all the graduates of Yates congratulations, that they were going to State and he hoped they come back with the championship. Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Holm stated that when Mr. Gary Norman moved to the Police Department they wondered who would take his place, that effective now Mr. Gary Drabek was moving into that seat, that she wanted to congratulate him on the position. Council Members Clutterbuck, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that NASA Pilot Dominique Tony Antonelli, whose mother, Pam, was a librarian at Houston Public Library Carnegie Neighborhood Library, was on a space mission and there was going to be a poster size photo that was transmitted and had an inscription wishing the entire crew best wishes from the Houston Public Library Department and all at the Houston City Council, that Commander Antonelli had contacted Dr. Lawson and was taking a memento, a tribute to his mother, on the space voyage; that they discussed an initiative for some fast track permitting of construction projects and he had some feedback that they

really wanted this and it could help accelerate construction, that they had made a lot of improvements and had the 11 day turnaround on commercial projects, but what happened was that they were still rushing to turn the drawings around and the corrections were made, resubmitted and then they find a lot of other things, that it would be better, he was told, to have a longer turnaround but get all of the items checked in the beginning. Council Members Clutterbuck, Sullivan, Khan, Rodriguez and Green absent.

Mayor White stated that it would be helpful and was not finger pointing and he and Council Member Brown would work to make sure that people would not feel as though they were shunned or retaliated, but if there were particular cases that they knew of and bring to his and Andy's attention, that it would help them with quality control. Council Members Clutterbuck, Sullivan, Khan, Rodriguez and Green absent.

Council Member Brown stated that that he believed they had a press conference coming up on the automated recycling pilot program that they were going to initiate, the Solid Waste Department, a new automated collection, bins that were collected mechanically at curbside in the 96 gallon green containers, where they put everything but their organic waste, the recyclables, that it would serve 10,000 homes and would go to a very innovative single stream facility in neighborhoods to really begin a cutting edge part of their recycling program; that he wanted to congratulate U.S. Navy Lieutenant David Allen Philco, the native Houstonian who grew up in Kingwood and getting his wings as a Naval Aircraft Carrier Aviator and was the son of Sue Philco, a constituent in Kingwood. Council Members Clutterbuck, Sullivan, Khan, Rodriguez and Green absent.

Council Member Noriega stated that the Houston Community College Southeast Campus had a groundbreaking ceremony today at 10:30 a.m. and named the campus after former City Council Member Felix Fraga; that former Council Member Fraga was at public session with some of the folks from the Water Hill Townhomes, that she visited with the group and they indicated that the thing that would be most helpful to them from the City in terms of help would be figuring what to do about the abandoned homes and dilapidated townhomes that had the roofs torn off and damaged by the hurricane; that the Independence Heights Community was going to host it's Annual Spring Break Basketball Tournament on Saturday, March 21, 2009, that it was free to all youth ages 8 to 18, boys and girls, that the Health Department would be out with information on CHIP, Medicaid, Gold Cards and basic health information, that HPD Mounted Patrol and the Harris County Sheriff's Department and their Finger Printing Unit and Crime Robot would be there, that the Texas Barber College, Devri University Success Mobile, HISD, HPL Mobile, Houston Works, Cool Smiles Dentist and Independence Heights CERT Team would also be there as well, that for more information they could contact the District H Council office at 832-393-3003 and Dawn could assist her or contact Eddie at 832-896-9197; that they wanted to especially thank the Houston Police Department Special Events Office and all the participants in the annual March on Crime Parade held last Saturday in Houston's Near Northside, that special thanks to Armando Bermudes, President of the Northside BOND Civic Organization, Stella in the Mayor's Special Events Office, Judge Armando Rodriguez, Representative Jessica Farrar, Special Operations Officer Simien and the staff in Council District H, that he event was a huge success at Castillo Park; that as Council Member Lovell mentioned earlier their police officer who was shot last week was still in pretty dire straights and she was asking the folks of Houston to pray for him. Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez and Green absent.

Council Member Adams stated that she wanted to remind the Sunnyside area that HPD would do their Keep Safe initiative today at the Reed Road Storefront, from 10:00 a.m. to 2:00 p.m.; that she wanted to salute the officers at the Reed Road Storefront who were being a great support to the District D office and the community of District D, that they were cleaning up some of the complaints that were going on; that she wanted to thank Neighborhood Protection, that

they had cleaned about 1,200 tons of trash from illegal dumping in the Houston Hope neighborhoods in 2008; that she wanted to thank Sammy Hayes for the compassion and commitment that she had for Turner Elementary, that tonight there would be a meeting called "Save Turner Elementary" at 3200 Rosedale from 7:00 p.m. to 8:00 p.m., that on Saturday she organized a carnival on March 7, 2009, that 97.9 the Box was there, that she wanted to thank the SWAT team for being there; that they had the opening of the TSU Columbia TAP Trail and Mayor White, Senator Ellis and Council Member Jones participated in the bike riding on Saturday, that she wanted to thank all the volunteers and the Parks Department for that effort; that there would be a Public Safety Form on March 19, 2009 at New Faith Church in the Hiram Clarke Community, from 6:00 p.m. to 8:00 p.m., that she wanted to thank Chief Hurtt and his officers for their support; that last night she attended a civic club meeting at Bayou Estates, Sunnyside Gardens, and they brought two bottles of water to her last night and showed her the water that was coming out of their pipes, that she thought they needed to look at the older communities to see how they could best served them when they were cleaning out their pipes and look at the water they were drinking, that she saw soot that was settled at the bottom of the water bottle; that they had a young lady on February 17, 2009 to talk about the porn movies and things that were being sold in the communities, that she asked Ms. Claudia Vasquez to report these concerns to HPD, that Ms. Stewart brought pictures to them but they did not display the photos because they were explicit, that she wanted to thank Chief Trevino and Assistant Chief Munden who immediately sent patrols to various locations to monitor compliance, that when it came to rated R and gory type movies what was the stipulations on these businesses to make sure these items were removed and about the signage, it needed to be more visible when there were porn movies being sold; that Nicolas, who was present, was a student from the Rice School and was on his assignment to receive a Citizenship in the community badge, that he was shadowing her today, that he attended the Church of Windsor Village. Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez and Green absent.

Council Member Jones stated that she her grandmother graduated from Wheatley, her Aunt Virginia LaBlonc was the first May Queen at Yates, which was the predecessor to the current Homecoming Queen in 1929, the first year that Yates was around, that she was rooting for both of them; that there was a grand opening of the Columbia Tap, that she actually rode the Columbia Tap to get from her house to Council; that she wanted to tag on to what Council Member Adams said about Turner Elementary School Carnival and what Ms. Sammie Hughes was doing out there, that they were closing that great little neighborhood school, that the mounted patrol was there and she wanted to thank them, specifically Sergeant Wills and Officer Pryer, who actually taught her to ride Tucker, the dignitary horse at HPD; that she wanted them to know that the NCAA Winter Festival was going on, that it started today and they had indoor track and field, swimming and diving, wrestling and those events were taking place at the University of Houston, that she was a key note speaker last night at their ceremonies at the Aquarium; that she wanted to celebrate that DAYA had their 13th annual fundraiser last week, that they had a lot of domestic abuse gone bad situations here where they had people die, that she wanted to remind people that they should not be blaming the victim they should keep the blame on the perpetrator of the violence, that no one should be able to do anything to cause someone to put their hands on you, that if they had not heard of DAYA they hoped to eradicate and educate on the issue of domestic abuse in the South Asian Community, that they provide transitional housing for longer than the normal 30 to 60 day transitional housing period, that they try to do it up to six months and gave bus passes, provide social services and did all kinds of things that women and children in these kind of relationships really need, that they needed to not keep it a secret, that she thought they needed to talk about it and the more they talked about it the better they would be in eradicating domestic violence. Council Members Johnson, Clutterbuck, Sullivan, Khan, Rodriguez, Brown and Green absent.

There being no further business before Council, the City Council adjourned at 12:27 p.m. Council Member Lawrence absent on City business. Council Members Johnson, Clutterbuck,

Sullivan, Khan, Rodriguez, Brown and Green absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary