

A Regular Meeting of the Houston City Council was held at 1:30 p.m., Tuesday, May 12, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Xavier Herrera, Citizens Assistance; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Ronald C. Green absent on city business

Note: Council Member, District H Position, vacant.

At 2:07 p.m. Vice Mayor Pro Tern Lovell called the meeting to order and stated that Council Member Johnson would begin presentations. Mayor White, Council Members Sullivan, Holm and Rodriguez absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Johnson stated that today he was recognizing one of the finest schools in Houston, the Chinquapin School, and he believed it was what it was because of its founder; that they provided great educational opportunities to students who did not have money to go to other great schools; that he also went to the school along with his sister; and invited the 2009 graduating class to the podium. Council Member Johnson stated that each had a scholarship when they graduated and they would go on to do great things and he congratulated all of them; and today he wanted to recognize the directors, Mr. and Mrs. Bill and Kathy Hinesseling, who meant everything to the school; that they tried to retire at least 10 years now and Houston was wonderfully enriched by its most valuable resources which were people willing to serve; and presented Mr. and Mrs. Hinesseling a Proclamation in appreciation for serving for more than 32 years, congratulating and commending them on a long and happy retirement; and proclaimed today as "Kathy and Bill Hinesseling Day" in Houston, Texas. Council Member Holm absent.

Mr. Hinesseling stated that he thanked all for the recognition; that they served Chinquapin School 32 years and he thought it was a very good school. Council Member Holm absent.

Council Members thanked and commended Mr. and Mrs. Hinesseling and the Chinquapin School on all their works; and wished the students well. Council Member Holm absent.

Council Member Adams introduced the John E. Codwell Elementary School Violin Ensemble under the leadership of Ms. Frieda Brown and invited them to the podium and stated that today the group was being recognized and presented them a Proclamation commending and saluting their great works and proclaimed today "John E. Codwell Elementary School Violin Ensemble Day" in the City of Houston, Texas. Council Members Johnson and Sullivan absent.

Ms. Brown thanked all for the recognition and stated that all the work was worth it and they did many performances including out of state. Council Members Johnson and Sullivan absent.

Council Members congratulated the children on their performance and invited them to all come back and perform again. Council Members Johnson and Sullivan absent.

At 2:35 p.m. Council Member Johnson led all in the prayer and in the pledge. Council Members Adams, Sullivan and Rodriguez and Jones absent.

At 2:37 p.m. the City Secretary called the roll. Council Member Green absent on city business. Council Members Adams and Sullivan absent. MOTION ADOPTED.

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

Council Member Lovell stated that on a point of personal privilege she wanted to introduce the 2009 Mickey Leland interns present and asked they stand to be recognized.

Council Member Jones stated that she had the opportunity to meet them earlier today and many would stay in politics and thanked them for coming. Council Member Lovell absent.

At 2:40 p.m. the City Secretary began calling the public speakers.

Ms. Jane Cahill, 2114 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and stated that she was president of the Washington Avenue Coalition Memorial Park Super Neighborhood; that Mayor White had sent a letter on a controversial store and today they were present expressing surprise and regret and was re-urging her request of urgency last year which was the city provide additional space on its website for all Super Neighborhood Councils to post agendas and public notifications; that she had distributed a meeting notice and draft agenda to the Mayor's Office and others that they would present disputed facts and two Council Members and representatives of other Council Offices as well as the City Attorney attended the meeting and at the end the Super Neighborhood Council adopted a practice where the issue would be considered calmly and orderly and if the Mayor's Office would have distributed the notice citizens interested could have attended and heard all parties sides. Council Member Jones absent.

After a lengthily discussion Ms. Cahill stated that she would request the Mayor allow a clarification drafted and distributed to explain what the Super Neighborhood had done and how would follow-up on community interests; and Mayor White stated absolutely, he had requests of the Administration's position from Council Members and could support the request; Council Member Lovell stated the meeting was beneficial and she proposed a compromise which might take care of the situation and it be a win/win for the business and neighborhood; and Mayor White stated that he did think there were legitimate concerns regarding variances from the ordinance; Council Member Lawrence stated they looked forward to hearing the Super Neighborhood's opinion and input, many things needed to be considered including precedence and variances and hoped Legal would clarify.

Council Member Clutterbuck moved that the rules be suspended for the purpose of continuing the discussion with Ms. Cahill, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2009-0263 ADOPTED.

Ms. Cahill stated that a primary concern was the parking issues in the Washington Avenue Corridor and they were pursuing a taskforce and the store had been operating illegally over a year and a half in violation of the ordinance; and Council Member Brown stated that he welcomed their input and supported their role; Council Member Khan stated that someone signed off; and Mayor White stated that everyone was entitled to their own opinion, but not their own facts and the facts needed correct representation and sent to Council Members was a copy of what the inspector did and he did not think rules should be changed in the middle of the game and he wanted clear signals to Neighborhood Protection

and the inspector should not be blamed; Council Member Jones stated that a TABC proceeding was going on now to see if they could keep their state license and if they allowed them to keep their license only then did the city decide what was going on and she believed the community should have been notified and did not know why the city was doing anything from a legal perspective and thought they should wait on TABC as they may take the license and the matter would be moot; Council Member Sullivan called on a point of order; and Mayor White stated that a motion had extended time for discussion; and thanked Ms. Cahill for coming. Council Members Johnson, Holm, Rodriguez and Lovell absent.

Mr. Knoble C. Kidd, III, had reserved time to speak but was not present when his name was called. Council Members Johnson, Holm, Rodriguez and Lovell absent.

Mr. James Fontenot, 8602 Valley Song Drive, Houston, Texas 77078 (281-458-0467) appeared and stated that he was present regarding a water pressure problem they had for the past four years in his neighborhood; that recently he called 311 and received the service request number of 090137587 and tried calling Council Member Johnson's office and spoke to someone helpful who said they would forward the request and spoke to Mr. Drabek; that his neighbor was informed they were at the end of the line and their water pressure would always be low and they should contact their Congressperson; and he was present to see if that was true what should they do to relieve their problem. Council Members Holm and Jones absent.

Upon questions by Council Member Johnson, Mr. Fontenot stated that this year the problem was worse; that he moved into his house in 1980, but there had been additional construction in the area; that their utility district was right outside Houston, but the City of Houston was about 100 yards, he did have city water as they were annexed with Kingwood; and Council Member Johnson stated that he was concerned with the statement they would always have low pressure at the end of the line and would speak with Mr. Drabek, if the water lines needed redoing then they should do it; that no one had personally spoken to him but he knew someone had come last week to check; and Council Member Johnson stated that his water pressure was unacceptable and they would check and hopefully get to the bottom of it. Council Members Khan, Holm, Noriega and Jones absent.

Mayor White stated that they had a number of calls since May fourth and he was conveying information from Mr. Drabek, there were two sets of responses, one was the Greenwood Utility District and meters were put in and Mr. Drabek had plans in place; that in this recent case he would like a timetable from Mr. Drabek because working on things was not very descriptive and he would ask him to go over it with the citizens and they did need a timetable, were they installing as they spoke or when were they installing. Council Members Khan, Holm, Noriega and Jones absent.

Miss Christina Guerra, 6605 Avenue O, Houston, Texas 77011 (713-393-9218) appeared and stated that she was president of Deady Middle School Senior Council and they had a concern of traffic safety at the school and the student council collected petitions presented to Council Member Brown and the issue was resolved and they thanked him and all others for their help. Council Members Khan, Holm, Noriega and Jones absent.

Council Member Rodriguez thanked Miss Guerra for coming and participating and recognized the Deady Student Council. Council Members Khan, Holm, Noriega and Jones absent.

Council Member Lovell thanked all for coming and all the work in getting the petition for the neighborhood. Council Members Khan, Holm, Noriega and Jones absent.

Council Member Brown thanked all for coming and for putting the petition together; he understood a student was injured for failure of not having the traffic safety devices and this was how government worked; 8th graders could get results at City Hall; and thanked all others who helped to get the situation resolved. Council Members Sullivan, Holm and Noriega absent.

Council Member Johnson stated that he was impressed with the student council and Miss Guerra and he knew their teacher was doing a good job as all said they did not like him so he worked them hard and he thanked him too. Council Members Sullivan, Holm and Noriega absent.

Mr. Robert Moore, 2600 S. Loop West, Houston, Texas 77054 (713-818-7563) had reserved time to speak but was not present when his name was called. Council Members Holm and Noriega absent.

Ms. Rosa Tyler, 12817 Kylewick, Houston, Texas 77085 (713-235-5216) appeared and stated that she had a serious complaint; that she was 76 years old and lived in her home 46 years and neighbors moved in and had loud mufflers, etc.; that she called police for two years now and they said if they did not catch them they could do nothing so she bought a camera and planned to take pictures to police, but every time she went into her yard the traffic came, but she had a 357 Magnum and told them, but she was here for help in stopping the situation and if they did not make special effort to stop it something bad might happen. Council Members Holm and Noriega absent.

Council Member Adams thanked Ms. Tyler for coming and stated that an officer was present, Sergeant Chomiak, and he would get information from her and her staff person would also get information to see what her office could do. Council Members Holm and Noriega absent.

Ms. Virginia Lockheart, 10418 Synott Road, Houston, Texas 77098 (832-605-3015) appeared and stated that she had a complaint against her landlord who started building an auto body shop between her house and another house and her son had pictures in the camera to view; that he built it up high and the houses were low so the water ran down and it came into her home and ruined her furniture and the smell was horrible and she was present to see what could be done. Council Members Holm, Brown and Noriega absent.

Upon questions by Council Member Khan, Ms. Lockheart stated that the cross street was Eldridge; and Council Member Khan stated that there seemed to be many complaints where people were building businesses in the middle of the neighborhood, especially Southwest Houston, and he felt actions were required; that he saw the pictures and thought someone should be in touch with her to get more information and then Public Works meet with her and maybe Neighborhood Protection. Council Members Holm, Brown and Noriega absent.

Mayor White stated to Mr. Herrera and Mr. Drabek he wanted to make sure they did have inspectors; that Council passed certain rules and ordinances and they needed to make sure an inspector went out; that causing flooding onto others properties should not be done and someone would be out there. Council Members Holm and Noriega absent.

Ms. Patricia Smith, 5708 Sherman, Houston, Texas 77011 (713-928-8972) had reserved time to speak but was not present when her name was called. Council Members Holm and Noriega absent.

Mr. Araya Hailamarim, 3410 Morningside, Houston, Texas 77098 (832-577-9120)

appeared, presented information and stated that he was present for city cab drivers; that he drove the last 17 years and the slow economy was bringing problems to them and their families and was speaking on Article 2, Section 46-64 taxicab medallion distribution having conflict with Article 1, Section 15 by definition; secondly, Article 2, Section 15-82 definition minority women, small business enterprise; third, Article 1, Section 15 opposing directly over community property not rewarding as permanent ownership; that he did not know how much power Council had to enforce existing law but their legal right was denied by the department and they were discriminated against and they were asking the City of Houston Council to enforce existing laws and the Mayor's Office of Affirmative Action to consider their case. Council Members Holm, Noriega and Jones absent.

Upon questions by Council Member Khan, Mr. Hailamarim stated that he was a cab driver and Section 15-82 was for minority women and small business enterprise to get permits from City of Houston but they were denying the city ordinance and they needed permits; and Council Member Khan stated that he was not sure they were issuing any permits now, but all should be treated fairly. Council Members Holm and Rodriguez absent.

Upon questions by Council Member Jones, Mayor White stated that he did not think there was a minority participation goal for medallions; that from what he understood the circumstances on the particular case to be was from time to time they considered various changes in the taxicab regulations and there had been given thorough consideration and lots of hearings on this and one fundamental issue was they did not want just anyone to be able to call themselves a taxi and there would be no regulation of quality or complaint mechanism and so it was a balance of public authority between any medallions and there were issues affecting cab drivers such as fuel price and economy and there were lawsuits concerning the city taxicab regulations and he was informed by memo there was clarification that those in the regulatory administration wanted from the courts before making further decisions on the program; that at least one of two lawsuits was still going on; that he did not know what he could do to address his particular issue except to say the matter would be looked into and he would get a report. Council Member Holm absent.

Council Member Johnson moved the rules be suspended for the purpose of hearing Mr. Deric Muhammad and Mr. Shelby Steward out of order, seconded by Council Member Brown. All voting aye. Nays none. Council Member Green absent on city business. Council Members Holm and Lovell absent. MOTION 0264 ADOPTED.

Mr. Deric Muhammad, 7229 Boggess, Houston, Texas 77016 (281-865-8323) appeared, presented information and stated that he was present regarding an issue brought before Council by Otis Jordan in March concerning the finding of a hangman's noose in the locker of a captain of the Houston Fire Department and since then they received intelligence that he only received a written reprimand and not the firing a Houston Fire Department cadet received last year; that he presented two articles and one said cadet fired for making noose and the second said HFD rebukes captain for noose, there were two incidents for a hangman's noose but the punishment was not the same and the community was insulted that a Fire Captain was still residing as a captain after a noose was found and if they had to call on the Fire Department they were not sure who would respond, someone who cared for them or someone who did not and he believed the leadership should enforce a zero tolerance policy for racism in every City of Houston department. Council Members Holm and Lovell absent.

Upon questions by Council Member Jones, Mr. Muhammad stated both were in the Fire Department, one was a captain who had been in the department 30 years or so and one a cadet in training. Council Members Holm and Lovell absent.

Upon questions by Council Member Jones, Mayor White stated that they would get information to her and he did think this a serious issue; that Chief Boriskie and Chief Flannigan...;

the case went through a disciplinary process for the individual, but he would note one issue was an issue of intent; that it was important for people in the community to have confidence and for those in the department to know it was unacceptable for people to do things racially incentive and even worse those done with intent to intimidate. Council Members Holm and Lovell absent.

Council Member Johnson stated that he was trying to see how there could be two different outcomes to one offense; and upon questions, Mr. Muhammad stated that based on the intelligence they received the cadet openly displayed the noose by tying it around a Gatorade bottle, and believed he did it playfully, and the noose discovered in the captain's locker was discovered by a firefighter, Jesse O'Quinn, and either him or someone else took a photo of the noose inside the locker and they handed the captain a reprimand, but they were saying the reprimand equaled nothing more than a slap on the wrist, a noose was a very serious symbol of hate and why he would have it at the fire department was beyond him; and Council Member Johnson stated that you could not change the content of the noose or idea of it no matter what you made it out of, it was a symbol with a certain definition and this city had moved slow regarding this and it was a travesty and he believed justice should be served harshly if in fact this was the case. Council Members Clutterbuck and Holm absent.

Council Member Adams stated that when she heard from Mr. Jordan it had already happened one and a half months prior to his complaint; that someone saw it in his locker and asked him to remove it and he failed to do so as they had gone back a month later and it was still there and her concern was there was no consistent policy in place for protection outside of race and when it came to things such as this nature of hate it went far beyond her just calling someone Black, White or Hispanic, when they look at nooses in the African American community, the hangings were associated with African Americans and she thought a policy and procedure needed to be in place when something was displayed regarding hate; that the two cases were the same and one was fired and one written up; that the Administration would be changing next year and something needed to be in place to prevent this. Council Members Sullivan and Holm absent.

Council Member Brown stated that he agreed the issue had drug on too long without a successful resolution clear to all parties and they owed it to the community and all involved to be solved in a fair and equitable way. Council Members Sullivan and Holm absent.

Council Member Noriega stated that she apologized to him and as the chair of Public Safety she did not like having to apologize for a city department, it was clearly a serious concern in the community and she was sorry people had to deal with it and would follow-up on it. Council Members Sullivan and Holm absent.

Council Member Jones stated that she heard the firefighter who reported it was written up and would like to know if that was accurate, she understood he was written up on something he did months ago after reporting it and if there was a resolution of that she would like Council Members to be informed of it. Council Members Sullivan, Holm, Brown, Lovell and Noriega absent.

Mr. Shelby Steward, 2130 War Admiral Drive, Stafford, Texas 77477 (713-498-7544) appeared, displayed a hangman's noose and stated that this was what it looked like and he hoped it made them uncomfortable; that the Black Houston firefighters who looked at it were uncomfortable every day; that he heard the matter was serious to Council, but after Otis Jordan came did Council convene a meeting with one another regarding the incident; and called on Mayor White for an answer; and Mayor White stated that there were certain laws that governed what they could deliberate on but if the issue was whether or not there were subsequent actions taken by the Administration the answer was yes; and Mr. Steward stated that Dr. King knew a noose to be racist, hateful and as something connected to the KKK; that many wanted to know where this Council stood on the issue. Council Members Sullivan, Holm, Brown, Lovell and Noriega absent.

Council Member Khan stated that the first incident with the cadet was posted on March 21, 2008, and the second incident on May 7, 2009, almost a year in-between the two incidents and he felt all considered any racism appalling, but somehow it seemed the issue was more important to the Black firefighters than the Fire Department because what policy changes were made in between the first and second incidents and he felt it a travesty that today they were still recognizing something so wrong and he would like a call to Chief Boriskie to see what the policy of the department was and what took place after the first incident, what policies were implemented and what consequences if it happened again. Council Members Holm and Noriega absent.

Council Member Lawrence moved the rules be suspended for the purpose of hearing Ms. Betty Avary and Ms. Meera Kapur out of order, seconded by Council Member Khan. Council Member Clutterbuck voting no. Balance voting aye. Council Member Green absent on city business. Council Members Holm and Noriega absent. MOTION 2009-0265 ADOPTED.

Ms. Betty Avary, 11546 Wickhollow Lane, Houston, Texas 77043 (281-300-5544) appeared, presented information and stated that she had a school age child who just let herself in at home and was trying to get home also, it was her first time alone, that her package was a problem near an dear to the Westwick Subdivision north of I-10 at Kirkwood, the first exit outside the Beltway; that she was a licensed architect in Texas and a Westwick resident and she was trying to present to Council the critical problems of traffic in their area and possible solutions; that they were deadlocked as they could not get agreement from all businesses who were stomping, across their property with their cars and they needed peace and Council's support; that they had 76 signatures from people at home last night who also wanted Council's help and she had seven critical points as to why they had a traffic problem and also had seven possible solutions. Council Members Johnson, Holm and Noriega absent.

Upon questions by Mayor White, Ms. Avary stated that the increase in traffic was from the office park, number one on the map and the apartments which could not get out onto the freeway so they were all coming through their neighborhood; that their homes had a ten foot setback and there were no sidewalks and Traffic and Transportation studies showed they had 6,300 cars per 24 hour period going through that section of their neighborhood to get in and out to the only light the whole north side of I-10 had; that it was never designed that way and the businesses were to use their dedicated street which was Wood Branch Park Drive, but because they could not get adequately onto a 75 mile an hour six lane freeway they came through their neighborhood; that the entrance ramp was just beyond that and they had to cut across six lanes and there was only a stop sign, no stop light, so they detour through the neighborhood to get to the only light available to them and they had the same problem within their neighborhood on their eastern most street Westwick Forest, it used to be used by half the residents, but they no longer used it because you could just not get across the traffic to get into the neighborhood; and Mayor White stated that where the entrance and exit ramps were placed in relationship to existing neighborhoods did have an effect on traffic flow through those neighborhoods and did require some proactive calming measures so people did not use those residential streets as collector streets and he would get this to Public Works and ask for a full report. Council Members Johnson, Clutterbuck, Adams, Holm, Rodriguez and Noriega absent.

Upon questions by Council Member Brown, Ms. Avary stated that the streets were designed exiting onto Old Katy Road, but who would have guessed they would no longer have Old Katy Road and in addition they had Energy Tower One dumping onto Kirkwood, which in itself would not be a problem except there was an off duty police officer who stopped Westwick residents from exiting their only exit from the neighborhood to give preference to the employees of the office tower and now under construction next door to them, which they never dreamed would be a problem because they were directly on the freeway access with no street

to their neighborhood, had purchased an easement for a driveway behind the Energy Tower One parking garage and now Energy Tower Two and a high-rise hotel were under construction and would also dump onto Kirkwood and further block them into their neighborhood and there were also plans for an Energy Tower Three when funds would allow; that they had to get the businesses better access in order to alleviate their problem and the last page of her package gave her seven best solutions which she discussed. Council Members Clutterbuck, Holm, Rodriguez and Noriega absent.

Council Member Sullivan stated as a point of order he would not mind reviewing the letter later, but to read it off there was still a list of speakers; and Mayor White stated that he had read this; and recognized Council Member Lawrence. Council Members Clutterbuck, Holm, Rodriguez and Noriega absent.

Council Member Lawrence stated that Ms. Avary and her husband had done so much work and the traffic here made Bissonnet look small; that she had presented good solutions, but for each there was one party against it and she felt they just needed to do this and a number of things could be done and Public Works needed to step up and do it. Council Members Clutterbuck, Holm, Rodriguez and Noriega absent.

Upon questions by Council Member Jones, Mayor White stated that on traffic calming measures they were usually a variety of different devices such as stop lights, stop signs, speed bumps, etc., but on officers they did have an ordinance and having enough funds for people to enforce the ordinances was important; that he believed HPD was given authority and if someone had not received training giving everyone rights to the road they needed to check on it; and Council Member Jones stated streets were public and for anyone to be able to control something public gave her cause for the question, it was a whole Pandora's box; and upon further questions, Mayor White stated that they did have an ordinance and he knew they were working with Public Works and he was trying to see who had authority police or public works and he wanted someone to see if the officer hired by the particular firm had gone through the training and was complying in directing traffic; that he wanted Citizens Assistance or Mr. Moore or the HPD officer present, Sergeant Chomiak...; Sergeant Chomiak had the information and would check to see if it was being enforced. Council Members Clutterbuck, Holm, Rodriguez, Brown and Noriega absent.

Ms. Avary stated that traffic and speed were definitely the issues and what she was seeking to gain was help for both businesses and residences; and Mayor White stated that he did agree with that and had given direction to Public Works and Mr. Icken to brief the Mayor and Council on a plan. Council Members Clutterbuck, Adams, Holm, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Ms. Meera Kapur, 11714 Wickhollow Lane, Houston, Texas 77043 (281-497-8932) appeared and stated that she had lived in Westwick for 30 years and their traffic problems were critical; that children walked the streets to the park, pool and clubhouse so it was a safety issue for the children; and requested Council follow-up and help them. Council Members Lawrence, Clutterbuck, Adams, Holm, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Ms. Kathy Wilson, 832 West Greens Road, Houston, Texas 77067 (no phone) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Clutterbuck, Adams, Holm, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Mr. Richard Garry, 7915 Rand, Houston, Texas 77028 (713-694-0941) had reserved time to speak but was not present when his name was called. Council Members Lawrence,

Clutterbuck, Adams, Holm, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown and Jones. (NO QUORUM PRESENT)

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Noriega and Jones absent. (NO QUORUM PRESENT)

Ms. Donna Freedman, 11930 Surrey Lane, Houston, Texas 77024 (713-461-1830) appeared and stated that she was present regarding flooding which occurred in the Spring Branch/Memorial area, it was all areas adjacent to the Memorial City TIRZ; that the Houston Chronicle had a quote today they attributed to Mayor White which said if citizens sued because the city was wrong in what they told them, it was important the city listen to see if they could meet a legitimate concern and they were now at that stage, they had asked for detention for 10 years and all their meetings were videoed and speakers requested it; that the Mayor hired someone, Robert Fiederlein, to be a special assistant to report back on the meetings to him and he either reported and the Mayor disregarded or he did not report back their concerns which were flooding; that she recently asked through an open records request for his letter of resignation and she was stunned to see what he wrote about the different TIRZ where he wrote the board needed attention, members needed off, etc. and it was over and over again; that a news station said they would like an investigation and that was an excellent idea. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she would like a copy of the letter; and Ms. Freedman stated that she would fax her one without her notes. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Ms. Freedman stated that she was talking about flooding in her neighborhood and Robert Feiderlein's resignation letter; and Council Member Brown stated that he would like to get more information on this, the city had not done a good job in these neighborhoods and he believed they did not have the right standards and did this on a case by case basis. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Mr. Richard Garry, 7915 Rand, Houston, Texas 77028 (713-694-0941) who was not present when his name was called was now present and appeared, presented information and stated that he had a problem with permits; that he requested records of complaints he had made, the company was steadily operating, he came home and workers would be coming out all times of night; that they wanted to call it a paint room and they were cited in April and May; that when he called the environmental folks in Houston he had first called the state to intervene and he had to tell inspector Denardo he was coming to Council before he would even inspect, it was like a joke to him; and then instead of telling him how to repair his trailer they said he had to get rid of it; that the neighborhood looked like a third world country. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Mr. Garry stated that he asked the departments for his records, 2007 to present so he could show he was exposed to toxic fumes; that he knew they had written tickets for violation to the company but they were still working all times of night and he had a large doctor bill and wondered who would pay it; and Council Member Johnson stated that he was going to work to get his records for him. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Ms. Virginia Gregory, 9806 Westview, Houston, Texas 77055 (713-465-5814) appeared and stated that the problem of flooding was severe in her neighborhood starting with Ike in September and the April 20th flood was the last great finale; that the Texas Local Government Code 311 allowed TIRZ 17 freedom to make their own rules of engagement and they were allowed privilege to make their own engineering specifications, change orders and run independent from the City of Houston and if Gessner was to have two 10 by 12 foot approved box culverts they were converted to two 5 by 8 and the action was what caused the flood on Crosswood by Memorial City Hospital and closed Gessner to all traffic for over 12 hours; that Lockwood, Andrews and Newnam stated at the TI RZ meeting the specifications were too expensive for the job and decided to do a change order, but March the TIRZ turned over another bond deal with the Bank of America for an additional \$11 million for another major project and regarding the old Bunker Hill Bridge which went over Briar Branch Creek which allowed water to flow under it they replaced it with a bridge three feet lower sitting on three feet of soil above two box culverts 9 by 7 sitting on the creek bottom and that construction caused damming of the culverts and neighbors had to pull trash out and they lost at least 50 homes to water damage; that no new construction required any detention and why was that and was the problem with City Planning and Permitting, what was the city and county going to do to help. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that Ms. Gregory could continue; and Ms. Gregory stated that she only wanted to tell the Mayor thank you, she received a call today, Ms. Darlene Williams with Solid Waste, and said May 29th they could put out anything damaged from the storm and it would be picked up; and Council Member Jones stated to the Administration why would one developer have to put detention and another developer not, she would like the answer to that and to know the rules on building up as she had heard a lot on that lately and like the answers to go to all Council Members; and Ms. Gregory continued expressing her personal points of view until all time for Council Members ran out.. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tern Lovell stated that the Administration would get the answers to her questions. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Mr. Aaron Kizer, 1314 W. Forest, Houston, Texas 77043 (713-861-8163) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Ms. Kathy McNurlen, 5618 Cheshire Lane, Houston, Texas 77092 (713-688-2533) appeared and stated that at first she was kind of calm but now upset, it was a quarter to five and half of Council was left and they had taken people out of order and she also had a disabled sister at home but did not ask to be bumped up and she did not appreciate it; that she had come to Council with the water filter she emptied this morning which she displayed (dark brown) and stated it used to be white and displayed dirty water as it was what she lived with the last 15

months; that a main water pipe broke in December 2007 and after the contractor fixed the break they started experiencing gravel and other sediments in their homes and after exhaustive calls to the Water Department to Anita Ivory and to Council Member Lawrence it was discovered the contractor had done the repair wrong and it was discovered in June 2008 and they said a new pipe would be installed in February 2009 and now it was May with nothing started; that last Friday she was told the work was to be started in June and in the meantime they had to continue living with the problem, all ten homes had to have filters installed to keep gravel from coming in and several had to replace water heaters, fix sprinkler systems, etc., and the Water Department had to replace every water meter on the street and hers had been replaced two times; that she averaged a \$50.00 a month water bill but for the last six months when the meter was not working it was \$9.48 and now she feared the Water Department would send her a bill averaging her usage and she was not asking for plumbing cost, etc., but wanted service provided to other homeowners and she would pay the same price. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Noriega, Ms. McNurlen stated that in April, May and June of last year all 10 neighbors spoke with Council Member Lawrence's office and she emailed her last April and May and had not heard from her; that they were to start replacing pipe in June but she was here today as she was not going to pay a \$600 water bill when she had not received clean water; and Council Member Noriega stated she was sorry for her problems, it was moving along and if she had a \$600 water bill she was sure her Council Member would help her and she was welcomed to call her office as well. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she was surprised at how dirty her water was and to the Administration if she did get a \$600 water bill was there a mechanism which allowed her to dispute the bill and what was the process; and if she spoke with her Council Member and it was not resolved she would also help her; and Ms. McNurlen stated if her Council Member would have called she would not be here. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tern Lovell stated that Mr. Drabek from Public Works was present and would explain the process; and Ms. McNurlen stated that she had spoken with him. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Cathy Victor, 5503 Lotus, Houston, Texas 77085 (832-668-5891) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Beverly Owens, ,1109 Lera, Houston, Texas 77016 (281-449-5208) appeared and presented information which she read from relative to an incident that occurred April 13, 2009, on the 59 North feeder by the George R. Brown Convention Center, she assumed an officer was directing traffic and when she was ready to enter the freeway she saw flashing lights and turned into a lot and waited, but the officer drove past so she thought he was not going to stop her but then she saw an officer with a gun instructing her to put the phone down and exit the vehicle and she asked what she had done and he handcuffed her and she started to fall and he pushed her and when she was about to fall again he called for assistance and when other officers came he said she was being arrested for evading arrest, a female officer frisked her and she disputed his charges and he called her a liar. Mayor White, Council

Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that Ms. Owens should sum up her statement; and Ms. Owens stated that she got stuck in the car and they lifted her legs to get her out and they did not read her any rights and they searched her trunk without a warrant and stole money; and upon questions by Council Member Jones, Ms. Owens stated that when she went to the Sherriff Department the arresting officer was Officer F. D. Smith and he said he saw no money and to call Officer Taylor and she said she had nothing to do with it; that it was HPD and she was locked up, but taken to the doctor because she was dizzy when they were taking her in and she was told it was a felony; and Council Member Jones stated she would like Council Members given an update, she knew there was a criminal case going on, but there was an inventory search and she would follow-up with her. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Noriega, Ms. Owens stated that she was given a court appointed attorney; and Council Member Noriega stated that through Internal Affairs they did investigation and there were people present with HPD who could help tell her how to get there and file for investigation. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Ms. Owens stated that the officer said she was evading arrest and running the red light, but she would take a test, she did not run anything; that she pulled over after making a left, she was on the feeder of 59 going North and when she saw his lights she waited on him wondering if it was her he wanted; that he said she ran the light after two streets after the George R. Brown. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Vice Mayor Pro Tern Lovell, Ms. Owens stated that she called but the officer said she had nothing to do with it; and Vice Mayor Pro Tern Lovell stated that had nothing to do with Internal Affairs; that Sergeant Chomiak was present and would inform her on how to file a report for investigation. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Ms. Owens stated that she was in jail for five days for evading arrest; that she went to court and they put her on a \$5,000 bond and paid \$400 to get her out; and Council Member Johnson stated that he wanted to find more on this; and Ms. Owens stated that she told the attorney there were discrepancies in the report and she found them and told her to get an attorney, but no attorney called her back, but in court she was there and after reading her papers said she remembered her; that she was by herself when pulled over and there was no other tickets, she had no prior tickets and she did not curse or hit, she was 62 years old; that she never saw the arresting officer's name; and Council Member Johnson stated that he would investigate this and contact her, he wanted to read the arrest report. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that evading arrest with a motor vehicle was a state jail felony and punishment between 180 days and 2 years in a state jail up to a \$10,000 fine and Class C you would be arrested and Harris Country rarely gave with anything higher than a pretrial bonds so if you were poor you were locked up and had to pay bond to get out and that

probably took them 4 to 5 days to get money to bond her out. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Mr. Roger Delaney, 3922 Camelia Glen Lane, Fresno, Texas 77545 (713-829-9596) appeared and stated that he was present with a concern of the Houston Community Development bid process and had a copy if anyone wanted one; that in the process for residential home repair the bid write-ups were issued to each contractor in the Community Development Program and they were asked to bid each project, then they were assigned to groups and the group was revealed at the Community Development Sealed Bid Opening, the bids were awarded to the lowest responsible bidder and the impediments to this particular process was that each group was required to have a minimum of three contractors actively bidding each project and there was inconsistency, the bidding totals were now exposed and when they went for rebid other bidders already knew what you bid; that the working bidder contractors were penalized because of non-bidding contractors and his overhead cost for securing the project data he could not recuperate and the non-bidding contractors got the advantage of extended time to rebid projects and what he was dealing with was he had won bids and now they were being voided and rebid and he had to go back and he thought this was a new ruling because after the bid opening yesterday they were told there needed to be a minimum of three active bidders or it would be voided. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that CDBG money came from HUD and they had rules for their money and she would go back and check but did believe they required a minimum of three bids so if he was advised this was the process they had to follow HUD rules or could lose the HUD money and she would get back with him. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Ms. Joyce Ballenger, 11301 Gladewater Drive, Pearland, Texas 77584 (713-480-9667) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Ms. Sharon Rivers, 3939 Braden Drive North, Houston, Texas 77047 (713-518-1950) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Mr. Joe Locks, 306 Walton, Houston, Texas 77009 (281-857-0418) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Mr. Ron Branch, 2800 Post Oak Boulevard #225, Houston, Texas 77056 (713-402-3604) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Mr. Jeff Spivey, 1559 Tarberry, Houston, Texas 77088 (832-428-0255) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent.

Mr. Sheldon Modelist, 5619 Lakefield, Houston, Texas 77033 (713-733-6994) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she wanted to know why Mayor White was not funding the \$50,000 for the 26.82 acres for a YMCA parkland and he was discriminating against Willow Run, a taxpaying community for over 45 years. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he was present with a court conviction case, conviction of City Hall and Council did not respond and he was demanding Bill White be stopped from paying criminals to have him assassinated; and continued expressing his personal opinions until his time expired Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

At 5:18 p.m. City Council recessed until 9:00 a.m., Wednesday, May 13, 2009. Council Member Green absent on city business. Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. Vice Mayor Pro Tern Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, May 13, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

Note: Council Member, District H Position, vacant.

At 8:33 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:37 Mayor White called the meeting to order. Council Members Clutterbuck, Khan and Jones absent.

Council Member Johnson moved to consider Item No. 44 out of order, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Clutterbuck and Khan absent. MOTION 2009-0266 ADOPTED.

44. RESOLUTION approving and authorizing the nomination of **ANHEUSER-BUSCH, INC** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project - **DISTRICT B – JOHNSON – (This was Item 12 on Agenda of May 6, 2009, TAGGED BY COUNCIL MEMBER JOHNSON)** – was

presented. Council Members Clutterbuck and Khan absent.

After discussion by Council Members Johnson and Clutterbuck a vote was called on Item No. 44. All voting aye. Nays none. Council Member Khan absent. RESOLUTION 2009-0010 ADOPTED.

Mayor White stated that he wanted to thank Mr. Tom Mesa for making sure that some of these economic development opportunities were widely disseminated throughout the community and working with employers and potential employers in this community.

### **MAYOR'S REPORT** - Fiscal Year 2010 Budget

Mayor White stated this was a discipline budget that took into account the fact that the global economy was in recession and with conservative and realistic assumptions within the City budget, that meant that there was this year, as it had been in the past, hard choices that they needed to make in the budget and they could assure citizens that they had taken their job seriously in compiling the budget; that he wanted to thank each Member of City Council who sat down with him earlier this year to review some priorities and observations they had about the budget, some of those concerned things folks wanted to do more of and some of those thoughts concerned things where they thought there might be economies and savings and they had tried to incorporate that input, not to say that every idea could be incorporated, and he wanted to thank each of them, they could take pride, and those who participated in this process for several years could take particular pride in the fact that they had built multi year budgets that had allowed this City to be in better financial condition than other big cities in the United States of America, which was saying quite a lot; that he wanted to note that their budgets over the years had provided tax relief that helped their citizens get by through harder times, this year seniors would save \$15.8 million, and disabled individuals, because of increases in the exemptions which they had made over the last five years, that this year tax payers would save over \$25 million because of the tax rate cuts, which had been made in prior years and where they had continued the tax rate that was a result of those tax rate cuts last year, that the cumulative effect of these two, over the last five years, had been in a neighborhood of \$150 million, the cumulative impact of those two actions and there would be more in the future, note that they were talking about what they had done sometimes in other levels of government, that he heard people talk about tax savings, which were projections in the future, if he wanted to do that they would be talking about massive amounts, about multiples of what they were talking about if the senior exemption rates and rate cuts were to continue in the future, that he was actually talking to them about what people had put in their pocket and would put in their pocket if they enact the budget as adopted, that they continue to emphasize public safety in their budget, that included police, fire, EMS and 9-1-1 support services within that, that they had in his view the best police force and fire department in the United States of America, that the men and women who responded to emergency calls were well trained and they were able to recruit and retain some of the best, that the Houston Police Department, he believed, was the most professional and productive in the nation, that they measured their productivity on a basis of what they spent, that he wanted to say to the men and women within the police department that it gave them some confidence that the major crime rates in Houston were at multi decade lows, that had been a combination of many different factors, but part of it was the investment that they made to replace classified officers with civilian positions, that there had been about 318 that they had replaced in that way and a significant increase that they had in the police staffing, it was not just that, it was everything from the Real Time Crime Center that Council Member Noriega embraced to the Crime Reduction Units that hit the hot spots within their community to the technology such as helicopters that had been deployed and the last part of that deployment would occur this year with the staffing that Council Member Lawrence and Chief Hurtt were a big proponent of that as being a way of quickly responding and there was more that had been done in order to make sure that their police were productive and they had seen the results in the

crime rate; that this budget did allow for the growth needed to meet essential City services, such as the new Fire Station No. 24, fire cadet classes needed to replace those who left the Fire Department, a new library opened at the Gregory School and five new neighborhood libraries to replace existing ones, that he had not done the analysis but at least within the recollection of many individuals the openings of libraries that were being upgraded for neighborhood libraries were at a rate that some believed was an all time high; that Solid Waste would continue to make progress in recycling operations, that early in the administration the Solid Waste Department was taking to the landfill and paying for about 900,000 tons of garbage and waste disposed of, that their goal for the next fiscal year was to bring that under 700,000 tons, the Yard Waste Program, the Wooded Waste and Tree Waste Program and a phased implementation of the Automated Recycling Program with Single Stream Capabilities in 96 gallon containers were all part of that, that he wanted to commend that department in particular for a management that had taken to heart the need to identify savings and what it could do in it's efficiencies as well as vendor contracts and being proactive in that regard; that Health and Human Services would meet it's extensive commitment, that Director Williams had brought a spirit of customer service to that organization and morale of that was truly commendable, they supplement, from time to time, the activities of that department by grant funding and as with all their departments would be aggressively seeking grant funding, including new grant sources so it could extend the operations, that they were making good commitments that they made to improve the operations of the Bureau of Animal Control to provide in particular more humane adoption operations and support for voluntary spay and neutering programs; that the Parks Department would open two new community centers and while they sometimes do not spend as much time talking about their Enterprise Funds he would just say that the budget allowed their citizens to have clean water and their aviation system to continue to be one of the fastest growing aviation systems of any major aviation hub in the Nation; that their budget continued on the course that they set first by actions in 2004 and then by actions last year to create a dedicated source of funding for drainage and flooding projects, that he knew there was going to be a joint Council committee hearing on flooding and drainage issues, these were important issues for their community, some of the causes had built up over long periods of time, some of the causes directly depended on the weather and topography of Houston and no matter how much money they spent there would be some things that the government could not prevent, especially if they had a 100 year rainfall, but there were things that they could do to mitigate the impact of the two, five or ten year storms and make sure that when they did have the 100 storm, as they did with 100 year localized rainfall, that water got out of the neighborhoods as quickly as possible; that the operating budget limits the increase in operating expenses to approximately a half of one percent, they all knew that there were some costs that the City had that went up faster than one half of one percent, that meant that there would be and had been in this budget, some bad choices made by departments and that they asked each department to find ways in which productivity could be improved; that their Capital Budget put particular emphasis on those expenditures or those investments which should increase employee productivity, that they saw some of the results of that, that he had already given them one with the Solid Waste Department, where they were decreasing the amount they took to the landfall and implementing recycling programs within the existing budget; that another would be the productivity of their police officers who were dealing with a far greater population than they did six years ago where they had approximately the same number of classified officers, that there were more officers out there doing police work, more technology supporting what they did, examples of those kind of productivities improvements that they were talking about included continued investments in energy efficiency, which had borne fruit for the City in ways that were hard to track, that other examples would be the implementation of the radio system, the upgrading of the Police Record Management System, it was a huge project, so that their officers had access to real time and more comprehensive criminal histories of various individuals who they may run id's on or who may be suspects; investments in recycling and replacements and upgrades of the IT system supporting the Municipal Courts functions, that of course all those Municipal Courts operations were completely the responsibility of Council Member Green; that it was their intention to come back

in September, because they were dealing with unpredictable economy, with an assessment through data they had in September, whether any adjustments would need to be made in the budget at that time, that he would expect monthly reporting to department heads about what they had done to implement any process re-engineering or find out how, when employees left, their work loads may be reallocated in order that they were able to defer some of those employment expenses and by the same time they intended to present a budget or a draft of what budget for 2011 would look like, and he said that because he was proud of the fact that they tried to take into account the impact of decisions on one year on the subsequent years and this was something that many of them would have benefited from if they had that kind of roadmap when they assumed their duties, that obviously it would be the job of the new administration and City Council to adopt an FY2011 Budget, but was prudent for them to keep in mind; that for many members who had been here for a while he knew that it had been boring to have him say multiple times each year in open Council that the purpose of cash reserves which were accumulated was to pay for the out years or future obligations that they were undertaking, that they remembered those discussion well, those who had been here a number of years because he reviewed it periodically and commenting on it at the MOFAR and budget presentation and during the time they had the budget hearings, that they may recall that last year Council Member Holm posed a question, which many people had, of how they explained to citizens the fact that they had revenues that were greater than the projections and they did not simply send that money back to the citizens, that it was a fair and astute question, or cut the tax rate more or whatever, that the answer which they gave and talked about in open Council was that those monies would be used to be for increased public safety and drainage expenditures that were investments that they needed to make, that had been the plan and that was what they had done, that the Undesignated Ending Fund Balance in Fiscal Year 2004 was \$88.6 million, that grew through the end of last fiscal year, that it grew every year, to \$253,514 million, and by the end of the next fiscal year it would be at \$171 million, that it was very high by historic standard but still allowing them in Fiscal 2011 and 2012 to both maintain a healthy Fund Balance and to pay for the additional police staffing, the firefighter contract and the obligations that had been fixed within the City of Houston, that it was not to say that this or future budgets would be easy, that at some point during the public discussion, and particularly as they talked about the FY2011 Budget, he would highlight issues, four or five areas, where future mayors and City Councils needed to take a very careful look at how they could plan for the future in their expenses, that these would include very specific and detailed comments about health benefit programs, pension system, back office operations, such as payroll and others where there may be some improvements they look at in the future, that they came a long way in each of the categories in improving the efficiency of the City and the sustainability of their commitments on their budget, so with that they had a strong budget and he wanted to thank in particular Council Member Clutterbuck who sat through many hours of meetings with them, Ms. Michele Mitchell and her staff, who worked extraordinary hours and the department directors who had worked with them and would continue to work with them, and above all he wanted to thank the City employees in whom they had great confidence, that they knew that they were their partners in delivering City services, that they knew that the people they worked for and the people who paid their bills were in times where there was more economic uncertainty than in the past and that the City of Houston was a good place to work and now there were times where they could more than ever prove that they could deliver essential services to the City, and to each City employee he wanted to say thank you in this budget.

After discussion by Council Members Clutterbuck and Lovell and upon questions by Council Member Khan, Mayor White stated that there was some misinformation about pension debt although they had gone over it time and time at this body to try to make sure that people did not mischaracterize pension debt, that first, the pension debt was part of an overall pension plan to cut and reduce the amounts that taxpayers would have to owe, the City contributed more than it's historical level, but less than would be required under State statute in return for changes in the pension plans of the Municipal and Police Pension Systems that would reduce

the future liabilities or reduce the benefits going forward with new hires, that in other words pension debt was part of something that cut the amount that the taxpayers would have to pay for pension liabilities, that second, pension debt substituted one debt for another, a portion of what they were liable to pay today existed for pension obligations regardless of whether the City even operated, so it was a true debt, that pension debt was pension debt even if it was not funded with debt so long as they had a pension liability it was a debt, and finally, and it was the most important thing, that people would know if they had been at the Council or budget meetings, when they incur a debt on a pension system, which was matching a long term liability with a long term financial commitment, they sort of reduced the debt capacity that they would employ for other things, so to be blunt in 2004, which was by his book a more difficult budget than they confront today, they did several things, they restructured pension debt, they restructured the debt of the water sewer system, they increased the employee participation significantly in both their health benefits and contributions to the pension system and they cut capital projects or deferred capital projects from what had been planned in order that the lines met, so they were not in that sense taking everything that they planned to do or could do and then added more debt on top, they substituted, when they would add one thing to the debt they would take something else of the debt; that there was an allocation in the budget about having some consultants for improved productivity in the departments and process re-engineering; that their cash reserves, including the amounts in the Rainy Day Fund, were higher than they were several years ago, that their cash reserves were higher than they were years ago even including the fact that there was a \$20 million Rainy Day Fund then but not now, that depended in part on the reimbursement by FEMA and the private insurance companies.

Upon questions by Council Member Adams, Mayor White stated that he thought that the \$20 million shortfall she might be referring to was the Rainy Day Fund, that they did have cash reserves, and if they included the cash reserves of the Rainy Day Fund, as did the figures that he quoted earlier, they were substantially higher than they had been in many prior years, that it had been their intention to replenish that fund as they got reimbursed by FEMA and the various private insurance companies, they thought that would occur, that there would be no reason to have a Rainy Day Fund if they were not going to draw it down and if they were going to replenish it the day after why would they call it a Rainy Day Fund, just call it a reserve, that those would be in the plans; that they did intend to present in September what they thought a balanced budget for 2011 might look like, that he thought it would be helpful, that they do it not to substitute their judgment for the next Mayor and Members of City Council who may chose to go in a totally different direction, but to help inform the debate that occurred during the elections, to give the new Mayor at least an alternative to look at, but he would say that they believed, he and Michele believed, and many people around the Country whose judgment he would respect believed, that even if the stock market went up and it was an indicator, and it usually went up 12 to 18 months before recovery began, that 2010 and 2011 would both be very challenging fiscal years, that he had asked people to be very careful about making choices this year and next fiscal year that would have an impact in the following fiscal year, that they did not want any balloon notes coming due in FY2011 and FY2012, and if there was one thing that would push his button, and he would say this to all department directors that he had a lot of confidence in, but if somebody hired somebody at the end of the year without taking into account the full cost of that salary for the next year that would push his button.

After further discussion Council Member Brown stated that the City Controller had questioned some of the anticipated revenue, for instance FEMA reimbursements and he thought they would like to hear Mayor White's response to that, and Mayor White stated that he thought one phrase that he saw and maybe it was reported in the press from the City Controller was, and he guessed, no margin for error and he thought that in general he would agree that in these times it was a tight budget and they had done what companies did, they had managed what companies called managing their working capital, which meant they were not borrowing money at a higher rate than they were sitting on short term funds, so there was very little margin

for error, what did that mean, that it meant that if somebody proposed to increase spending either in this budget or through the fiscal year they better find something they were going to cut and it also meant that he and them needed to watch some of these things, including FEMA reimbursements and how the ad valorem tax rolls come out and make adjustments in the budget if warranted, because as a practical matter they had the discipline in the past when they exceeded a projection they had not just spent the money like they did at some levels of government they put it in cash reserves, that in this case if they had projections come down then they could not wait around until the next fiscal year to decide to make adjustments they needed to make adjustments that month or the next quarter. Council Member Noriega absent.

At 10:30 Mayor White stated that they would move to the consent agenda. Council Member Noriega absent.

### CONSENT AGENDA NUMBERS 1 through 43

#### ACCEPT WORK - NUMBERS 3 through 5

3. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **HEYL CONSTRUCTION, LTD.** to settle a lawsuit; authorizing payment to **AACON, INC** as Disbursing Agent for the bankruptcy estate of Heyl Construction, Ltd. **DISTRICTS A - LAWRENCE and B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0396 ADOPTED.
- 3a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,515,996.57 and acceptance of work on contract with **HEYL CONSTRUCTION LTD.** for 60-inch Water Main along Dolly Wright, Dubois and Victory Drive from Acres Homes Pump Station to Ashmole Lane - 4.77% over the original contract amount - **DISTRICTS A - LAWRENCE and B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0267 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$586,351.60 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Safe Sidewalk Program E3 - 12.35% under the original contract amount - **DISTRICTS F - KHAN and G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0268 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,827,662.30 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Water Line Replacement in Willow Run North Area - 3.72% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0269 ADOPTED.

#### PROPERTY - NUMBER 7

7. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. FVL, Ltd., a Texas Limited partnership, et al., Cause No. 922,728; for acquisition of Parcels AY7-423 and AY7-429; for the **MERCURY DRIVE PAVING PROJECT** - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member

Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0270 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 9

8. ORDINANCE appropriating \$1,221,409.00 out of Reimbursement of Equipment/Projects Fund for Design, Structural Stabilization, Exterior Renovations, Purchase and Installation of Mechanical, Electrical and Plumbing Equipment for Fire Station 20 for the Houston Fire Department – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0397 ADOPTED.
- 8a. RECOMMENDATION from Director General Services Department to issue purchase order to **NATEX** for Repair/Renovation of Fire Station 20 in the amount of \$110,000.00 and to allocate an additional \$1,111,409.00 for work to be accomplished through In-House Renovation Group, competitive bids, job order contracts, and other existing citywide contracts for Fire Station 20 Reimbursement of Equipment/Projects Fund - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0271 ADOPTED.
9. **AMEND MOTION #2008-344, 5/28/08, TO INCREASE** spending authority from \$189,421.00 to \$265,189.40 for Medical, Diagnostic and Virological Test Kits for Houston Department of Health and Human Services, awarded to **GEN-PROBE SALES & SERVICE** - \$75,768.40 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent. MOTION 2009-0272 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 16 through 43

16. RESOLUTION of the City Council prescribing the date, time, and location of a public hearing on the City budgets for the time period July 1, 2009 through June 30, 2010; authorizing notice of such public hearing - **HEARING DATE - 1:30 P.M. - TUESDAY - JUNE 9, 2009** – was presented. All voting aye. Nays none. Council Member Noriega absent. RESOLUTION 2009-0011 ADOPTED.
17. ORDINANCE **AMENDING ARTICLE III OF CHAPTER 5 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the administration of Dance Hall Permits; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; containing a savings clause; providing for severability – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0398 ADOPTED.
20. ORDINANCE amending portions of the Construction Code of the City of Houston, Texas, relating to Irrigation Systems; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0399 ADOPTED.
29. ORDINANCE approving and authorizing agreement between the City of Houston and **REALTECH, INC** for SAP System Monitoring and Consulting Services for the Information Technology Department; providing a maximum contract amount - 3 Years with 2 one-year options \$2,510,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0400 ADOPTED.

32. ORDINANCE approving and authorizing Maintenance Agreement between the City of Houston and the **NEAR NORTHWEST MANAGEMENT DISTRICT** for right-of-way improvements **DISTRICTS A - LAWRENCE and B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0401 ADOPTED.
34. ORDINANCE appropriating \$500,000.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HNTB CORPORATION** for Generic Citywide Asphalt Overlay Project – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0402 ADOPTED.
36. ORDINANCE approving and authorizing amendment to Professional Engineering Services Contract between the City of Houston and **OMEGA ENGINEERS, INC** for Negotiated Work Orders for Study of Storm Drainage Systems (Approved by Ordinance No. 2005-391) – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0403 ADOPTED.
37. ORDINANCE appropriating \$121,524.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **JAYMARK ENGINEERING CORPORATION** for Hayes Street Reconstruction from Westheimer to Briar Forest (Approved by Ordinance No. 2003-0584) **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0404 ADOPTED.
38. ORDINANCE appropriating \$835,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approving and authorizing third amendment to Professional Engineering Services Contract between the City of Houston and **HDR ENGINEERING, INC (Previously CLAUNCH & MILLER, INC)** (Approved by Ordinance No. 2005-392) for Neighborhood Street Reconstruction (NSR) Project 446A, and Neighborhood Street Reconstruction (NSR) Project 457 - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0405 ADOPTED.
39. ORDINANCE appropriating \$219,101.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **AECOM USA GROUP, INC (f/k/a TCB, INC)** for Design of Greens Road from Aldine Westfield to John F. Kennedy Boulevard; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0406 ADOPTED.
40. ORDINANCE appropriating \$3,597,810.00 out of Drainage Improvement Commercial Paper Series F Fund, \$3,163,290.00 out of Street & Bridge Consolidated Construction Fund, \$1,277,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PACE SERVICES, L.P.** for Edloe Storm Drainage Improvements Project Segment 2; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund, the Street & Bridge Consolidated Construction Fund, and the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was

presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0407 ADOPTED.

41. ORDINANCE appropriating \$10,861,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP.** for Sims Bayou North WWTP Improvements; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and 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 Noriega absent. ORDINANCE 2009-0408 ADOPTED.
42. ORDINANCE No. 2009-381, passed first reading May 6, 2009  
ORDINANCE granting to **ARC ABATEMENT, INC., A TEXAS CORPORATION**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2009-0381 PASSED SECOND READING IN FULL.
43. ORDINANCE No. 2009-382, passed first reading May 6, 2009  
ORDINANCE granting to **SWEEPING SERVICES OF TEXAS - OPERATING, L.P., A TEXAS LIMITED PARTNERSHIP**, 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 Noriega absent. ORDINANCE 2009-0382 PASSED SECOND READING IN FULL.

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

**MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF THE FOURTH WARD REDEVELOPMENT AUTHORITY:**
  - Position One -**MR. DALLAS S. JONES** (Designee for State Senate District #13)
  - Position Two -**MS. CARVANA HICKS CLOUD** (Designee for State Representative District #147)

- was presented, moved by Council Member Khan, seconded by Council Member Green.

Council Member Jones stated that she wanted to congratulate everyone who was now on the Fourth Ward Redevelopment Committee, especially Mr. Dallas Jones and Ms. Carvana Hicks.

A vote was called on Item No. 1. All voting aye. Nays none. MOTION 2009-0273 ADOPTED.

2. RECOMMENDATION from Director Finance Department to approve the Fiscal Year 2010-2014 Capital Improvement Plan and establish a charge of \$75.00 plus postage for the

adopted CIP documents (\$5.00 plus postage for CD version) - was presented, moved by Council Member Khan, seconded by Council Member Green, and tagged by Council Members Sullivan and Rodriguez.

### **ACCEPT WORK**

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$871,131.40 and acceptance of work on contract with **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Wrenwood Subdivision 4.33% under the original contract amount - **DISTRICT A – LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0274 ADOPTED.

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

10. ORDINANCE appropriating \$442,970.00 out of Equipment Acquisition Consolidated Fund for Purchase of Learning Management System Software and Installation Services for the Human Resources Department – was presented. Council Member Holm voting no, balance voting aye. Council Member Jones absent. ORDINANCE 2009-0409 ADOPTED.
- 10a. **PC MALL GOV. INC** for Learning Management System Software and Installation Services from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for Human Resources Department - \$736,400.00 - Enterprise and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Member Holm voting no, balance voting aye. Council Member Jones absent. MOTION 2009-0275 ADOPTED.
11. **TECHNICAL COMMUNITIES, INC (d.b.a. TESTMART)** for Vidshield Video Software, Licenses, Maintenance, Training and Installation Services from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for Mayor’s Office of Public Safety and Homeland Security - \$91,242.50 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Jones absent. MOTION 2009-0276 ADOPTED.
12. **AMEND MOTION #2006-688, 8/2/06, TO INCREASE** spending authority from \$1,053,361.70 to \$1,474,706.38 for Paper Disposable Products (Facial Tissue, Hand Towels, Toilet Paper) for Various Departments, awarded to **UNISOURCE WORLDWIDE, INC** - \$421,344.68 - General and Enterprise Funds - was presented, moved Council Member Khan, seconded by Council Member Adams. All voting aye. Nays none. MOTION 2009-0277 ADOPTED.
13. **TOMMIE VAUGHN MOTORS, INC** for Automotive, Ford Car/Light Truck Replacement Parts and Repair Services for Various Departments - \$5,051,059.00 - General and Fleet Management Funds Funds - was presented, moved Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0278 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

14. RESOLUTION approving and authorizing the nomination of **THE GROCERS SUPPLY CO., INC** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as a Double Jumbo Enterprise Project - **DISTRICT D – ADAMS** – was presented.

After discussion by Council Members Johnson, Adams, Khan and Green, Council Member

Green asked that once they approved these what was the process of determining whether the applicant had met all of the requirements that they put forth, whether they provided the jobs they said they were going to provide, that he thought it was something to think about, that he knew they did one of these last year which that group was on the agenda today and certainly had not met it's MWBE requirements so it would make one think what other areas would they be deficient, that he would ask for some sort of follow up when they approved these type of items.

A vote was called on Item No. 14. All voting aye. Nays none. RESOLUTION 2009-0012 ADOPTED.

15. RESOLUTION approving and authorizing the nomination of **VALERO REFINING - TEXAS, L.P.** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as a Double Jumbo Enterprise Project - **DISTRICT I - RODRIGUEZ**

After discussion by Council Members Brown and Khan, Council Member Brown stated that this allowed the company involved to take a tax credit of some form for improvements they made, but in the case of Valero he wanted to make sure that the tax base in the City of Houston was increased in a fair and equitable manner, and Mayor White stated that they would get that information to him.

A vote was called on Item No. 14. All voting aye. Nays none. RESOLUTION 2009-0013 ADOPTED.

18. ORDINANCE **AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Antique Dealers, Secondhand Dealers and related businesses; containing findings and other provisions relating to the foregoing subject; providing for severability; declaring certain conduct to be unlawful and providing penalties therefore – was presented. All voting aye. Nays none. ORDINANCE 2009-0410 ADOPTED.
19. ORDINANCE **AMENDING ARTICLE III OF CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the regulation of Suburban Buses; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2009-0411 ADOPTED.
21. ORDINANCE authorizing the issuance of one or more Series of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2009 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2009, and ending June 30, 2010; prescribing the terms and form thereof and authorizing the Finance Working Group to determine certain terms and conditions relating thereto; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of a Preliminary Official Statement and official notice of sale to be used in connection with the sale of the Notes; authorizing the preparation and distribution of an Official Statement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement; authorizing the City Controller to serve as Issuer-Registrar; authorizing a Co-Bond Counsel Agreement; and making other findings and provisions relating to such notes and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Rodriguez absent. ORDINANCE 2009-0412 ADOPTED.
22. ORDINANCE approving a Supplemental Borrowing evidenced by City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2009A to provide for payment of current expenses of the City for a portion of the Fiscal Year beginning July 1, 2009, and ending

June 30, 2010; providing for the payment of the principal of and interest on such Notes; authorizing the procedure for determining the terms and conditions of such Notes; authorizing the execution of a Note Purchase Agreement; approving Co-Bond Counsel; making other findings and provisions related to the subject and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Rodriguez absent. ORDINANCE 2009-0413 ADOPTED.

23. ORDINANCE appropriating the transfer of an amount not to exceed \$25,000,000 from the Houston Airport System Airports Improvement Fund for certain Houston Airport System Capital Expenditures; declaring the Houston Airport System's intent to reimburse the Airports Improvement Fund with bond proceeds; making various findings and provisions related thereto; and declaring an emergency – was presented.

Council Member Brown stated that he would tag the item because of concerns that he had that they had been paying for some time and evidently would be paying into the future, fees to their liquidity provider, he believed \$58,000 a year, for the Aviation Department's commercial paper, whose own downgrade had caused that commercial paper line to freeze up, that he wanted to understand what was being done to get them out of this situation and fees and what were they going to do in the future to make sure they did not find themselves in that position again, that it was a request for some additional information and the policy of the administration on how they were going to deal with the freeze up of the line of commercial paper that they now could not rely on and had to borrow otherwise.

Mayor White stated that they would get Council Member Brown that information.

24. ORDINANCE approving and authorizing contract between the City of Houston and **ALLIANCE FOR MULTICULTURAL COMMUNITY SERVICES**, providing up to \$181,900.00 in Housing Opportunities for Persons With AIDS ("HOPWA") Funds for the administration of a Short-term Rent Mortgage and Utility Assistance Program - **DISTRICT F – KHAN** – was presented. All voting aye. Nays none. Council Members Lawrence and Holm absent. ORDINANCE 2009-0414 ADOPTED.
25. ORDINANCE amending Ordinance Number 2003-0529, as amended, which approved and authorized Professional Audit Services Agreement between the City of Houston and **DELOITTE & TOUCHE LLP**, to increase the maximum contract amount - \$220,000.00 - General Fund – was presented, and tagged by Council Members Khan and Green. Council Members Lawrence and Holm absent.

Council Member Khan stated that he wanted some information, that Deloitte was part of a similar one like Item Numbers 14, 15 and 44 today, that he wanted to find out what was the follow up for the promises or commitments they made when they approved them to get some funding from the State. Council Members Lawrence and Holm absent.

Mayor White stated that somebody in his staff was following this and Ms. Stein was noting it and they would follow up on that. Council Members Lawrence and Holm absent.

After further discussion by Council Member Adams, Mayor White stated that Item No. 25 had been tagged.

26. ORDINANCE approving and authorizing contract between the City and **DELOITTE & TOUCHE LLP** for Professional Auditing Services for the Finance Department; providing a maximum contract amount - 3 Years with 2 one-year options - \$8,695,000.00 - General Fund – was presented, and tagged by Council Members Green, Johnson, Khan and Adams. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Green stated that one of the things that he would like to consider was to do a shorter term on the contract, and would like to know what Affirmative Action did to help Deloitte attempt to achieve the MWBE goal, if they did anything at all rather than give them a report that the goal was not met, and would also like to look at again what the cost increase was and if Ms. Mitchell was around he would like to see what the scope of services would be, also the fee structure, that it was a large contract for a lengthy number of years and he thought they needed to search for more value. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan stated that he would like to have some history of their MWBE Program. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that she would like to add her tag to Item No. 25 also. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

27. ORDINANCE amending Ordinance No. 2007-660 to increase the maximum contract amount; approving and authorizing second amendment to contract between the City of Houston and **TIBH INDUSTRIES, INC** for Vehicle Car Wash Services for Houston Police Department - 1 Year \$250,000.00 - General Fund – was presented, and tagged by Council Member Johnson. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.
28. ORDINANCE amending Ordinance No. 2008-522 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **CHARLES N. MOORE** for Controlled Substance Consulting Services for the Houston Police Department \$150,000.00 - General Fund – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0415 ADOPTED.
30. ORDINANCE appropriating \$191,000.00 out of Solid Waste Consolidated Construction Fund; \$100,000.00 out of General Improvement Consolidated Construction Fund; amending Ordinance No. 2008-0374 (Passed April 30, 2008) to increase the maximum contract amount under Architectural Services Task Order Contract between the City of Houston and **BRAVE/ARCHITECTURE INC** for Various City Departments; providing a maximum contract amount – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0416 ADOPTED.
31. ORDINANCE appropriating \$447,000.00 out of Fire Consolidated Construction Fund for Purchase of Radio Console Equipment from existing Contract No. 4600009232 awarded to **MOTOROLA, INC** for Information Technology Department – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0417 ADOPTED.
33. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Jensen Drive Pump Station #1 Project; authorizing the acquisition by donation, purchase, or eminent domain proceedings of Fee Simple Title to three (3) parcels of land situated in the S. M. Harris Survey, Abstract No. 327, in Harris County, Texas, such property being more specifically situated out of Lots 1 thru 5 of Block 7 Fifth Ward Place Subdivision as recorded in Volume 61, Page 319 of the Map Records Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0418 ADOPTED.

35. ORDINANCE appropriating \$320,000.00 out of Water & Sewer System Consolidated Construction Fund, \$45,000.00 out of Drainage Improvement Commercial Paper Series F Fund, and \$45,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **MDA ENGINEERS, INC** for Waterline Grid Extensions along Belfort, Richmond, Reed, West Tidwell, Griggs & Brock, and provide Project Coordination Services as City of Houston Light Rail Coordinator; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, the Drainage Improvement Commercial Paper Series F Fund, and the Street & Bridge Consolidated Construction Fund - **DISTRICTS D - ADAMS; G - HOLM; DISTRICT H and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0419 ADOPTED.

**MATTERS HELD** - NUMBERS 44 through 50

45. ORDINANCE approving and authorizing the City of Houston to submit the 2009 Consolidated Action Plan to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**, including the following 2009-2010 grant applications: (1) 35th Program Year Community Development Block Grant in the amount of \$33,717,217 (\$29,798,698 Entitlement Grant and \$3,918,519 Program Income); (2) Home Investment Partnerships Grant in the amount of \$13,130,151 (\$12,722,540 Grant, \$300,000 Program Income, and \$107,611 from the American Dream Down Payment Initiative [“ADDI”]); (3) Housing Opportunities for Persons With AIDS Grant in the amount of \$6,038,000; and (4) Emergency Shelter Grants in the amount of \$1,326,597; and to accept the aforementioned grant funds, if awarded – (**This was Item 18 on Agenda of May 6, 2009, TAGGED BY COUNCIL MEMBERS JONES, NORIEGA, ADAMS and CLUTTERBUCK**) – was presented. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

After discussion Council Member Jones offered the following written motion to amend Item No. 45.

“I move to amend Item #45 on the City Council agenda of May 13, 2009, to add an additional Section to the ordinance to read as follows:

‘Section 7. The Mayor is authorized to apply for, and accept, any larger amounts, should HUD so authorize, than set out in the Applications, as notified by HUD, of the availability of funds in the amounts up to \$30,256,697 for CDBG; \$14,098,691 for HOME; \$1,326,739 for ESG; and \$7,315,504 for HOPWA, for the subject grant assistance programs.’ – Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

After discussion by Council Members Khan, Jones and Noriega, a vote was called on Council Member Jones written motion to amend Item No. 45. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0279 ADOPTED.

A vote was called on Item No. 45 as amended. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-0420 ADOPTED AS AMENDED.

46. ORDINANCE amending the Grant Agreement between the City of Houston and **W. LEO DANIELS TOWERS, INC** to change the amounts of the sources of funding to \$670,969 in Community Development Block Grant Funds and \$215,031 in Home Investment Partnerships Funds, revise the scope of work, and extend the period of time to commence the work in connection with the rehabilitation of a 100 unit apartment building for the

elderly and disabled known as the W. Leo Daniel Towers - **DISTRICT H – (This was Item 20 on Agenda of May 6, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. ORDINANCE 2009-0421 ADOPTED.

47. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **WHALEY ENERGY CONSULTING LLC** for Professional Consulting Services - \$365,000.00 Central Service Revolving Fund – **(This was Item 25 on Agenda of May 6, 2009, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, ADAMS and GREEN)** – was presented. All voting aye. Nays none. ORDINANCE 2009-0422 ADOPTED.
48. WRITTEN Motion by Council Member Holm to amend Item 48A below to exclude the Limited Use Roadway and Mobility Capital Fund (Fund 4034) from transfer into the General Fund, so that those funds can be appropriated for other capital projects. – **(TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented.

Mayor White stated that the administration did not support this, that they thought it was a more prudent practice to take the undesignated cash reserves within the General Fund budget and they had identified certain capital projects that were going to be funded through the normal Debt Service, so the Capital Projects for which this had been committed would be treated like all other Capital Projects and financed through the debt rather than from the special fund, that they would not change the Capital Projects involved but simply it was a financing tool.

Council Member Khan asked for a roll call vote on Item No. 48.

Council Member Holm stated that the reason that she placed the amendment in was because she very much supported the inner fund transfers for a lot of the items from the special projects, that this particular item was a special fund that was designated for, not CIP Projects particularly, but for infrastructure projects and she thought at a time when they were experiencing some grave needs towards that in her opinion it was more prudent to restrict and retain that money in an infrastructure account.

After further discussion by Council Members, Mayor White stated that the administration did not see much of a difference, that Council Member Holm had long been concerned that the fund or some amounts of money not be used for other purposes other than infrastructure investment and mobility related investments out of this fund; that with respect to this particular fund the administration's position was that they had identified and designated certain mobility related projects for the use of this fund, they had dollar signs associated with them and were identified by projects and instead of using cash they would do what was appropriate for long life funds they would use debt and then would take the cash in reserves so the fund was not the best way to finance those, so that was the different view and they thought it was appropriate to take it into General Funds and then to make decisions as they came along.

After further discussion by Council Members, a roll call vote was called on Item No. 48.

ROLL CALL VOTE:

Mayor White voting no

Council Member Lawrence voting no

Council Member Johnson voting aye

Council Member Clutterbuck voting no

Council Member Adams voting no

Council Member Sullivan voting no

Council Member Khan voting no

Council Member Holm voting aye

Council Member Rodriguez absent

Council Member Brown absent

Council Member Lovell voting no

Council Member Noriega voting no

Council Member Green voting no

Council Member Jones voting no

MOTION 2009-0280 FAILED

48a. ORDINANCE related to accounting for available funds of the City; amending and repealing various ordinances related to inactive Special Revenue Funds to release residual funds and streamline accounting for City Funds; appropriating \$7,552,000.00 from the Limited Use Roadway and Mobility Capital Fund (Fund 4034) and authorizing its transfer to the General Fund Fund Balance; making provisions related to the subject; providing a repealer; providing for severability – **(This was Item 29 on Agenda of May 6, 2009, TAGGED BY COUNCIL MEMBERS ADAMS and CLUTTERBUCK)** – was presented.

Council Member Holm moved to divide the question contained in Item 48a to consider the appropriation and transfer of Limited Use Roadway and Mobility Capital Fund 4034 separately, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Rodriguez absent. MOTION 2009-0281 ADOPTED.

A vote was called on the portion of Item 48a relative to inactive Special Revenue Funds. All voting aye. Nays none. Council Member Rodriguez absent. ORDINANCE 2009-0423 ADOPTED.

A vote was called on the transfer of funds from the Limited Use Roadway and Mobility Capital Fund (Fund 4034). Council Member Holm voting no, balance voting aye. Council Member Rodriguez absent. ORDINANCE 2009-0423 ADOPTED.

49. ORDINANCE approving and authorizing Lease Agreement between **AMERICAN NATIONAL INSURANCE COMPANY, as Landlord**, and the City of Houston, Texas, as Tenant, for 14,859 square feet of office space at 811 Dallas Street, Houston, Texas, at a monthly rental of \$33,432.75 for the first eighteen (18) months and a monthly rental of \$34,671.00 for the following eighteen (18) months, with a resulting aggregate rent for thirty-six (36) months of \$1,225,867.56, and \$158,213.04 estimated operating and parking expenses, for a sum of \$1,384,080.60, for use by the Records Management System Project Team of the Houston Police Department **DISTRICT I - RODRIGUEZ** – **(This was Item 32A on Agenda of May 6, 2009, TAGGED BY COUNCIL MEMBER GREEN)** – was presented. All voting aye. Nays none. ORDINANCE 2009-0423 ADOPTED.

50. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to appeals before the City Council – **(This was Item 40 on Agenda of May 6, 2009, TAGGED BY COUNCIL MEMBER JONES)** - was presented. All voting aye. Nays none. ORDINANCE 2009-0424 ADOPTED.

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

Council Member Noriega stated that she wanted to let the Central Street Neighborhood Depository for the Solid Waste Department employees know how much Council Member Rodriguez appreciated their hard work and efficient customer service, that she wanted to thank Frenchy, Jackson and Reggie for their hard work; that she wanted to congratulate Mark Wiesner and CJ Farley who would be promoted to fourth degree black belt on Saturday at the Korean Martial Arts; that the Houston Police Department and the City of Houston were observing National Police Week, that the purpose was to increase the public's awareness of the role of police officers, that during this week they remember and honor those who had given the ultimate sacrifice of their lives so that the rest of them live in safety and peace; that she wanted to recognize a couple of officers from the East End police group, that Evelyn Flores, an activist, and Larry Lipton, who was part of the East End Chamber and the East End Crime Awareness Committee would like to thank Officer Morris and Officer Ruiz for helping with a crisis at Evelyn's house, that they wanted to thank them for being a respectful and responsive part of the community; that they were 11 months from the 2010 Census, that their democracy depended on

fair and equitable representation in the Legislature and that required an accurate assessment of the number and location of the people who were living in Texas and Houston, that it determined an awful lot of things, from school allocations to housing money, so many things they were involved with, that they looked at things like who had been displaced by natural disasters, forecasted transportation and housing needs, forecasted hospital, nursing home, senior programs, health services and looked for congregations for churches, that it was a very important of their national process, that it was going to be one of the shortest questionnaires in history, that they were going to ask for name, gender, race, ethnicity, relationship and whether they owned or rented their home, if they would like any more information they could visit the 2010 Census website, [www.census.gov/2010](http://www.census.gov/2010). Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, and Jones absent.

Council Member Adams stated that tomorrow night the District D office would be hosting a South Park Townhall Meeting at Jones High School, 7414 St. Lo; that on Saturday, May 16, 2009 at 7:00 a.m. the District D Office would be walking and exercising for the US Vet Second Annual Run and Walk at Bear Creek Park, for more information they could call her office; that this week she went out on the Astro's Field to present a proclamation to the US Vets at the baseball game; that on Saturday at 11:00 a.m. the Children's Literacy Event would be sponsored by Ameri Group, Comeica Bank and Rolling Out Newspaper, that they were partnering with the Houston Independent School District at the Gregory Lincoln Education Center; that on Wednesday, May 20, 2009 at 10:00 a.m. there would be a green themed grand opening and ribbon cutting for the Houston Blood Center at 9900 Fannin, that it was a new mobile operation complex replacing a warehouse that was lost in a 2005 fire, that it would serve as the launching point for their mobile blood drives; that on May 24, 2009 was the First Annual Tour de Hood, that she was sponsoring the event along with Council Members Johnson and Jones, that it would be a 26 mile adventure through Houston's Historic Ward, along with Council Member Brown as well; that for those who were uninsured on Saturday the Sisters Network would be hosting free mammograms for women, the number was 713-781-0255; that she wanted to congratulate Mr. Dennis Huffman who was a Science Teacher at Lanier Middle School, that he had been at Lanier for 15 years and was just recognized as Teacher of the Year; that on Friday would be the 2010 Census Outreach Sub Committee Meeting, that it would be held at 2:00 p.m. at the City Hall Annex, that she wanted to thank Donald Perkins for his continued leadership and communication with both she and Gracie Saenz, who would also serve as co-chair for the event; that on Friday would be the final Debris Removal Committee Meeting at 10:00 a.m. in Council Chambers, that it was the final report on what was learned and how much money was spent, that she wanted to thank Harry Hayes and his team for a job well done; that she wanted to thank Mayor White and the administration for allowing her to serve as Chair for the Hurricane Ike Debris Removal Committee. Council Members Clutterbuck, Holm, Rodriguez, Noriega, Green and Jones absent.

Council Member Sullivan stated that the District E Office would have a townhall meeting tonight at San Jacinto College South Campus on Beamer Road from 6:30 p.m. to 8:00 p.m.; that the Federal Aviation Administration was going to have an EIS, Environmental Impact Statement Scoping Meeting, that two were coming up, on May 12, 2009 at Humble Civic Center at 6:00 p.m. to 9:00 p.m. and May 14, 2009 at Nimitz High School from 6:00 p.m. to 9:00 p.m.; that the Summerwood Crime Watch meeting was conducted last night and they were still having some snags with respect to the 9-1-1 system, as to when residents in Summerwood, a limited purpose annexation area, pick up the phone and dial 9-1-1 some of the residents say they got Harris County still and some say they get the City of Houston, so he communicated by email with Assistant Chief Dupont, who had been spearheading the 9-1-1 efforts there and she said she would be glad to go out into the community and meet with him; that Council Member Noriega mentioned National Police Week and he wanted to thank everyone involved who put on the memorial ceremony at the Houston Police Department Officer's Memorial; that on Saturday there was an Aero Space Roundtable with US Senator John Cornyn and US Congressman Pete

Olson, they were trying to shed light on the fact that NASA and funding for NASA and manned space programs were seriously at risk, that all the local governments in that area wanted to bring awareness to it so that they could collectively fight for increased NASA funding for their space programs; that National Prayer Service was last week on the steps of City Hall, that it was a great experience; that he had several items come up in the last couple of weeks that involved the Planning Department and he wanted to thank them for their cooperation, support and quality of work, that Marlene Gafrick and her staff were great to work with. Council Members Clutterbuck, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Lovell stated that there would be a joint meeting of the Transportation, Infrastructure and Aviation Committee and the Flooding and Drainage Committee on Monday, May 18, 2009, at 10:15 a.m. in the Council Chamber, that she and Council Member Khan would co-chair the meeting; that there was significant step towards building their light rail transit system in Houston, the Obama Administration had included \$150 million in it's FY2010 budget for construction of the Metro north and southeast light rail lines; that she wanted to say congratulations to the HISD Teachers of the Year, Tiffany Janish, a Kindergarten teacher at Oak Forest Elementary School and Dennis Huffman, Science Teacher, at Lanier Middle School; that this was National Police Week, that in her family they had a police officer, her nephew, Kevin Callahan, who in California served on the State wide Anti Gang Force; that for the Rockets when they came back to the Toyota Center tomorrow if they could just have a little bit better effort, so "Go Rockets". Council Members Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Lawrence stated that a very exciting event was going to happen, the Solid Waste Rodeo, that it was on Saturday and if they could imagine the Solid Waste trucks going through cones and backing up in a contest, that it was a fun event and she encouraged everybody to attend; that she wanted to say thank you to NASA for coming out and watching Atlantis take off this week; that for the Houstonians who went through the 1990s the sign was "believe" as far as the Rockets were concerned. Council Members Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Johnson stated that Silence Was Not Safety had been the theme of many of his townhall meetings, that meant that individuals and citizens of the City of Houston, in particular District B, could not afford to be silent when it came to issues in their community, if they did not speak up they were giving them a safe haven in their neighborhoods, that there would be a townhall meeting tomorrow in Kashmere Gardens at the New Mount Calvary Baptist Church, 4711 Kelley Street at 6:00 p.m.; that on May 16, 2009 there would be a Break the Silence Foreclosure Townhall Meeting, that he and Council Member Adams had been working on it for a while, that it would be from 3:00 p.m. to 6:00 p.m. at the Fifth Ward Missionary Baptist Church, 4300 Noble Street; that on May 28, 2009 would be the 91st Anniversary of Azerbaijan Independence, that it was a great opportunity for them to continue to work with their Sister Cities; that he wanted to say congratulations to the Principal of Booker T. Washington High School, Mr. Mark Bedell, who was honored with the Jerry and Kay Cox Award at Texas A&M Education and Development Event, that the award was given to outstanding educators who had a paramount impact on the lives of students; that on Friday, May 15, 2009, he would host his Third Annual Senior Citizen Prom, that it would be at the CWA Hall at 1730 Jefferson Street, from 10:00 a.m. to 2:00 p.m.; that he wanted to congratulate the Acres Home Storm, his sons' baseball team, that it was brought to his attention that they were now ranked number six in the State in their division, that they were undefeated, that the only reason that they were not number one in the State was because they had not played in any tournaments, so they were going to start playing in tournaments and hoped they would continue their success, that they played at the Cy Fair Baseball League. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Khan stated that the Census Sub Committee on Business Relations would meet on Saturday, May 16, 2009 at 1:30 p.m. at the Visitors Center, that Mr. Scott McGlennon, HEB, had agreed to serve as co-chair of the sub committee; that on Saturday, May 23, 2009, they would have the District F Clean Up Day, that they appreciated all the volunteers who came out in large numbers in the past and looked forward to seeing a very large group of volunteers again this year, that it was co-sponsored by the Alief Super Neighborhood Council and would be from 8:00 a.m. to 1:00 p.m. and would gather at Alief Park at 11903 Bellaire Boulevard at Kirkwood; that on Saturday, May 16, 2009 from 10:00 a.m. to 1:00 p.m. they would have their First Annual Westwood Community Festival, that there were over 50 local agencies signed up to participate and share their respective services and programs with the community at large, that the location was Forum Park at 9900 Sugar Branch Drive adjacent to Betty Best Elementary School; that there would be a joint meeting of the Flooding and Drainage Committee and the TIA Committee on Monday at 10:15 a.m. in the Council Chamber; that he attended all the Rockets playoff games and remembered that Rudy Tomjonovich, the great coach of the Houston Rockets at that time said to never underestimate the heart of a champion. Council Members Lawrence, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 11:58 a.m. Council Members Lawrence, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary