

City Council Chamber, City Hall, Tuesday, June 23, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 23, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., James G. Rodriguez, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Xavier Herrera, Citizens Assistance Office; Ms. Marty Stein Agenda Director; Ms. Marta Crinejo, Assistant Agenda Director present. Council Member Pam Holm absent due to a death in the family. Council Member Peter Brown out of the city on city business.

Note: Council Member, District H Position, vacant.

At 1: p.m. Vice Mayor Pro Tem Lovell called the meeting to order. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that presentations would begin with Council Member Noriega. Council Member Noriega stated that teachers had a great impact and were heavily respected and today they would honor Ms. Julie Sharpe a teacher of 34 years who helped elementary students acquire knowledge and love of learning; that she was retiring and would be missed and invited Ms. Sharpe to the podium and presented her a Proclamation proclaiming today as "Julie Sharpe Day" in the City of Houston, Texas. Ms. Sharpe stated that this was a great honor and she truly enjoyed teaching and working with special needs children. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that today was a day of celebration and she would be recognizing two individuals who stepped up to the plate when she brought on a cause of homelessness; that all media was valued as that was how news got out, but a special message got carried in October and invited Rev. Shawn Manning and Mr. Isaiah Carey to the podium; and stated that a member of her family was homeless by choice and homelessness was a deep compassion of hers; that she and Rev. Shawn Manning spent the night without any police protection out on the streets, 13 hours, and they came across many people and saw what it was like to be homeless; that Shawn and his wife and family were present, but he was once homeless, sleeping on the street and now was a minister, a director of Soul Winning Action Team, an outreach ministry which met the need of offering a plan of salvation to the lost, at the Mt. Vernon Baptist Church, Inc., in Sunnyside, Houston and co-hosted a radio show and shared his faith in God showing the drug addict and alcoholic the way of real freedom; and presented him a Proclamation, recognizing his outstanding contributions to the local community and proclaimed today as "Rev. Shawn Manning Day" in the City of Houston, Texas. Rev. Manning stated that he was overwhelmed when Council Member Adams told him this day was planned and now it was a reality and he was overwhelmed; and thanked all the Council for allowing him to receive his flowers while he lived and thanked his family and friends who had supported him and stated that his passion was to change the community for all those needing hope and help. Mayor White, Council Members Lawrence, Sullivan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Members thanked Rev. Manning for the job he did so well and congratulated him on his recognition. Mayor White, Council Members Johnson, Lawrence, Sullivan and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams stated that Mr. Isaiah Carey was the one who pushed her to do the story because it was a message that needed to be carried; that this was near her heart and she wanted to publicly thank him for pushing her; that he had one goal in mind which was to inform the public; that he was a broadcast journalist who started on television at 5 years old; that he has said it was his civic duty to help his community and tried to provide a voice for those who could not speak for themselves and today for those reasons and more presented him a Proclamation proclaiming today as "Isaiah Carey Day" in the City of Houston, Texas. Vice Mayor Pro Tem Lovell stated that Mr. Carey was in a great position of power and influence because he could take images throughout the city and show them to others on television which was what he did with the homeless and it was an education for all and she thanked him. Mr. Carey stated that it was an honor to be recognized and Council Member Adams did a wonderful job and was the brains behind the operation. Council Members Sullivan and Green absent.

Mayor White stated that he had more sources and was willing to cover stories others did not; that in a democracy they could not function without journalist who were professionals, who would dig deeper and let others see parts of life they may not know about and they considered him a real pro. Council Members Sullivan and Green absent.

Council Members thanked Mr. Carey for the great job he did and his boss for allowing him to do it. Council Member Green absent.

Council Member Rodriguez stated that he wanted to recognize students from Raul C. Martinez Elementary, Pugh Elementary, Scroggins Elementary and Elliott Elementary, they were a part of a Summer Camp Program called Solo un Sueno, it taught them about the environment and recycling and how to take an active role and they would speak later; and Mr. Justin Hines was present, he was the grandson of Mayor Sandra Massie-Hines of Sunnyside and asked them to all stand to be recognized. Council Members Johnson and Green absent.

At 2:21 p.m. Mayor White called on Council Member Clutterbuck who led all in prayer and in the pledge of allegiance; and students present led all in the Texas pledge of allegiance. Council Member Green absent.

At 2:23 p.m. Mayor White requested the City Secretary call the roll. Council Member Holm absent due to death in family. Council Member Brown out of the city on city business. Council Member Green absent.

Council Members Khan and Noriega moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Holm absent due to death in family. Council Member Brown out of the city on city business. Council Member Green absent. MOTION ADOPTED.

Council Member Rodriguez moved the rules be suspended for the purpose of adding Ms. Graciela Saenz at the end of the Agenda Speakers List, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent due to death in family. Council Member Brown out of the city on city business. Council Member Green absent. MOTION 2008-0454 ADOPTED.

Council Member Khan moved the rules be suspended for the purpose of hearing Mr. Jim McIngvale at the top of the Non-Agenda Speakers List, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Holm absent due to death in family. Council Member Brown out of the city on city business. Council Member Green absent. MOTION 2008-0455 ADOPTED.

Mayor White stated he would say to all citizens that because they had so many present seeking to express themselves and because the Rules of Council were designed to protect those individuals to see there was enough time, there were time limits for the speakers and for questions by Council Members and the fact the rules were enforced did not mean they did not like what they had to say; and to his colleagues given the size of the Agenda if they could show discipline it would be fair to those further down on the Agenda. Council Members Rodriguez and Green absent.

At 2:25 p.m. the City Secretary began calling the public speakers. Council Members Rodriguez and Green absent.

Ms. Jeanette Chinelli, 1813 Crockett, Houston, Texas 77007 (713-869-2727) appeared in opposition to the First Ward Recycling Center, Agenda Item 55, presented information and stated that she completed her home and art studio in 2008 in the First Ward and there was an artist studio, Winner Street Studios, and John Deal the owner of the studio asked her to communicate on his behalf he was adamantly opposed to the moving of the large scale recycle bins to their residential neighborhood; that six figure real estates were there now and a new hike and bike trail; that they were a major street and to place a recycle center on Spring Street displaced severe lack of planning on the City of Houston and they wished to be a part of the solution. Council Members Khan, Rodriguez and Green absent.

Ms. Kim Regalado, 1911 Spring, Houston, Texas 77007 (713-868-0969) appeared in opposition to the First Ward Recycling Center, Agenda Item 55, displayed a picture for viewing and stated that she lived directly across from the proposed recycling center and she did not want to step out to see a recycling center or smell the trash; that they felt if the center was moved there the city would be sweeping them under the rug and they wanted their voices and quality of life considered. Council Members Rodriguez and Green absent.

Council Member Lovell stated that she asked the Solid Waste Director questions and no odor complaints had ever been registered against a SWMD recycling or drop-off site, they had a very good record. Council Members Rodriguez and Green absent.

Mr. Louis Baez, 1911 Spring, Houston, Texas 77007 (713-868-0969) appeared in opposition to the First Ward Recycling Center, Agenda Item 55, and stated that he and his family lived directly across from the proposed recycling center and was a proud resident of the First Ward, foundation was for greater things to come with new dining, walk and bike path, etc., all was now being threatened by the recycling center which had no design, no neighborhood integration, no community support and no business in a residential neighborhood and he was shocked such a facility would be placed there; and their street was at full capacity. Council Members Rodriguez and Green absent.

Council Member Jones stated that they were listening and this was slowed down; that she understood where it was now was fine, but they certainly should have dialogues with communities when they tried placing such things. Council Members Adams and Rodriguez absent.

Council Member Lovell stated that in asking the Solid Waste Department questions based upon other facilities the frequency of SWMD trucks coming in on highest volume periods was they would pull 3 to 5 boxes on Saturdays and Sundays and on week days it would be one to three pulls, a truck would return every 1 to 5 hours during peak volume and perhaps 3 to 5 hours during slow periods; and Mr. Baez stated that a new bike path was there and on Saturday and Sunday was when more people were on the path with children and on weekends they got a break from trucks and it was their off time with peace and quiet and now

the city would disrupt that and bring trucks back and they would have no quiet. Council Members Adams and Rodriguez absent.

Ms. Mary Pritchard, 1916 Sabine, Houston, Texas 77007 (832-443-0005) appeared in opposition to the First Ward Recycling Center, Agenda Item 55, and stated that she had a lovely home near downtown in the First Ward and the planned recycling center on Spring would be 1-1/2 blocks from her home and also would be the only recycling center in Houston within a residential neighborhood, it was an unfortunate accident waiting to happen and the effects to economic development were obvious and the biggest loser here would be the City of Houston with their lower tax base; and urged another location be found. Council Members Adams, Sullivan and Rodriguez absent.

Council Member Jones stated that she was looking at the pictures presented and she would not want this center by her house; that it was messy and she did not know how noisy, but asked her colleagues to just look at the pictures; that the center as it was now was in an industrial area with one residential development and that was a new development, the industry was there first; that respectfully to anyone who thought this should be on Spring Street, she did not think it should be in a residential area, she believed in recycling but did not see why they were moving it from an industrial area to a residential area and if she had to vote on moving it to their neighborhood she could promise she would not vote for that location. Council Members Sullivan, Rodriguez and Lovell absent.

Mr. Ron Lozoff, 1916 Sabine, Houston, Texas 77007 (832-443-0005) appeared in opposition to the First Ward Recycling Center, Agenda Item 55, presented information and stated that he was a residential real estate developer for 30 years and sold 1,400 homes in the Inner Loop and Galleria in the last 5 years; that the First Ward had positive change and they all believed in recycling but this was the wrong site; that the value of the newer homes there were over \$90 million and that was about \$2 million in taxes and building a recycling center on Spring would be like a knife in the heart of the re-gentrification occurring; and urged they consider what this center would do to this neighborhood. Council Members Lovell and Jones absent.

Mr. David Hille, 5202 Memorial Drive, Houston, Texas 77007 (713-551-1350) appeared in opposition to the First Ward Recycling Center, Agenda Item 55, and stated that he wanted to respond to a Council Member's statement on frequency of trucks; that they were picking up dumpsters and how many others were coming to fill up the dumpsters that would be a lot of additional traffic; that as he understood it other recycling centers were in industrial areas so to say there were no complaints on odor was not fair; that he was a realtor and brought statistics from har.com and went over the statistics back to 1997 and the average cost of such homes; that he would hate to see them miss opportunities the Sixth Ward had, if such a site had been placed there they would not have opportunities they had at this time. Council Members Lovell, Noriega and Jones absent.

Ms. Graciela Saenz, 600 Travis, Houston, Texas 77002 (713-650-2739) appeared in opposition to the First Ward Recycling Center, Agenda Item 55, and stated that they brought this issue before Council two weeks ago and since had elected a new Council Member for District H and he would be coming on board and urged they help him listen to their community; that this was not an issue of recycling, but where the center would be placed. Council Members Noriega and Jones absent.

Mr. Jim McIngvale, 6000 North Freeway, Houston, Texas 77076 (281-844-1963) appeared and stated that he wanted to thank Council Member Clutterbuck, she prayed the Lords Prayer a while ago and it reminded him it was five short weeks ago tomorrow night that they were praying the same prayer as Gallery Furniture Store burned down, however, due to

heroic efforts of the Houston Fire Department their store on the North Freeway would reopen on July 4, 2009, and he was present on behalf of his family and employees and vendors to thank the City of Houston in their aid and allowing them to reopen 45 days after their fire; and invited all Council Members July 3rd to a special party for those in the Houston Fire Department who saved their building from noon until 10:00 p.m., they would be the first people in the new store. Council Members Sullivan and Rodriguez absent.

Upon questions by Council Member Noriega, Mr. McIngvale stated that 31 was the number of the fire station who responded to the fire and they would like Mayor White to come and cut the ribbon Saturday if he could, it would be a very symbolic day and emotional day for them; that he would also ask Council Members to carefully consider the sign ordinance currently in front of them, they were good for businesses and small businesses were major job creators in this country. Council Members Sullivan and Rodriguez absent.

Council Member Khan wished Mr. McIngvale good luck for him and his employees; and upon questions, Mr. McIngvale stated that when they started their sign was critical to them because they had no money to advertise and he would be concerned about limiting the size, he was a big believer signs were good for the community and created commerce. Council Members Sullivan and Rodriguez absent.

Mayor White stated that to the citizens out there and he was sure he spoke for his colleagues in saying something important, but both he and others may not have a running commentary on something presented to them; that he heard earlier someone say rush through without public feedback, but what he and many did was he listened to all and made notes on most and the facts they did not comment did not mean they were not listening and processing information heard; that someone said he had said something and when he asked when did he say it they told him someone was at the mike and after talking he said nothing, but the fact was they were listening and because they did not comment did not mean they were not listening or did not have views. Council Members Sullivan and Rodriguez absent.

Ms. Nancy Green, 14915 Lake Woodbridge, Sugarland, Texas, 77498 (832-541-9954) appeared and stated that she and her husband owned several convenience stores and small restaurants and planned to open five more in the next year and signage was extremely important to them, it was the most cost effective way they had of getting customers and obvious big bold signs attracted customers and worked and the government was aware of this as the way the proposal was written they (the city) would be exempt from the new rules; and urged they reconsider. Council Members Sullivan and Rodriguez absent.

Upon questions by Council Member Khan, Ms. Green stated that they were part owners of variety stores, convenience stores with restaurants inside, places visible from the highway; that they did not advertise other ways and without signage it would impact the number of customers. Council Members Sullivan and Rodriguez absent.

Upon questions by Council Member Lawrence, Ms. Green stated that most stores were within the city limits; that the sign code in Sugarland were much worse, but that was why they did not have businesses there. Council Members Sullivan and Rodriguez absent.

Council Member Clutterbuck stated this was a difficult issue and they were working hard to find the right balance; that Jersey Village did not allow signage and yet there were many stores there and she was curious of the perspective of those business owners. Council Members Sullivan, Lovell and Green absent.

Mayor White stated that obviously on this issue and there was a draft which had been circulated for just one day, but many talented citizens in both the sign and retail business

participated on a taskforce and their mission was to build consensus within the community; that he would anticipate some citizens would say this did not go far enough and others would say it went too far, but the policy of the Administration was to find the right balance; and he would ask citizens to listen to each other and not rush to judgment and those at the Council table were interested in what they said. Council Members Lawrence, Sullivan, Lovell and Green absent.

Mr. Michael Haggerty, 6643 Stearns, Houston, Texas 77021 (713-402-8052) appeared and stated that a group of individuals were still being negatively impacted by Hurricane Ike, specifically people who applied for and had been accepted in the Disaster Housing Assistance Program, this was nine months after Ike hit Houston and people were still out of housing or about to be kicked out, in his situation he received a letter from the Housing Authority of the City of Houston indicating he would be terminated from that program as of June 21st and he received the letter on the 18th; and he was not here just for himself but for all those in programs who were to be assisted and asking the city' for the same support as given to those affected by Hurricanes Katrina and Rita. Council Members Lawrence, Sullivan, Lovell and Green absent.

Council Member Jones stated that her office was working, the Mayor gave her permission to try and fix the Housing Authority as they got consistent complaints and they spoke with Mr. Mikelman and had not heard back and depending on time would get with him today or tomorrow and figure out why they had not responded to him or her office; and Mr. Haggerty stated he was told payments would be issued to him several months ago, payments he made out of his own pocket, but many did not have the resources and were homeless, etc., but it looked as though those in the Houston Housing Authority were not just misinforming, but intently lying about services; and Council Member Jones stated that they just had a housing meeting and there would be a taskforce and invited him to come and bring others so they would figure things out and implement a solution. Council Members Lawrence, Sullivan, Khan and Green absent.

Mr. William Bennett, 820 Atascocita, Texas 77396 (281-441-8390) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Sullivan and Green absent.

Ms. Sandra Massie-Hines, 4421 Alvin, Houston, Texas 77051 (832-537-8477) appeared and stated that she was present on behalf of the noose found in Captain Smith's locker; that as they knew they were still hanging Negroes in Texas, it was the only race of people brought to America against their wishes; that aside from the KKK, hoods robes and crosses the noose was the most demeaning form of racial prejudice against people of color; that she would recommend to Council a zero tolerance against racism and she would like someone to help her understand why a captain of HPD was found to have a noose, two firefighters who found the noose were reprimanded, this representative of the Mayor should have been fired; and again urged for a zero tolerance policy. Council Members Lawrence, Sullivan and Green absent.

Mayor White stated that rules were adopted and designed in part to protect speakers and they were against public demonstration. Council Members Lawrence, Sullivan and Green absent.

Council Member Jones thanked Ms. Hines for coming and stated that she attended a townhall meeting in Sunnyside recently and there were many firefighter there; that she spoke with Chief Boriskie and they discussed a zero tolerance citywide, she found it curious they had zero tolerance for smoking a blunt, but you could say racists things which created a hostile work environment; that recently a Blackman was killed in the Holocaust Museum and those he

hated were the ones who saved him. Council Members Lawrence, Sullivan, Lovell and Green absent.

Council Member Johnson thanked Ms. Hines for her activism and this should not be swept away and there should be justice served. Council Members Lawrence, Sullivan, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that last week they passed a budget amendment and emphasized the need for making sure nothing offensive went on in the workforce and as stated there should be zero tolerance and Council Member Noriega would be holding a meeting. Council Members Lawrence, Sullivan, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she would ask for a report from the Fire Department after the other speakers on the subject, but on her colleagues comments the next Public Safety Meeting would be July 27th at 3:00 p.m. and this would be the topic. Council Members Lawrence, Sullivan, Rodriguez, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Johnny Robinson, 7926 Shotwell, Houston, Texas 77016 (713-631-1758) appeared and stated that he and those with him were with the Triangle Gardens Civic Club and he was president; he reviewed a list of names and positions and stated that they were working on a major cleanup in their area and in order to sell homes and do the LARA program in the area they had foot soldiers taking pictures, you could not sell a home in an unclean area and they were asking the City of Houston to not issue any permits in the Triangle Gardens Area unless it was for homes; that they wanted a community and had a vision to build one and June 27th would have a gathering at the park and would be certifying people for homes and looking for a big turnout; and urged the city support them. Council Members Sullivan, Khan, Lovell and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he thanked him for his commitment to the area, for meeting with their team every two weeks and now they had a number of builders who were interested and had taken down lots in the area; and Mr. Robinson stated those builders were interested in the Trinity Gardens Area and he was speaking of the Triangle Gardens Area along the railroad tracks. Council Members Sullivan, Khan, Lovell and Green absent.

Council Member Johnson thanked Mr. Robinson for coming and for accepting the challenge; that he was diligent in wanting to build a community and the notion and idea of new homes in the area was at the forefront of his mind and of the leadership in the area and he wanted to help continue looking at what could be done in the area of development and thought they could get to a resolution; and upon questions, Mr. Robinson stated that the boundaries of Triangle Gardens Area was Bennington/Lockwood to Laura Koppe/Lockwood toward Homestead and Crosstimbers; and the LARA Program would be having certification on the 27th; and Council Member Johnson stated that he wanted him to get with him on specifics they wanted and they could break things down and get small victories one bite at a time. Council Member Sullivan absent.

Ms. Joanna Gueye, 1520 Bailey #404, Houston, Texas 77019 (832-893-3310) appeared and stated that she was from the Christian Rebirth Ministry where they did prison work since 2000; that they saw a need for a housing rehabilitation center for the men to stop the revolving door for them and their children going in and out of prison since 2006 and now they had a 501c3 and Target and a few other places would back them; that they wanted to house the men and their children, the men said they were going back because no one would give them a job; that they needed to feed the spirit and then the natural man and they had a two year plan

laid out, but they needed a building and they were asking the city for help. Council Members Sullivan and Lovell absent.

Council Member Adams thanked Ms. Gueye for coming and to the Mayor stated he had the program for the reentry and she wondered if there was an update on the Reentry Program; and Mayor White stated that it may be useful for Council Member Johnson in his committee to have Director Williams present on that and a point he made with county officials and the new Sherriff was so much of the funding went through the TDC or county and there were many nonprofit providers as well for services in prison and outside of prison preparing those for reentry and if they could get a full panel discussion, because of the city's role in the criminal justice system which the system was divided between city, county and state, with the city taking a lot of the front end and others having funding on the criminal justice system and incarceration system they played a more minor role, but played a convener of many working in the field; and Council Member Adams stated that being the vice chair she would get with Council Member Johnson and get with Health and bring it before a committee. Council Members Sullivan and Lovell absent.

Council Member Jones stated that she knew the Mayor had something at the Sunnyside Multi Service Center, but sometimes there was CDBG funding for community development type things which improved the neighborhood but RFPs were required and if she thought she had a good program she should contact the Housing and Community Development Department and ask about that funding and any other moneys available; that HUD makes them show they had a good plan, etc. Council Member Lovell absent.

Council Member Noriega stated that students were in line to speak and needed to get back to school and home and moved the rules be suspended for the purpose of hearing Miss Genevieve Sanchez, Miss Myia Landers, Mr. Augustine Medellin, Miss Abigail Garcia and Mr. Alan Juarez out of order at this time, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Holm absent due to death in family. Council Member Brown out of the city on city business. Council Member Lovell absent. MOTION 2008-0456 ADOPTED.

Miss Genevieve Sanchez, 7211 Market, Houston, Texas 77020 (713-671-3680) appeared and stated that she was from Raul C. Martinez Elementary School with the Solo un Sueno Program and she and others were present to discuss the environment; that in the book Just A Dream written by Chris Van Allsburg they met a boy who did not care about the future and never recycled; she gave a review of the book and stated while reading the book she learned recycling was important and if all did not do their part earth would become a dump. Council Member Lovell absent.

Miss Myia Landers, 7211 Market, Houston, Texas 77020 (713-671-3680) appeared and stated that she was from Scroggins Elementary and in the Solo un Sueno Program and present to discuss the environment; that people needed to recycle, around the ditches of Denver Harbor was much paper and aluminum and it made their community look ugly and in the rain the ditches became so full of garbage the streets could start flooding; that bacteria, etc., floated in the water and could make people very sick; that ditches needed to be cleaned and recycling could help the problem, if they did not recycle it would all end up in a landfill like in the book Just A Dream and methane gases were produced in landfills and polluted the air and made people sick and factories needed to quit polluting air also and the air could once again become fresh; that also people needed to quit burning trash. Council Member Lovell absent.

Council Member Jones stated that Miss Landers was mesmerizing; that she knew more than most grown folks walking around and she hoped everyone was listening and she should

be doing public speaking; that also when litter was washed to the oceans it killed dolphins, etc. Council Member Lovell absent.

Mr. Augustine Medellin, 7211 Market, Houston, Texas 77020 (713-671-3680) appeared and stated that he was from Scroggins Elementary and this summer he attended the Solo un Sueno Program and today was present to discuss landfills which was a great way to get rid of trash but were not environmentally friendly, they could cause diseases and sickness in people; that some trash could cause pollution to ground water, items needed to be reused more often and recycled and a goal of 75% should be set to recycle; that also around their schools were no sidewalks and you walked in the streets or ditches and that was not safe. Council Members Lovell and Green absent.

Miss Abigail Garcia, 7211 Market, Houston, Texas 77020 (713-671-3680) appeared and stated that she would be a fifth grader at Elliott Elementary and was invited to the Solo un Sueno Program this summer at Martinez Elementary and today was present to speak on litter in their communities, the visible form of pollution and as they walked to and from school there was litter everywhere; that if everyone in the room could be challenged and everyone in schools could be challenged to adopt a street policy the city would be cleaner and healthier; that they needed pride in neighborhoods and litter seemed to be less in neighborhoods where recycling was present and the correlation between littering and recycling may be attributed to public education; that for her Denver Harbor was the best neighborhood in Houston and she wanted people to know it was true, if such changes were made this would be a reality. Council Members Lovell and Green absent.

Council Member Khan stated that he was so impressed and thought all at the Council table were in ah; that they were all extremely intelligent and articulate, they had prepared their material well and he could tell by listening to them there was hope for our planet Earth in the future; that here in America they were fortunate to be ahead in some places of the world you could not even use water as rivers and oceans were polluted; and he congratulated all of them and their teachers and he was sure their parents were as proud of them. Council Member Lovell absent.

Mayor White stated that each at the Council Table was blown away by every one of them who had made a presentation.

Council Member Rodriguez thanked each for coming and stated he felt it safe to say the future of District I was in really good hands and he was proud and honored to represent each of them and hoped to see several of them at the Council Table when the time was right; that he spoke with Council Member elect Ed Gonzales and this sounded like a great project the two of them could work on together since they both represented Denver Harbor as well as all Council Members At-Large.

Mr. Alan Juarez, 7211 Market, Houston, Texas 77020 (713-671-3680) appeared and stated that he was from Pugh Elementary and he was present with two concerns in the area surrounding his school, there were stray dogs running around and could have diseases and there was an abundance of puppies; that there were many ditches which needed cleaned and the dogs could knock over the cans and cause more trash; that this was a learning experience and if Council had questions they should not hesitate to ask.

Council Member Johnson stated that he wanted to congratulate each of the students on a job well done, they stood with confidence and it showed and this was just the beginning, they had exemplified today they were going somewhere in society; and he thanked the teachers and asked they stand to be recognized, in each child was a gift and it took someone special to bring it out and they had done it in each of them. Council Member Adams absent.

Mr. Juarez stated that their principals were present and Council Member Noriega asked they stand to be recognized also and stated that Denver Harbor was a historic and special part of Houston; that several schools were present and asked that they share what Solo un Sueno meant; and Mr. Juarez stated that Solo un Sueno meant Just a Dream; and a spokesperson stated that this was an honor to be present and this was an HISD Enrichment Program they wanted all students to be able to participate in a program; and Solo un Sueno translated into Just a Dream and it was a children's book written by Chris Van Allsburg and they had taken time to look at the environment and through the children neighborhoods could be changed, the city and the world. Council Member Adams, Sullivan and Rodriguez absent.

Council Member Johnson moved the rules be suspended for the purpose of hearing Ms. Krystal Muhammad, Ms. Cynthia Pharms, Ms. Jean Wilkins-Dember, Mr. Smokie Philips and Mr. Otis Jordan after Minister Johnny Jeremiah seconded by Council Member Jones. All voting aye. Nays none. Council Member Holm absent due to death in family. Council Member Brown out of the city on city business. Council Members Adams, Sullivan and Rodriguez absent. MOTION 2008-0457 ADOPTED.

Mr. Kyle English, 918 Comstock, Spring, Texas 77450 (832-235-6234) had reserved time to speak but was not present when his name was called. Council Members Adams, Sullivan and Rodriguez absent.

Ms. Tamisha Tatum, 7402 Calhoun #6, Houston, Texas 77033 (832-889-2314) appeared and stated that her husband was killed by an HPD officer on June 4, 2008, they had five children and she needed answers; that she had the autopsy report to show his left hand had two fingers amputated; that she was filing his case with the Justice Department, he would not have caused harm to anyone and loved his family; that at the scene there were no drugs and no gun found so why was he dead; that she was angry and her household faced much pain, in Houston there were too many brutality cases, she was asking for justice and wanted his case reopened. Mayor White, Council Members Adams, Sullivan, Khan, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Tatum stated that there was a No Bill; and Council Member Jones stated that she would ask the Administration that she be updated on what happened and the circumstances around it; and she was sorry for their loss. Mayor White, Council Members Adams, Sullivan, Khan, Rodriguez and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he too was sorry for her loss; and upon questions, Ms. Tatum stated that she did file an Internal Affairs report and they closed it out; and Council Member Johnson stated that he would like her to see he gets the results of the Internal Affairs investigation so he could get a better understanding; that it was important for citizens to file such reports for their to be a record, because it was the only accountability to place on an officer, there were many great officers, but there may be one or two rogue officers and they hoped they could find justice for her if in fact injustice was done. Mayor White, Council Members Adams, Sullivan, Khan and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Sidney R. Snellings, 9187 Crystal Springs, Conroe, Texas 77303 (936-890-6994) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Adams, Sullivan, Khan and Noriega absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Irene Ortiz, 1109 W. 21st, Houston, Texas 77008 (713-302-7289) appeared and stated that she was a parent of a son who was deaf and today present regarding an incident in February with HPD; that they came to her home in 3 patrol cars and 1 undercover; that they surrounded her home with guns drawn and she could not believe this on two young adults whose crime was not a robbery or murder; that she explained they were deaf and they did not care, she said she could interpret and was told to keep quiet and no interpreter was provided and he was handcuffed behind so he could not sign; that Officer Moreno was very rude to her and said stay back; that nine years ago, March 3, 2002, there was supposed to be a justice department settlement why was that not enforced. Mayor White, Council Members Sullivan, Khan and Noriega absent. Vice Mayor Pro Tem Lovell presiding.)

Council Member Jones stated that a group of people came last week and they really did need to do a better job responding to deaf citizens, they needed their hands to respond; that they had been talking of diversity training and that needed to be on the deaf issue as well, this could have gone bad quickly; and Council Member Jones stated that she was sorry she had to come and sorry for what happened to her son. Mayor White, Council Members Sullivan and Khan absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Vice Mayor Pro Tem Lovell, Ms. Ortiz stated that police were there as her son had a misdemeanor and she said he was deaf and they did not offer anyone to help including her; that she was not aware she could file a report with Internal Affairs; and Council Member Lovell stated that was one tool that allowed them to look at their police force and it triggered an investigation and she should do that and if she and her son and interpreter would meet with Lieutenant Gallier who was present at this time, he was with HPD. Mayor White and Council Member Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Rhonda Blair, 32011 Anne Lane, Pinehurst, Texas 77362 (281-259-5297) had reserved time to speak but was not present when her name was called. Mayor White and Council Member Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Mr. John Meneffe, 2122 Creston Drive, Houston, Texas 77026 (713-257-5654) had reserved time to speak but was not present when his name was called. Mayor White and Council Members Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Dwight Allen, 857 Lucky, Houston, Texas 77088 (281-685-4269) appeared and stated that he worked with the Houston Fire Department and was vice president of the Houston Black Firefighter Association; that he had been a captain 12 years and he had a couple of questions regarding fire department management versus labor union, whether they saw a problem with management being a member of the workforce labor union as he saw a conflict of interest; that he thought the fire Chief, his command staff and officers whether it be senior captains, etc., should not be in the union they could start their own; that the labor union had a scab list of members not in the labor union and the majority belonged to the Black Firefighter Union and when your name was on the list you got the worst station, etc., and he wanted to know also if they saw a problem with the list being out. Mayor White, Council Members Lawrence and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Jones, Mr. Allen stated that the scab list was local firefighters who did not belong to the Local 341 Union; and Council Member Jones stated that she would appreciate a copy. Mayor White, Council Members Lawrence and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Khan, Mr. Allen stated that all firefighters do not belong to the union, that this list was those who did not belong to the Local 341 Local Union.

Mayor White, Council Members Lawrence and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Green stated that they had passed out the list in question about two to three weeks ago and all Council Members had seen it, but his question was with the management and the union, he could see where there could be some conflict; and upon questions, and Mr. Allen stated that he did not know particulars but they would have a union for management, officers and then firefighters, two separate unions; that unions were by state law; that you could lose a couple of medical benefits by not being in it. Mayor White, Council Members Lawrence and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that she was pretty familiar with unions and union terms and he was saying this was a scab list and to her someone who was a scab was a nonunion person coming in and performing a duty while a union member was on strike and no one in the Fire Department had been on strike so this was really a list which had gone out of people who did not belong to the union, there was a difference in being a scab; and Mr. Allen stated she was correct it was a list of nonunion members. Mayor White, Council Members Lawrence and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Alvin James, 12250 Villa Lea, Houston, Texas 77071 (281-989-0173) appeared and stated that he was a retired firefighter after 36 years of service and 28 being in Houston; that because of the publicity Houston was getting on racism he thought he would come and inform them of what he experienced; that sometimes he saw firemen talk bad and disrespect citizens as if they were inferior and other times they would just trash their place; that he was once told he was qualified to be in charge, but no Black man should tell a White man what to do and that was just a few things they dealt with in the department; that the Fire Chief and command staff and culture and mentality of doing things was contributing to this, so they were asking the ones to participate in solving the problem and they were the ones contributing to the problem and that was not right and on zero tolerance, they fired a cadet over a noose incident and at the same time just dismissed another cadet for saying he did not want to work in nothing but an all Caucasian neighborhood, was that zero tolerance, but if this was to be resolved it had to happen here at Council. Mayor White, Council Members Lawrence and Sullivan absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that there was no zero tolerance policy they were working on one and she believed the fire chief had to be in the discussion, people in leadership had the chance to change things and there was no zero tolerance citywide and they were working on this city wide for all to be protected; that she brought in chief Flanagan because she had questions about him, but they did have her assurance this would not be swept away. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan and Khan absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENE)

Council Member Adams thanked Mr. James for coming and stated that she wanted to put a challenge to him and his colleagues and that was to help Council; that Council Member Noriega was chair of the Public Safety and she challenged them to come July 27th because they wanted to help make the policies they talked about; and Mr. James stated that there should be education doing away with stereo types and it would need teeth to detour people from violating the policy; that it was hard to change a person's heart but if something was there for demotion or termination you may be able to keep that opinion at home; and Council Member Adams asked that they go back and discuss it and bring back what they thought would be good ideas for everyone in regards to change. Council Members Lawrence, Sullivan, Noriega and Jones absent.

Minister Johnny Jeremiah, 5406 Verma, Houston, Texas 77033 (713-545-3028) appeared, presented information and stated that he had a major problem, a young lady hired him named Ms. Matthews, she was in the doctors office all stressed out and about to lose her house, she was fired, out of 4,000 people working for the Fire Department only 700 were black and the Fire chief was with Local 341 and every time someone complained he recommended to get rid of them, get them fired some kind of way; that he was in Conroe and a young man was hung, they one over a million dollars in settlement, today he was speaking up for people who spoke up for him and now and that was many along with Martin Luther King; and if the chief thought like this and he and others like him came to save them how did they know they would be saved; that the noose was found and they were asking someone qualified be put in his place. Council Members Lawrence, Sullivan and Jones absent.

Council Member Noriega stated that she was the chair of Public Safety and sorry they continued coming and Council and them continued to discuss this; that it was shocking they still had to deal with such an issue and totally understood; that they would be having a Public Safety Committee Meeting on July 27th to discuss this and Captain Karen Dupont was present and had updates on what as going on and if they would like an update; and would move the rules be suspended for the purpose of hearing from Captain Karen Dupont from the Houston Fire Department. Council Members Lawrence, Sullivan and Jones absent.

Council Member Noriega moved the rules be suspended for the purpose of hearing Captain Karen Dupont, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Holm absent due to death in family. Council Member Brown out of the city on city business. Council Members Lawrence and Sullivan and absent. MOTION 2008-0458 ADOPTED.

Council Member Johnson stated that he would like to hear the Captain after speakers on the matter to get their concerns; and Mayor White stated that one issue was if people had this information they could comment on it, but he would go with the flow; and Council Member Johnson stated that he wanted speakers first; and Council Member Noriega stated that she would move to delay hearing Captain Dupont until after the last speaker on the issue. Council Members Lawrence and Sullivan and absent

Ms. Krystal Muhammad, 7125 Reed, Houston, Texas 77087 (713-261-3558) appeared and stated that she was present representing the new Black Panther Party for self defense and in the coalition with the Black Firefighters; that today people spoke on how important signs were and today it was just as important to deal with racism, that was a sign, a sign the city had a problem with racism and it could not be tolerated, tax dollars were being spent and should not go to any department allowing racism; that in 2009 they should not have to come about racist captains, etc., the lynching was about Black people and the word picnic came from the old south when every week they would pick a Niger and lynch them and people would put on their Sunday best; that racism was a problem in Houston and Texas, she lived in Council Member Rodriguez district; that the scab list was a blackball list and this policy needed to stop and it needed grit in it and it needed to cover all departments. Council Members Lawrence and Sullivan and absent

Council Member Noriega stated that she never ceased to be amazed how the power of words could hurt people; that all were welcome to the meeting to discuss this. Council Members Lawrence and Sullivan and absent

Council Member Jones stated that she was looking at what appeared to be an order from Chief Boriskie and she would like to see this across the board and although it did speak of artifacts and symbols which were offensive and not permitted on city property and it talked about disciplinary action, she still did not think of this as zero tolerance and it was discretion

and again she would implore zero tolerance meant zero tolerance, if someone could be fired for smoking a blunt which was a lot less harmful in such work environments, this needed to be revised. Council Members Lawrence and Sullivan and absent

Upon questions by Ms. Muhammad, Mayor White stated that under procedures established by council this was a public session where the public could comment and Council Members could ask questions and that was the rules of the body; and whoever told him he brushed it off he would say they were not a reliable source of information. Council Members Lawrence and Sullivan and absent

Ms. Cynthia Pharms, 6122 Caviler, Houston, Texas 77087 (713-734-5606) appeared and stated that he was present on police brutality of the Terrance Brown case; that she went before the Grand Jury Hearing and the DA had a witness who was supposed to be for her and others, but he took him around the corner and highlighted what he wanted him to say and she told him he better go into court and do what God wanted; that she pulled up statistics over the last five years of police brutality in the City of Houston which she discussed; and stated that now when they got stopped by police they were scared. Council Members Lawrence, Johnson, Sullivan and Khan and absent

Council Member Adams stated that Ms. Pharms could continue; and Ms. Pharms stated one officer was No Billed, those people had families and were grieving and she wanted Council to retrain officers and have them stop shooting people like it was Open Buck Season. Council Members Lawrence, Johnson, Sullivan and Khan and absent

Ms. Jean Wilkins-Dember (MHS), 2612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared and stated that she was present standing up for a healthful workplace and a zero tolerance police, an outline for a healthy workplace was in order and all staff and citizens should be given equal opportunity and equal respect; that all too often a violent dysfunctional response to color and cultural difference made the work environment unhealthy and it must stop and cultural counseling must be mandated to eradicate the psychosis of White racism/White supremacy; that in the Latino Community she noticed the white collarism which went on there. Council Members Lawrence and Sullivan and absent

Council Member Noriega moved to hear from Ms. Karen Dupont at this time, seconded by Council Member Khan. Council Members Lawrence and Sullivan and absent

Council Member Lovell moved to take Ms. Jeanette Rash out of order; and Mayor White stated that Council Member Noriega was seeking to suspend the rules as ordinarily done to allow individuals to speak and inform council and they could take that up and ...; and Council Member Jones stated that Mr. Smokie Philips had been moved down to speak with the firefighter group and she thought the motion was for Captain Dupont to speak after those speakers; and Mayor White stated that he did not want someone to speak and then speakers say they had no chance to comment on what was said and they routinely did this; and Council Member Noriega stated that she thought this would be helpful; and Mayor White called for a vote on the motion. All voting aye. Nays none. Council Member Holm absent due to death in family. Council Member Brown out of the city on city business. Council Members Lawrence, Clutterbuck, Adams, Sullivan and Rodriguez absent. The motion was handled by consent as no quorum was present. (NO QUORUM PRESENT)

Mayor White stated that Ms. Rash would be taken after the last speaker on the subject, after Mr. Otis Jordan; and Council Member Khan stated that he had tremendous respect for all his colleagues and they could move people up and down, but people had been waiting since 1:30 p.m. and in line and as soon as their name was about to come up others were moved

ahead of them and he would just ask that they be respectful. Council Members Lawrence, Clutterbuck, Adams, Sullivan, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Assistant Chief Dupont appeared at the Council Table and stated that there had been a great deal of questions on this particular topic, on February 13, 2009, members were participating in a community outreach project from the public affairs office at the Fire Station and while sitting in the office in a partially opened locker they noticed a noose hanging in the locker and the information was brought back to the office where it was shared and sought advice on how to handle it, he maintained their confidence until they decided how to proceed and the Fire Chief was later informed by Captain Jordan about the noose; that the Fire Chief had a good interactive relationship with the elected leaders of both the association and local 341 for the last 5 years and he did seek their counsel as they were the elected of the body and in discussing it with Captain Jordan he repeatedly voiced lack of confidence in process of investigation through staff and office of Inspector General and opposed to filing a complaint he and the Fire Chief agreed immediate action would be better served in this case and an Assistant Chief and Deputy Chief were sent to the station to speak to the station and upon examining the contents of his locker a noose was discovered hanging on a hook behind a towel, there was not good reason for this, however, after talking with the captain he did not appear to have any ill intent, he did not brandish it, he did not threaten anyone, he made a decision to tie a knot in an offensive manner and hung it in his locker where it sat apparently several years and it was not a smart thing to do; that after visiting the captain the options were a notation in his personal file, verbal counseling and while he was basically culturally ignorant this point he was well aware of what was hanging in his locker and he was upset and remorseful, many worked with him and found him to be a good officer and good leader and enjoyed working with him, he had served his community well for 29 years; that guidelines and policies were vague when referencing symbols and artifacts and they had many types of diversity training, but primarily on interpersonal communication skills and harmony in the workplace, but she did not recall an in-depth of symbols and artifacts being covered as a topic and that would be corrected; that policies were in place as referenced by Council Member Jones which went out June 3rd to all employees, having them review the Mayor's Executive Order 1-20, 1-8, Rules and Regulations Sections 8 and 9 governing workplace relationships and included additional language in the order of symbols and artifacts which were offensive not being permitted in stations or on city property and they were working with the Legal Department to draft specific language to be inserted in the next update of their rules and regulations for permanent reference, this was policy and guidance for 4,000 employees of the City of Houston and potentially for other departments who wanted to take their guidance; that every month firefighters were to complete continuing education programming and this month was diversity awareness; that Council Member Johnson offered an amendment redirecting \$60,000 dollars out of the FY10 budget for other programming to devote toward diversity training and they were considering several options on how best to expend the funds and how to best use the tax dollars to educate the workforce; that they were also working with Affirmative Action Department to develop face to face training and they would come out and instruct all on workplace behavior and relationships over the next year; that the Fire Department was unique because of their work environment living and working together and they were respectful of those in the communities and people they served and it was a privilege and honor to do the job; that their steps were positive and reflected progression of the Administration. Council Members Lawrence, Sullivan, Rodriguez and Green absent.

Council Member Noriega stated this did matter and they did understand; that she did apologize to all who spoke today for things which happened in their lives and having said that the Fire Department was taking steps to address it and they wanted to be open and share what was being done and they would take as long as needed; that July 27th, Monday at 3:00 p.m. all were invited; that it was not right to be disrespectful or railroad someone and this would be dealt with. Council Members Lawrence, Sullivan, Rodriguez and Green absent.

Council Member Clutterbuck stated that to her a noose was a horrific symbol and it was surprising they would need to do diversity training to inform people they should not have it, but the message was clear there should be no toleration and this was a good opportunity for all to teach what they found offensive; that a comment was made here earlier and she would like to clarify, the comment was on the word "picnic" and she looked it up and checked the etymology of the word and picnic did not relate to what the public speaker originally said and she would urge... it was a myth started in 1999 with an email, it originally came from the first publication was in French literature in the late 1600s and it was important they have an honest careful dialogue and those who use the word "picnic" were not trying to cause stress to others and her other thought was she was happy Council Member Noriega was calling the committee meeting and that Council Member Johnson passed funding for diversity training and the ultimate goal for all was to ensure public safety of all citizens. Council Members Lawrence, Sullivan, Rodriguez and Green absent.

Council Member Jones stated that when Assistant chief Dupont spoke she said the officer was culturally ignorant and she did not even know what to say to that one, this was Texas and all knew what a noose meant; that in dealing with problems you need to admit them and move forward and not make excuses; that if this captain was entitled to a hearing then the other officer with all his accommodations deserved one to, fair should be to all; that she saw the general order of June 3rd and it was not zero tolerance and she needs to understand why if they had zero tolerance for smoking a blunt there was no zero tolerance for something else, hate killed; that nooses were bad and she did not even want to get into cutting off digits, penises, ears, fingers, etc., they were burned, it was a sporting event and their pieces were trophies; that she was trying to work with them, but could not work with people making excuses; and Council Member Lovell brought up a point of order; and Council Member Jones stated that Council Member Lovell spoke to those she wanted and shut down everyone else there was no excuse for cultural ignorance; and Mayor White called point of order and stated that for citizens who may disagree with views of others rules of public support had been adopted by Council and the respect starts with that observation and those rules. Council Member Lawrence absent.

Council Member Johnson stated all had been said here today and it was an emotionally charged topic and taxing on all involved and while they may not agree whole heartedly with tactics used or approaches used to get a message across he thought it important to look at facts and that was all they should look at and in all due respect it was not the responsibility of the Fire Department to try and defend actions of one individual but to enforce the philosophy of the department; that he received many calls who all said great things about Captain Smith and he never met him but he was not here to judge his character only the incident which took place and that was the responsibility of the Fire Department to do the same; and again asked people not to be focused on tactics or emotions but facts on the table. Council Members Lawrence and Jones absent.

Council Member Adams thanked all for coming and thanked all the firefighters who came to be heard and thanked Chief Boriskie for having an ear and making sure Chief Dupont came; and to chief Dupont when they met on the 27th she would like to see some things put in place along with it; that policies were written on how a department should operate but like Council Member Johnson stated and others she wanted policies with teeth in it, she wanted spelled out what would happen if certain things were found and then there would be no ifs, and or buts and let them move forward; and on reporting in policies if she saw something and maybe reported it to someone who was not next in line she should not be fearful of being reprimanded; and Mayor White stated that she had always reminded them they had many employees and were only as good as their employees and there must be fair procedures

applicable to all and he hoped she could participate because of her perspectives. Council Members Lawrence and Sullivan absent.

Council Member Khan thanked Captain Dupont for her presentation and there were serious management issues in the Houston Fire Department; that this said no one had any ill intent by having the noose, but how could someone come to the conclusion that someone with a noose did not have an ill intent; that he had a problem and he should have learned and they needed to learn how the management would deal with this in moving forward because they could not have a Fire Department with something so offensive and tomorrow it may be swastikas, here were serious issues and it appeared management was trying to sweep it under the rug; and he would be fearful of many things if his name was on a list. Council Members Lawrence and Rodriguez absent.

Council Member Lovell stated that there was no reason a noose should be anywhere including a fire station, but if they fired the captain it would not solve the problems in the department, it would only remove one person with the problem; that a no tolerance policy was not going to stop anything from happening and the best way to work with these issues was better training and to Council Member Johnson she thanked him for his amendment and thanked the Fire Department for finding \$60,000, but this was a matter of how could they never face this discussion again, women used to face much discrimination; that on line training was not going to get it on diversity, it should be a face to face interaction discussion, education about how others were different and viewed symbols and words in another way and see how they could live together and they needed training and was looking forward to the meeting. Council Members Lawrence and Rodriguez absent.

Mayor White thanked all on the discussion and Assistant Chief Dupont for coming. Council Members Lawrence and Rodriguez absent.

Mr. Smokie Philips, 333 Fannin #108, Houston, Texas 77002 (832-654-8839) appeared and stated that he was president of the Black Deputies Organization in Harris County and he always thought the city was ahead of the county in the race and fair treatment until he heard about the noose incident; that Judge Emmett told him in Harris County if any employee displayed a noose on Harris County property he would be fired immediately; that the Chief said it was just an ignorant incident, but you really had to see the picture to know what it meant and when he was a patrolman years ago he was called to a man hanging from a tree in Ft. Bend County with a noose around his neck and if you saw that you would understand why the noose was so serious. Council Members Lawrence, Sullivan and Rodriguez absent.

Council Member Green asked Mr. Phillips to continue; and Mr. Phillips stated that their organization thought Sheriff Thomas was one of the most racist Sheriffs in Harris County, but one day a White Sergeant came into the jail with a KKK card and called cell inmates niggers and when it got to the Sheriff he immediately fired him so Chief Boriskie failed to govern and failed to lead because the captain should have been fired. Council Members Lawrence, Sullivan, Rodriguez and Jones absent.

Mr. Otis Jordan, 7663 S. Glenwillow, Houston, Texas 77048 (281-723-3700) appeared and stated that Chief Dupont he was glad to see, but with the seriousness of the issue Chief Boriskie was the one who should be present, he was the responsible party; ignorance of rules and regulations in the Fire Department was no excuse, you must understand and comply and they did not comply; that under the Mayor's Order, Number 20, supervisors or managers who failed to act on allegations of evidence of discrimination based on race, ethnicity or gender should be considered for discipline; that the incident was February 13th and on the 17th an Executive Assistant Chief was informed and he knew what he was supposed to do. Council Members Lawrence, Sullivan, Rodriguez and Jones absent.

Upon questions by Council Member Green, Mr. Jordan stated that the procedure for Chief Flannigan should have been to immediately call staff service of the OIG because it was of a discriminatory nature and that should have been the end of the story, he knew the policy and failed it and when they informed Chief Longoria it should have been the same thing and that was why they were asking for demotion for both, the day they knew Chief Boriskie should have known also, they played a game a month later with him saying they did not know that he just told them and all they could do now was talk to them because of the 48 hour notice and today he was asking the Mayor for an investigation by the OIG backed up by the chairman of the Safety Committee in the allegations of covering up a discriminatory act by Chief Flannigan and Chief Longoria and findings brought back to them; that they said he received an entry on his personnel file and that was not a letter of reprimand, he got the most minor infraction he could get, an entry on his personnel file so this was just a game; and he displayed a noose stating they wanted a better Fire Department with justice and equality for all. Council Members Lawrence, Sullivan, Rodriguez and Jones absent.

Ms. Jeanette Rash, 2104 Lyons Avenue, Houston, Texas 77020 (713-228-8872) appeared, presented information and stated that today she wanted to give information; that the next days could be dangerous situations because of temperatures, the public was at risk and she wanted to try and make people aware; that tow operators shoes were even sticking to the pavement and people needed to be aware of their situation, no one ever planned to break down on the freeway, but every person in a vehicle should have a bottle of water and have a sign stating "SEND HELP" and stay off freeways with bad tires or hoses and when you see someone broken down or being assisted by a tow truck driver you should move over; that one tow truck operator was lost in the U. S. and four in Texas within a year; that she just wanted everyone to be aware. Mayor White, Council Members Lawrence, Sullivan, Rodriguez, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Rash for her patience and for her PSA; that no one usually thinks about stranded car safety and they appreciated her being an advocate for the program and giving all the right precautions. Mayor White, Council Members Lawrence, Sullivan, Rodriguez, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Johnson thanked Ms. Rash for coming; that she was tough and fair and this was great information; that he saw nothing in the information giving her an advantage; that she stayed all this time just to give out information and he did appreciate it; she had done much in helping the image of the tow truck driver. Mayor White, Council Members Lawrence, Sullivan, Rodriguez, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Ms. Rash called her upset this week because of a Bill vetoed by the Governor; and upon questions, Ms. Rash stated that Senate Bill 488 was vetoed by the Governor and she was very upset because it would have required motorists to put three feet between the tow truck operators on the freeway and it protected many vulnerable road users and it was her major Bill this session and now they had to figure another way to educate the public on dangers; and Vice Mayor Pro Tem Lovell stated that she also wanted all to know if stranded to keep their car doors closed; that over the past week a drunk driver hit the tow truck which hit the car with the door open and the woman flew out of the car and was killed; and thanked Ms. Rash for coming with the information which they would mention again tomorrow in Pop-off. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Rodriguez, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Carlos Solis, 309 Drew, Houston, Texas 77006 (713-520-9876) appeared and stated that he lived in the Bagby area and wanted to clarify he was not asking for zoning or to close specific businesses but was asking through their actions and not through their words to support families living in the Houston area who were affected by bars and late night entertainment venues in residential neighborhoods; that Mayor White stated to him in an email that he knew tension was between live entertainment and neighbors; but the reality was the tension originated here in Council not with the neighbors and bars as it was Council who did permitting regulations and ordinances for such establishments, they opened three feet from neighbors windows and there was poor parking impeding access to emergency vehicles, etc., it was Council's responsibility; that there was noise regulations which totally discounted subwoofer sound and deep base sound from what police could measure and allow bars to bombard their homes with noise night after night until 2:00 a.m.; that they basically ignored residents and favored businesses and could not understand how this happened, police had no tools and he was asking for neighborhood friendly regulations. Mayor White, Council Members Lawrence, Sullivan, Rodriguez, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Vice Mayor Pro Tem Lovell, Mr. Solis stated that the establishment address was 2708 Bagby, the Union Bar, but it was not the only such bar in the city and he was not speaking just for himself; Mr. Solis knocked once on the podium and stated to hear that it was acceptable, but to hear knock after knock after knock for four hours which was below the decibel limit imposed; and Vice Mayor Pro Tem Lovell stated that she had a notice from Citizens Assistance which stated that they were looking at specific nuisances at the address to see what could be done; that an ordinance was a much longer process but they were looking at licensing, etc.; and upon further questions, Mr. Solis stated that they had not filed with the TABC, they were at a townhall meeting with Council Member Adams and was told the license could be taken away but it would just reopen in another name, so it did not help them. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Rodriguez, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Mr. Solis for coming and he and his wife for participating in the Midtown Public Safety Meeting because much information was shared; that HPD along with METRO and the Constables Office were working together in the area to try and control things. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan, Rodriguez, Noriega and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Mr. Lonnie Marquent, 5006 Weeping Willow, Houston, Texas 77092 (713-688-2679) appeared and stated that his main concern was Neighborhood Protection and their inability to respond in a timely manner; that when you reported a house falling apart it was inspected quick, but about trash it took two weeks and by then it was less than five days before heavy pickup so it was not a violation; that he sent emails to Stephanie Mingo Byrd with Neighborhood Protection and he could not leave an email because the email box was full; and his basic concern and question was that they thought there was no reason to complain as nothing was done. Mayor White, Council Members Lawrence, Clutterbuck, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Noriega stated that Neighborhood Protection was a source of much discussion during the budget hearings and they were hiring people to fill positions and

reworking how they were doing things; that Mark Curran was now in charge and they were trying to get it where it needed to be and if he wanted to call his District Council Member or her office they would work on his specifics. Mayor White, Council Members Lawrence, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Joe Minavi, 7938 Wright Road, Houston, Texas 77041 (713-856-8500) appeared, presented information and stated that he came to the U. S. at 17-1/2 years old and became a citizen at 25; that Houston had been his home the last 30 years and he came because of opportunity and freedom the country had to offer; that he started a company with two employees in 1980 and they were an electrical sign contractor since 1985 and today he had over 70 people and was present today to voice opposition to the proposed change to the City of Houston's Chapter 46 Sign Code which would have a negative effect on the way they did business and which would have a trickle down affect on other businesses; that over 300 companies were involved in the sign industry in the greater Houston area and he strongly believed something needed to be done to improve the appearance of the city but not to those extremes and urged they not accept changes to the sign code and instead encourage the taskforce to find a way for the existing code to include requirements which would enhance the signage to make them more attractive and he provided examples of completed work in his presentation. Mayor White, Council Members Lawrence, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Khan, Mr. Minavi stated that reduction in size would not be readable; that the current code was good but needed more enforcement; and Council Member Khan stated that a taskforce worked on the changes; and upon further questions, Mr. Minavi stated that they were aware of the meetings, but they believed, as a sign association, that the person speaking had many personal issues and one day wanted to be a Council Member or Mayor and they did not believe him to be correct. Mayor White, Council Members Lawrence, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Clutterbuck stated that she wanted to thank all who remained and for their patience. Mayor White, Council Members Lawrence, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that she wanted all to know the sign ordinance was pulled from the Agenda and the final version just went out and was available and it would not be on the Agenda until all had a chance to view it; and Mr. Minavi stated that he had seen it and the City of Houston was allowed to put as large an LED sign ...and could replace it with one as large or better so why was it only for the city and businesses did not have the same rights to generate business as the city thought they needed for business. Mayor White, Council Members Lawrence, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that was in her committee Quality of Life and her chief of staff was present and they would be happy to sit and talk and discuss issues. Mayor White, Council Members Lawrence, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Mike Drake, 2603 Joel Wheaton Road, Houston, Texas 77082 (832-212-2518) appeared and stated that they made LED signs and supported the sign industry and small businesses and it was a challenge to build a good LED sign, many things had to be done to make them perform well and in reading through the proposed draft there were several qualifications on messages you could pull up including no pastel colors, no white backgrounds, etc., it specified use of colors and it occurred to him someone with knowledge of the sign industry had written into the draft specifications which would make it such only poorer

quality signs could be used and visitors to the area would wonder what was missing here, why other cities had good quality signs, for instance in New York City they had Times Square and people came from all over the world to visit Times Square and Houston had no Times Square and while Houston was trying to be progressive and get big businesses, etc., they were going in the wrong direction and in looking at the list of people on the taskforce they were primarily representatives of anti billboard organizations and billion dollar real estate companies and three were from the City of Houston, one from the sign association seemed to not speak for those in the sign industry; that sign companies wanted to sell to small businesses and many others wanted to sell their products and if not they went out of businesses. Mayor White, Council Members Lawrence, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan stated that Mr. Drake should continue; and Mr. Drake stated that when driving from the airport into the City of Houston down I-45 and you saw a deserted car dealership, etc., they stuck in your mind, but if you saw one spectacular sign with the beautiful colors they could make with LEDs today they instead would stick in your mind; and upon questions, Mr. Drake stated that he gave no input he had come to Council when they discussed special permits to be issued and they were tabled and there was discussion of a new sign ordinance being put together and in the discussion they were assured it would be rewritten but he was told this would not be happening when he wanted to give input. Mayor White, Council Members Lawrence, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that it would not be on the Agenda and if he did not have the final version they would get it to him and if he wanted input he could call her office and her chief of staff was present, but to be clear they were not banning LED signs. Mayor White, Council Members Lawrence, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Richard Rothfelder, 1201 Louisiana #550, Houston, Texas 77002 appeared and stated that he was the counsel for the Greater Houston Sign Association and had with him today the board of directors and several members and asked them to stand to be recognized; that the Greater Houston Sign Association consists of hundreds of on premises sign contractors, customers and users and they asked him to present their position, they believed recommended regulations went too far and called for significant sacrifices; that the Mayor stated earlier people wanted more restrictions and some wanted less and it was their job as the legislative body to find that consensus; that the Mayor Pro Tem had done a good job in the Quality of Life Committee of balancing the diverse interests and the Greater Houston Sign Association worked within that framework in sending a representative to the taskforce and constructing compromises leaning towards the taskforce recommendations and they did not agree with everything and he wrote a letter a month ago stating several exceptions the Sign Association had and they had three more exceptions to the ordinance as drafted and presented yesterday which included the ban on digital signage adjacent to local streets, they needed definition to what that was and suggested it being too strong; that they should at least exempt churches and schools, homeowner associations and YMCA which was on local streets and had used such signs for years and needed to continue. Mayor White, Council Members Lawrence, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Clutterbuck thanked Mr. Rothfelder for coming and stated that the membership was well represented by him; that he was also Mayor of Southside Place and knew the struggle they faced; that she appreciated constructive changes; and allowed him to continue reviewing their changes; and Mr. Rothfelder stated they needed to provide a variance procedure and on whatever passed have a moratorium on regulations until they see

how this worked. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he heard many times people who did things in the interest of business had big business involved and they would do worse when the small guy was involved, they were pro business for the big guy and he hoped they did not make rash decisions and did consider economic impacts. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that color regulations, etc., were removed and there was a definition for local streets and she had a long meeting today with HISD and discussion of churches was ongoing and she felt they could figure how the signs could be used and be safe and it would not be on the Agenda this week, they wanted all concerns heard and her office was open to him. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Bill DeArman, 8723 Fallbrook, Houston, Texas 77064 (832-678-3017) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Margaret Gondo, P. O. Box 7114, Houston, Texas 77248 (713-743-1924) appeared, presented information and stated that there was a fine line between embellishing the facts and flat out lying and it had been crossed by the Department of Health and Human Services; that through the Texas Open Records Act she discovered there were more qualified applicants to open positions at BARC than DHHS would have you believe and that dispelled the myth no one was willing to work at an animal control facility with a high euthanasia rate, low budget and bad reputation and employees with atrocious work records were systematically retained, defended and protected by management through flawed investigations and employees with strong reviews on paper were consistently incompetent on the job at BARC and managers would say they were trying to clean house, but those who were competent were set up to fail because they were not given support to do their job; that Steven Williams, Annise Parker's Office and Office of Inspector General were apparently exempt from the Open Records Act since all her request for information were denied or ignored or half hazard filled and she was pleading with Council to do the right thing and hold people accountable, practice true transparency, give animal control officers a raise, etc. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Hilda Duffer, 8917 South Gessner, Houston, Texas 77074 (832-260-7430) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Earline Lee, 1605 Bluebonnet Place Circle, Houston, Texas 77019 (713-652-5741) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Joyetta Young, 1605 bluebonnet Place Circle, Houston, Texas 77019 (713-652-5741) appeared and stated that her son Terrance Brown was murdered last year by a Houston police officer and this year she saw the officer and asked for an apology and he said no; that she cried daily and her son was no threat to anyone; that the newspaper stated he

had a gun, but a gun was never found and he was shot in the back two times and in the head and she wanted to know why the officer was still on the force. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she wanted to say how sorry she was for the loss of her son, she was a mother also, she was looking at notes which said the officer was no billed by the Grand Jury and the Internal Affairs found the shooting justified, there was nothing Council Members could do in any way, they had no jurisdiction over the grand jury and IA found it justified and they had no say over that; in hr heart she wished she could give her better news, but all she (Ms. Young) could do would be to go back to the Grand Jury and give evidence or to HPD for another investigation; and Ms. Young stated that all her son had was a shiny cell phone. Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Green, Ms. Young stated that Cynthia Pharms and other people were telling her what she needed to do because too many police were killing Black young people in Houston and it was time for a change; and Council Member Green stated that there may be other avenues and he was not encouraging anything one way or the other but he hated to see her going down the wrong trail. Mayor White, Council Members Lawrence, Adams, Sullivan, Khan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Fredrick Metoyer, 2525 Windrock, Houston, Texas 77057 had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Khan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Olevia Randle, 6023 Beldart, Houston, Texas 77033 (713-333-2348) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Khan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Benjamin Calhoun, 8510 North Main, Houston, Texas 77022 (281-866-0987) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Khan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Lois Myers, 9701 Westview Drive, Houston, Texas 77055 (713-461-7447) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Khan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

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

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was thanking Council Member Johnson for his good work, he had spoke good words; and she would be glad to be in his meeting if he let her know and today she was present for the "Y" and looking for the funding. Mayor White, Council Members Lawrence, Adams, Sullivan, Khan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 6:33 p.m. City Council recessed until 9:00 a.m., Wednesday, June 24, 2009. Mayor White, Council Members Lawrence, Adams, Sullivan, Khan and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, June 24, 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, Edward Gonzalez, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Ms. Michele Mitchell, Director, Finance Department; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:32 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:21 Mayor White called the meeting to order and requested the City Secretary to call the first item. Council Members Clutterbuck, Sullivan, Khan and Jones absent.

1. ORDINANCE canvassing the returns of the City of Houston Runoff Election held on June 13, 2009, for the purpose of filling a vacancy in the Office of Council Member, District H, on the Houston City Council; making various findings and provisions related to the subject; declaring the Official Results of the Special Election; providing an effective date – was presented. All voting aye. Nays none. Council Members Clutterbuck, Sullivan, Khan and Jones absent. ORDINANCE 2009-0574 ADOPTED.

At 9:24 Mayor White administered the Oath of Office to Council Member Edward Gonzalez. Council Members Clutterbuck, Sullivan, Khan and Jones absent.

Members of the City Council and the City Controller congratulated Council Member Gonzalez and welcomed him as the new City Council Member for District H and recognized City and County officials and family members of Council Member Gonzalez in the audience. Council Members Clutterbuck, Sullivan, Khan and Jones absent.

Council Member Gonzalez stated that he wanted to thank Mayor White and stated that it was truly an honor to be sitting here today joining them, that he was extremely honored to be serving under Mayor White's administration and with his colleagues on Council, and especially to do the hard work that was necessary in District H, that being a native Houstonian and being born and raised in District H it was truly an honor being here today, that he remembered as a young child, and his mom was in attendance, when he received a proclamation from former Mayor Louie Welch proclaiming his birthday as "Edward Gonzalez Day" and it was such an honor for his family and now to be here in the Chamber and representing the City and his district was truly an honor; that he would not be here, obviously, without the help of many folks with him, that he wanted to start with his beautiful and supportive wife, Melissa, who was in attendance, that he was her biggest fans as well, she came from one of the poor school districts in the State, as he had often mentioned, and through hard work and determination, had earned her PHD and was a professor at the U of H Clear Lake, that he was very honored to be with her; and also his wonderful family, his Mom, of course, who gave him the guidance,

that his Dad was not with them anymore, but his mother, Alice, a small business owner who had the wisdom to raise her family in District H and grow a small business, to his sister Yolanda as well, and their daughter Erica, who joined them as well; that to all of his supporters and friends, the former elected officials and current elected officials, to the Sheriff, Adrian Garcia, who helped pave the way for him and taught him a lot about City government, about leadership, about the role, the importance about being a strong Council Member, that he thanked him for that mentorship, that to all his friends and supporters who helped make the journey a possibility, that helped throughout his campaign and just offering their support and guidance along the way he thanked them; that again he was honored to be here today and looked forward to serving, hopefully, for many years, and looked forward to being a good advocate for his community, District H, always keeping in mind that he worked for them and served them and hoped to always continue with that humbleness and mindset that he worked for them and would always be a strong advocate for his community and looked forward to working with each and every one of them around Council; that he wanted to recognize his Chief of Staff, Tanya McConney and Jason Cisneros, that as was mentioned they did a terrific job as well holding down the fort along with other employees in the District H office, John Daniel, Prince and Dawn Thomas. Council Members Sullivan, Khan, Holm and Jones absent.

Mayor White stated that he wanted to voice the concerns of the community for a moment and then ask people to join them in prayer, that some of them were there last night when they lost an officer who had served very ably the citizens of the community, that it was not the easiest but it was perhaps one of the most memorable in a sense when the Mayor was in the room when an adoring wife and devoted children learn of the passing of their father, that Officer Canales's son, when he asked him in those moments to describe his Dad in his words said that he was somebody who always tried to serve other people and do something for others every day, that his daughter said that he loved his job every day when he went to work and did public service, and asked if they could join him in a prayer. Council Members Sullivan, Holm and Jones absent.

HEARINGS - 9:00 A.M.

At 9:48 a.m. Mayor White stated that they would move to the public hearing. Council Members Sullivan, Holm and Jones absent.

2. **PUBLIC HEARING** relating to the Retail Water & Sewer Rates of **NITSCH & SON UTILITY COMPANY, INC** to determine just and reasonable rates to be observed within the City of Houston – was called. Council Members Sullivan, Holm and Jones absent.

The public hearing relating to the Retail Water & Sewer Rates of Nitsch & Son Utility Company, Inc. was recorded and transcribed by Carol Davis, Reporting, Records & Video, Inc., a copy of which is on file in the City Secretary's office for review. Council Members Clutterbuck, Holm, Brown and Lovell absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck, Holm, Brown and Lovell absent. MOTION 2009-0459 ADOPTED.

- 2a. ORDINANCE relating to the Retail Water and Sewer Rates of **NITSCH & SON UTILITY COMPANY, INC**; approving an increase to the rates that shall constitute the legal rates of Nitsch & Son Utility Company, Inc within the City of Houston until changed as provided by the Texas Water Code; providing for the filing of rate schedules and tariffs; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a repealer **DISTRICT B – JOHNSON** - was presented. All voting aye. Nays none. Council Member Brown absent. ORDINANCE 2009-0575

ADOPTED.

Council Member Lovell moved to suspend the rules to consider Item Numbers 3 and 4 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-0460 ADOPTED.

3. CONFIRMATION of the appointment of **MR. KASE L. LAWAL** to Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two-year term - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0461 ADOPTED.

Council Members Holm, Lovell, Rodriguez, Khan, Adams, Lawrence, Johnson, Green and Jones congratulated Mr. Lawal on his appointment to Position 3 on the Port of Houston Authority of Harris County and thanked him for his continued service to Port of Houston.

Mayor White stated that he wanted to thank Mr. Lawal for his service and he knew the respect that he and other Council Members had for him and his willingness to serve in this position.

Mr. Lawal stated that he wanted to thank Mayor White for his distinguished leadership of the City, that more importantly he wanted to thank him and the Council Members of the City for the selfless service that all of them had provided for them especially in these very difficult times, that he appreciated their support.

4. REQUEST for confirmation of the reappointment of the following to the **HOUSTON DOWNTOWN PARK CORPORATION BOARD OF DIRECTORS**:
 - Position Three - **MR. ALI SABERIOON**, for a term to expire 6/30/2011
 - Position Four - **MR. BRADY F. CARRUTH**, for a term to expire 6/30/2011
 - Position Five - **DR. LARRY R. FAULKNER**, for a term to expire 6/30/2012
 - Position Six - **MS. MACONDA B. O'CONNOR**, for a term to expire 6/30/2012
 - Position Seven - **MS. NANCY G. KINDER**, and to serve as Chair, for a term to expire 6/30/2012

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0462 ADOPTED.

Mayor White and Council Members Holm and Lovell congratulated the new appointees to the Houston Downtown Park Corporation Board of Directors, thanked them for their service to the City of Houston and asked that they stand and be recognized. Council Member Adams absent.

Council Member Lovell moved to suspend the rules to consider Item No. 55 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0463 ADOPTED.

55. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Director General Services Department (i) authorizing the sealed bid sale of Parcel SY9-080, known as the Heights Recycling Center, located at 3602 Center Street at Harvard, (ii) determining a public need for an alternative recycling center site, and (iii) appointing two independent appraisers and an alternate appraiser to determine the fair market value of Parcel SY9-080 - **DISTRICT H - GONZALEZ – (This was Item 39 on Agenda of June 10, 2009, POSTPONED BY MOTION #2009-330)** – was presented. Council Member Adams absent.

Council Member Gonzalez moved to postpone Item No. 55 for three weeks, that it was one of the important issues facing his district at this moment, that he was definitely supportive of recycling but the community was voicing some concern at this time and he would like additional time to obtain those answers, that they were concerned not only about the potential sale of the property but also a suitable replacement nearby, that he would like to work through those issues and possibly have a townhall meeting some time soon, seconded by Council Member Clutterbuck. All voting aye. Nays none. MOTION 2009-0464 ADOPTED.

MAYOR'S REPORT

At 10:48 a.m. Mayor White stated that he was sharing information that might be helpful, that last night before he was called to the hospital following the public session yesterday, which many of them participated in the public session yesterday, he asked himself how he might improve in his job of being a leader who sought to unite and heal and make people listen to each other, that it was not always easy, it was a job of civic leadership, which was not only the Mayor's and not only elected officials but certainly it included the Mayor and elected officials, those elected At Large and from single member districts, that the fact was that without listening to each other and treating each other's views with respect, trying to get to the facts with a sense of justice but dispassionately in looking at facts, that it would be difficult for them to continue the remarkable progress in bringing the City together, that he sought some guidance through scripture and writings of some great American leaders, but he came up with something that really helped him and would commend it to them for what it was worth, that as people, whether he was here or others here dealt with issues involving strong emotions and anger and how they united, that it was a speech about 15 months ago by an American leader and this was what he said, "I believe deeply that we cannot solve the challenges of our time unless we solve them together - unless we perfect our union by understanding that we have different stories, but we hold in hopes; that we may not look the same, that we may not have come from the same place, but we want to move in the same direction - towards a better future for our children and our grandchildren", that in that same speech then Senator Obama did about as good a job as he had ever seen in articulating the various sources of fear and anger often repressed, often based on a history, which could not be re-written, that he talked about real anger from memories of humiliation, doubt and fear, part of an African American Community with scars from a history of racism, that he also, in that speech, referred in words more eloquent and more lengthy than he would quote here, the anger of other Americans who in his words did not feel they had been particularly privileged by their race or who feared that others might receive special treatment on an account of injustice that they themselves did not commit, that their President, at that time a Senator, called on their people to have a firm conviction like his, a conviction rooted in his faith in God and faith in the American people, that in working together they could move beyond some of their old racial wounds, and that in fact they had no choice if they were to continue on a path to a more perfect union, that he could not paraphrase all of his speech and do justice to it, that they were in a remarkable time in the City at this time and place and as they dealt with issues where they would not only those about which they heard in public session yesterday, but there would be those tomorrow where many people asked them, where they had to take into account their history and where they must have the strength to remind people not to judge the many for the few, that it occurred in many context, many different context, that it occurred to new residents of their community and new residents of America, that it occurred to those who were victims of crime and blame not just the criminal but others and he would just ask and comment to his colleagues the words of their new President, whether they support him politically or not, whether they voted for him or not, that he thought one of the hopes for America was that they had leaders who were able to talk about issues with calm and with reason and bring people together and seek to unite and when they had issues where those involving the passions of the community, let them like him not neglect those passions and not pretend as though they did not exist, not ask people to repress their feelings and their angers, but let them be those leaders who brought people to

view the future and bring to unite and heal old wounds. Council Members Adams and Lovell absent.

Mayor White stated that they would move to the consent agenda. Council Members Adams and Lovell absent.

CONSENT AGENDA NUMBERS 3 through 54

MISCELLANEOUS - NUMBER 5

5. Omitted

PROPERTY - NUMBER 9

9. RECOMMENDATION from Director General Services Department to appoint Gerald A. Teel and Jack W. Bass independent appraisers to determine the fair market value in connection with the sale of 2.999 acres of land located at 3630 and 3636 West Dallas known as the Centre for Hearing and Speech Inc., and Mental Health and Mental Retardation Authority of Harris County - **DISTRICT D – ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Adams and Lovell absent. MOTION 2009-0465 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 21

10. **FORD AUDIO VIDEO SYSTEMS, INC** for Audio Control System Replacement Parts for Houston Airport System - \$250,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0466 ADOPTED.
11. **COTTON RESTORATION SERVICES** for Emergency Cleanup and Restoration Services for Houston Airport System - \$116,469.89 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0467 ADOPTED.
12. **EQUIPMENT DEPOT, LTD** for Forklifts and a Scissor Lift for Department of Public Works & Engineering and the Houston Airport System - \$104,470.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0468 ADOPTED.
14. ORDINANCE appropriating \$457,700.00 out of General Improvement Consolidated Construction Fund for Fabrication and Installation of Exhibits and Graphics in the African American Library at the Gregory School for the General Services Department – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2009-0576 ADOPTED.
- 14a. **WN HOLDINGS LLC dba MALONE DESIGN/FABRICATION** for Fabrication and Installation of Exhibits and Graphics in the African American Library at the Gregory School for the General Services Department - \$398,000.00 and contingencies for a total amount not to exceed \$457,700.00 - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0469 ADOPTED.

15. **HEWLETT-PACKARD** for Maintenance and Support Agreement for Hewlett-Packard Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources for the Houston Emergency Center - \$327,278.10 - Houston Emergency Center Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0470 ADOPTED.
16. ORDINANCE appropriating \$23,524.75 out of Parks Consolidated Construction Fund for Purchase of a Pavilion Structure for Tanglewood Park for Parks & Recreation Department – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2009-0577 ADOPTED.
- 16a. **K. HANES INCORPORATED d/b/a BJ'S PARK & RECREATION PRODUCTS** to Purchase a Pavilion through the Texas Local Government Purchasing Cooperative for Parks & Recreation Department - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0471 ADOPTED.
18. **TOTER, INCORPORATED** for Automated Recycling Containers through the Interlocal Agreement with the City of Tucson for Solid Waste Management Department - \$524,102.85 - General and Grant Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0472 ADOPTED.
19. **TREMCO, INCORPORATED** for Construction Services to Build a Loading Dock at the Westpark Recycling Center from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Solid Waste Management Department \$90,285.41 and contingencies for a total amount not to exceed \$94,799.68 - Grant Fund **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0473 ADOPTED.
20. **CARDINAL HEALTH 200, INC** - \$6,678,064.00, **STRYKER SALES CORPORATION** - \$1,113,060.00 and **CARDIOVASCULAR CONCEPTS, INC dba CVC, INC** - \$706,000.00 for Medical Equipment, 1st Aid, Emergency and (340B Program) Family Planning Aids and Supplies for Various Departments - General and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0474 ADOPTED.
21. **CARDINAL HEALTH 200, INC** for Medical Equipment and Supplies, First Aid, Emergency Response Products and Pharmaceuticals for Various Departments - \$5,774,045.94 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0475 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 22 through 54

After discussion by Council Members Clutterbuck, Lovell and Khan a vote was called on the Resolutions and Ordinances category.

22. RESOLUTION designating a certain property within the City of Houston as a landmark and a protected landmark:
First Evangelical Lutheran Church 1311 Holman Rd **DISTRICT I - RODRIGUEZ**

– was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. RESOLUTION 2009-0016 ADOPTED.

23. RESOLUTION designating certain properties within the City of Houston as historic landmarks:

Hugh Roy Cullen House 1402 Alabama Street **DISTRICT I - RODRIGUEZ**
William T. Campbell Jr. House 3237 Inwood Drive **DISTRICT G - HOLM**

– was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. RESOLUTION 2009-0017 ADOPTED.

24. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:

Cleveland Sewall House 3456 Inwood Drive **DISTRICT G - HOLM**
Henry Brashear Building 910 Prairie Avenue **DISTRICT I - RODRIGUEZ**

– was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. RESOLUTION 2009-0018 ADOPTED.

29. ORDINANCE approving and authorizing First Amendment to Joint Development Agreement by and among the City of Houston, Texas, Houston Downtown Park Corporation and Discovery Green Conservancy, providing for payment by the City of \$300,000.00 per year for ten years to fund additional maintenance and security for Discovery Green Park - Enterprise Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0578 ADOPTED.

30. ORDINANCE appropriating \$6,955,959.48 out of Tax Increment Funds for Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone) and Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone) for administrative expenses, payment of project costs, payments to **HUMBLE INDEPENDENT SCHOOL DISTRICT**, and payment to **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY** as provided herein - **DISTRICTS B - JOHNSON and E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0579 ADOPTED.

32. ORDINANCE approving and authorizing contract between the City of Houston and **MERCER (US) INC** for Financial/Human Resource Consulting Services for Finance Department; providing a maximum contract amount - \$125,000.00 - General Fund – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0580 ADOPTED.

33. ORDINANCE approving and authorizing contract between the City and **ASPYRA, INC** for the Cyberlab Laboratory Information System Information Technology Test Process System at the Houston Department of Health and Human Services; providing a maximum contract amount 5 Years - \$308,539.00 - Special Funds-Lab Fees – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0581 ADOPTED.

34. ORDINANCE approving and authorizing Contract between the City and the **DEPARTMENT OF STATE HEALTH SERVICES (No. 2009-31091-001)** for award of Community Preparedness Section/Bioterrorism Discretionary Fund Projects Phase I Contract Funds; approving the acceptance and disbursement of funds thereunder -

- \$431,688.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0582 ADOPTED.
35. ORDINANCE approving and authorizing Contract between the City and the **DEPARTMENT OF STATE HEALTH SERVICES (No. 2009-031305-001)** for award of Community Preparedness Section/Bioterrorism Discretionary Fund Projects Phase II Contract Funds; approving the acceptance and disbursement of funds thereunder - \$630,892.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0583 ADOPTED.
36. ORDINANCE approving and authorizing submittal of grant application to the **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION** for the City's Morbidity and Risk Behavior Surveillance Program (the "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health & Human Services Department to act at the City's representative in the application process; authorizing the Director of the Health and Human Services Department to accept the grant and expend the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$658,975.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0584 ADOPTED.
37. ORDINANCE approving and authorizing first amendment to Interlocal Agreement between the City and **HARRIS COUNTY** for provision of Community Case Management Services targeted to Not-In-Care and newly diagnosed people living with HIV/AIDS in the Houston EMA pursuant to the Ryan White HIV/AIDS Treatment Modernization Act of 2006 - \$139,500.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0585 ADOPTED.
39. ORDINANCE approving and authorizing Compromise and Settlement Agreement between **OSAMA IBRAHIM** and the City of Houston to settle a lawsuit - \$125,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2009-0586 ADOPTED.
40. ORDINANCE appropriating \$165,000.00 out of Street & Bridge Consolidated Construction Fund Number 4506 (WBS N-000596-0001-3), and approving and authorizing Reimbursement Agreement between the City and **TEPPCO CRUDE PIPELINE, LLC** relating to the Brittmoore Road Reconstruction Project from I-10 to Hammerly Project, and finding a public necessity for, various projects identified in the body of this ordinance - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2009-0587 ADOPTED.
41. ORDINANCE approving and authorizing first amendment to Professional Energy Audit Services Contract between the City of Houston and **TAC AMERICAS, INC** for Energy Audits for various City facilities (Approved by Ordinance No. 2008-0439) – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0588 ADOPTED.
42. ORDINANCE appropriating \$193,710.00 out of General Improvement Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to construction contract (Approved by Ordinance No. 2008-0304) between the City of Houston and **PYRAMID CONSTRUCTORS, L.L.P.** for Renovation of Magnolia Health and Multi-Service Center; providing funding for contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays

- none. Council Members Adams and Noriega absent. ORDINANCE 2009-0589 ADOPTED.
43. ORDINANCE approving and authorizing the submission of an application for grant assistance to the State of Texas through the Criminal Justice Division (“CJD”), Office of the Governor, under the Paul Coverdell Forensic Sciences Program; declaring the city’s eligibility for such grant; authorizing the Mayor to act as the City’s representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$274,560.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0590 ADOPTED.
44. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Department of Justice, Office of Justice Programs, National Institute of Justice to fund the FY09 Forensic DNA Backlog Reduction Program; declaring the City’s eligibility for such grant; authorizing the Mayor to act as the City’s representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$1,311,800.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0591 ADOPTED.
45. ORDINANCE approving and authorizing Agreement for Software Licenses, Design, Implementation, and Maintenance Services between the City of Houston and **T2 SYSTEMS, INC** for Parking Management Information System for General Services Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,514,850.05 - Parking Management Operating Fund – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0592 ADOPTED.
47. ORDINANCE appropriating \$460,718.00 out of Public Health Consolidated Construction Fund; \$77,744.00 out of General Improvement Consolidated Construction Fund; \$200,000.00 out of Fire Consolidated Construction Fund for Energy Management and Maintenance Services Contract between the City of Houston and **JOHNSON CONTROLS, INC** (Approved by Ordinance No. 2008-122); amending Ordinance No. 2008-1004 to increase the maximum contract amount – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0593 ADOPTED.
48. ORDINANCE determining that the formal taking of Competitive Bids is not required for the work described herein; and awarding contract to **TIBH INDUSTRIES, INC** for Cleaning & Janitorial Services for the Public Works & Engineering Department - 5 Years - \$6,261,869.47 - Enterprise and Fleet Management Funds – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0594 ADOPTED.
49. ORDINANCE appropriating \$668,600.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for North Eldridge Parkway widening from Memorial Drive to I-10; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and G - HOLM** – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent.

ORDINANCE 2009-0595 ADOPTED.

50. ORDINANCE appropriating \$350,871.00 out of Solid Waste Consolidated Construction Fund, awarding construction contract to **EXCALIBUR EXCAVATION, L.P.** for Paving and Drainage Improvements at the Southwest Environmental Service Center; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services and contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0596 ADOPTED.
52. ORDINANCE appropriating \$1,851,246.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **HUFF & MITCHELL, INC** for Wastewater Collection System Rehabilitation and Renewal (Force Main); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0597 ADOPTED.
53. ORDINANCE No. 2009-565, passed first reading June 17, 2009
ORDINANCE granting to **PFP ABATEMENT GROUP, LLC, A TEXAS CORPORATION**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0565 PASSED SECOND READING IN FULL.
54. ORDINANCE No. 2009-507, passed second reading June 17, 2009
ORDINANCE granting to **HUFF & MITCHELL, INC, A TEXAS CORPORATION**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0507 ADOPTED THIRD AND FINAL READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

DAMAGES

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **JOSEPH SMITH** vs. the City of Houston and Mid-Century Insurance Company of Texas; in the Civil District Court 280th Judicial District of Harris County, Texas; Cause No. 2008-05404 - \$95,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent. MOTION 2009-0476 ADOPTED.

ACCEPT WORK

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,235,919.05 and acceptance of work on contract with **PACE SERVICES, L.P.** for Water Line Replacement in the Montrose South Area - 1.92% under the original contract amount - **DISTRICT C – CLUTTERBUCK** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. Council Member Jones voting no, balance voting aye. Council Member Adams absent. MOTION 2009-0477 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,883,310.39 and acceptance of work on contract with **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Croyden Gardens Northwest Area 0.10% under the original contract amount - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. Council Member Adams absent.

Council Member Gonzalez stated that this was a contract that took place in District H and he had a concern because they really felt short of the MWBE requirement, that he wanted to make sure they were keeping an eye on issues like that. Council Member Adams absent.

A vote was called on Item No. 8. Council Member Jones voting no, balance voting aye. Council Member Adams absent. MOTION 2009-0478 ADOPTED.

PURCHASING AND TABULATION OF BIDS

13. ORDINANCE appropriating \$63,998.00 out of Fire Consolidated Construction Fund for Risk-Based Assessment, contaminated Groundwater Removal, and Monitoring Well Installation for the Houston Fire Department – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2009-0598 ADOPTED.
- 13a. **TERRAIN SOLUTIONS, INC** for Risk-based Assessment, Contaminated Groundwater Removal, and Monitoring Well Installation for the Houston Fire Department - **DISTRICTS A - LAWRENCE and D – ADAMS** – was presented, and tagged by Council Member Lawrence. Council Member Adams absent.
17. ORDINANCE appropriating \$62,139.00 out of Parks Consolidated Construction Fund for Purchase and Installation of a Baseball Barrier Netting System at Turner Park for Parks & Recreation Department – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2009-0599 ADOPTED.
- 17a. **BUCK TERRELL ATHLETICS, INC** for Purchase and Installation of a Baseball Barrier Netting System at Turner Park through the Texas Local Government Purchasing Cooperative (Buy Board) for Parks & Recreation Department - **DISTRICT A - LAWRENCE** – was presented, and tagged by Council Member Lawrence. Council Member Adams absent.

RESOLUTIONS AND ORDINANCES

25. ORDINANCE to amend and restate Ordinance No. 2008-969 and authorizing the issuance of City of Houston, Texas Airport System Senior Lien Revenue Bonds or Senior Lien Revenue Refunding Bonds as may be further designated and described herein and providing for the payment thereof; authorizing the Mayor, the City Controller, and/or certain other designated City Officials to approve the amount, interest rate, price and terms thereof, determine the Outstanding Bonds, Notes or other obligations to be

refunded and defeased, and approve certain other procedures, provisions and other agreements relating thereto; authorizing the refunding and defeasance of Certain Outstanding Airport System Senior Lien Commercial Paper Notes, Certain Outstanding Subordinate Lien Revenue Bonds and Certain Obligations Relating to Special Facilities Bonds; approving the sale of the Bonds and authorizing the execution and delivery of one or more Bond Purchase Agreements, one or more Escrow Agreements, and one or more Paying Agent/Registrar Agreements; authorizing the purchase of Bond Insurance and one or more Reserve Fund Surety Policies; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; making certain findings and other declarations necessary and incidental to the issuance of Bonds; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams and Rodriguez absent. ORDINANCE 2009-0600 ADOPTED.

26. ORDINANCE establishing the north and south sides of the 600 block of Euclid Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2009-0601 ADOPTED.
27. ORDINANCE approving and authorizing agreement between the City of Houston, Texas and the **GREATER HOUSTON PARTNERSHIP, INC** for Professional Services - \$885,000.00 - Enterprise Fund – was presented, and tagged by Council Members Green and Brown. Council Member Adams absent.
28. ORDINANCE approving and authorizing Contract between the City and the **HOUSTON ARTS ALLIANCE (Formerly known as the CULTURAL ARTS COUNCIL OF HOUSTON/HARRIS COUNTY)** for the Support of the Arts Community - \$11,194,000.00 - Enterprise Fund – was presented, and tagged by Council Members Johnson, Holm, Khan, Green, Clutterbuck and Lawrence. Council Member Adams absent.

After discussion by Council Members Green, Khan, Holm and Brown, Council Member Green asked if someone from the administration could come and speak to him about the issue, that he thought there were some other similar contracts like this that did not come before Council that he would like to get some information on and determine why it was that they did not come before Council, and Mayor White stated that Item No. 28 had been tagged.

31. ORDINANCE relating to the Fiscal Affairs of Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone); approving the Fiscal Year 2009 Operating Budget for the Zone - **DISTRICT H – GONZALEZ** – was presented. Council Member Adams absented.

After discussion by Council Members Clutterbuck, Gonzalez, Rodriguez, Lawrence, Jones, Khan and Mayor White, a vote was called on Item No. 31. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0602 ADOPTED.

38. ORDINANCE authorizing and approving Compromise and Settlement Agreement between the City of Houston and **DUFREY AMERICA, INC, DUFREY HOUSTON DUTY FREE AND RETAIL PARTNERSHIP, DUFREY HOUSTON, INC, GLOBAL IMPEX HOUSTON, INC, BRANCH/MCGOWEN VENTURES, NEXUS POWER COMPANY, INC, ERNEST B. MCGOWEN, SR., BRANCH/MCGOWEN VENTURES, LLP and THELDON R. BRANCH III (collectively “DUFREY”)** to settle claims - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2009-0603 ADOPTED.

46. ORDINANCE approving and authorizing Contract between the City and **LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP** to provide Delinquent Collection Services for Municipal Courts Administration Department - 3 Years with two one-year options - Revenue - was presented, and tagged by Council Members Johnson and Brown. Council Members Adams and Noriega absent.

After discussion by Council Members Clutterbuck and Johnson, Council Member Clutterbuck stated that she would tag Item No. 46 and that there would be a committee meeting on Monday afternoon, and Council Member Johnson stated that on the backup there was not enough information that would give them an indication about what the contract was and how much it was so he would like to have some information in respect to that and why did it not come before committee. Council Member Adams absent.

Council Member Green asked for a point of personal privilege to recognize some individuals who were joining them today, that as they knew from time to time they got students who came down to City Hall and wanted to examine what they did first hand and today they had a group of students from the Westwood College, the American Government Class, and asked that they stand and be recognized and thanked them for participating in all that the Council did, that they were joined by their teacher, Ms. Betsy Stadelman, the American Government teacher. Council Member Adams absent.

51. ORDINANCE appropriating \$3,504,972.00 out of Metro Project Commercial Paper Series E Fund and \$138,690.00 out of Water & Sewer System Consolidated Construction Fund awarding contract to **BEYER CONSTRUCTION, L.L.P.** for Mercury Drive Paving: US 90 to Wallisville Road; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT I – RODRIGUEZ** – was presented, and tagged by Council Member Rodriguez. Council Member Adams absent.

MATTERS HELD – NUMBER 56

56. ORDINANCE approving and authorizing Professional Contract between the City of Houston and **ABITIBI-CONSOLIDATED, CORP.** for the Implementation of a Recycling Program for City facilities; providing a maximum contract amount - 5 Years - \$1,630,514.00 - General and Enterprise Funds – **(This was Item 30 on Agenda of June 17, 2009, TAGGED BY COUNCIL MEMBER NORIEGA)** – was presented. Council Member Adams absent.

After discussion by Council Member Brown a vote was called on Item No. 56. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2009-0604 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Gonzales stated that as everyone knew they had lost one of their finest, a Houston Police Officer, last night, that he had the privilege of knowing Officer Canales early in their careers, that it was a tragic loss not only for the Houston Police Department but for all the citizens of Houston as well, that he was a fine public servant, and Mayor White described well, earlier, with his comments, that it was a grim reminder of the difficulty of the job, that they had faced terrible situations out on the streets and many times it just went unnoticed because it was just part of doing their duty, that it was extremely difficult yesterday, ironically, because

he was checking out from the Houston Police Department and returning his sergeant's badge and his uniforms and it really hit home then in terms of how much of their life they gave to the community in terms of sacrificing their family and placing their lives on the line, that a reminder to everyone to keep the Canales family in their prayers and also the citizens of Houston, may they thank the Houston Police officers and all the regional police officers in the area as well for the fine work they did each and everyday; that he wanted to thank his colleagues on Council for the time to speak on this matter. Council Member Adams absent.

Council Member Johnson stated that he wanted to congratulate Council Member Gonzalez and looked forward to working with him; to all the residents in the City of Houston, in particular the senior citizens of District B, the multi service centers were used as cooling centers, they were in the midst of a heat wave, and he wanted to encourage the senior citizens to make their way to the multi purpose centers and not sit at home suffering in silence, that if they needed help they could call his office at 832-393-3009; that yesterday Mayor White brought up an issue that while they might not agree with some of the tactics he thought at the end of the day they needed to keep their eyes focused on, there were a lot of hurt feelings out there and people wanted responses and actions when they thought there had been an injustice done, that he had written a letter to Chief Boriskie and Mayor White in respect to his stance on this item and had included some information, and he wanted to thank his staff for doing the research and getting the information, but he thought that it was important as they put in a zero tolerance policy that they look to the EEOC that might be able to help and guide them through this, that he thought if they were able to use this particular entity it would free them of a lot of the responsibility and then they would be following the federal guidelines, that they wanted to be very careful not to create an environment that was unhealthy for an individual to work therefore opening the door for potential lawsuits, that he hoped they would be able to utilize them and would pass the letter to Mayor White, that he thought they could get it resolved and did not want it to be a black eye for the Fire Department and believed there were great firefighters out there who did a wonderful job, that they just heard how a Houston Police officer was killed in the line of duty and with the firefighters the same thing happens. Council Members Lawrence, Adams, Brown and Green absent.

Council Member Holm stated that again she wanted to congratulate and welcome Council Member Gonzalez; that to the family of Officer Henry Canales, these type of tragic events were so hard for all of them to deal with, that she knew that a close friend of hers in the last few weeks and several on Council had a tragic biking accident and was facing new dilemmas, that she personally had an uncle who died this week and with all of these tragedies it was easy for them to say they needed to appreciate each day. Council Members Lawrence, Adams, Brown and Green absent.

Council Member Khan stated that he wanted to extend his condolences to the family of Officer Henry Canales, that it happened in District F, a very dangerous part of town, that he was sure that the City would do whatever they could for the Canales Family, that they were all in their prayers; that he wanted to welcome his colleague, Council Member Gonzalez, that they were proud of his service that he had already provided to the citizens of Houston; that he wanted to acknowledge the staff of District H, that they had outshined everybody because they did not have a Council Member who could give them directions or challenge them; that Ameri Group was conducting a "Shoes for School Program" on June 27, 2009 at Marian Community Center at 11101 South Gessner; that the Vietnamese Civic Center would be hosting an Asian Job Fair and everybody was welcome, that there was no charge to employers and job seekers, it would be on Saturday, July 18, 2009, from 9:00 a.m. to 12:00 p.m. at Vietnamese Civic Center, located at 11360 Bellaire Boulevard, Suite 900, that they were inviting all people who had employment to offer to come and join them; that he wanted to thank Mayor White for the Mayor's Report, the true greatness of the City was that they always overcame any problem especially of the nature where it divided the community, that it showed

the tremendous leadership that the Mayor had of bringing the community together. Council Members Lawrence, Adams and Brown absent.

Mayor White stated that Council Member Gonzalez represented a district that was previously represented by his colleague in City government where they sat next to each other in other context where there were voices of anger which rise in the community by the actions of the few, that he thought a part of their job was to find common ground and how they moved forward to bring the community together, that they would be tired in these times with incidents because of anger which was repressed and flowed up, some time it was directed at a particular incident and often it occurred within the law enforcement context, but they had a diverse forward thinking leadership of the City and in particular to have somebody with Council Member Gonzalez experience in law enforcement who understood the balance that they must have and that not all officers or public servants should be judged by the actions, whether deliberate or otherwise, of the few and similarly their citizens or residents should not be judged by the actions of a few. Council Members Lawrence, Adams, Brown and Lovell absent.

Council Member Green stated that he wanted to offer his condolences to the Canales family and asking the Houstonians to keep in mind their officers who really did a good job for them. Council Members Lawrence, Adams, Brown and Lovell absent.

Council Member Clutterbuck stated that she to wanted to express her sincerest condolences to the family of Officer Canales and to express their appreciation for his life and his service to their City, that it was a reminder that their police officers did a tremendous job risking their lives every single day; that it was a reminder to all of the citizens of Houston, anyone who was interested in getting a good deal, if they bought hot merchandise it was directly linked to violence and it was directly linked to the death of Officer Canales; that she wanted to welcome Council Member Gonzalez to City Council and looked forward to working with him, that he came at a distinct advantage to City Council because he came with a staff who had already been operating and doing such a tremendous job; that she wanted to thank the Police Department for shutting down a house of prostitution that was a block from her house, that it was also a block and a half from a Montessori school, that it had been going on for almost two years, that there were over 2,000 of these types of illegal houses of prostitution and sexually oriented businesses throughout the community and the City of Houston and they could really only target a few at a time and unfortunately they could move quickly and they did move once they got a hint that the police were looking after them, that she wanted to thank the Legal Department and the officers who did the duty of accumulating a case. Council Members Lawrence, Adams, Brown and Green absent.

Council Member Noriega stated that she wanted to add her voice to so many and say how sorry she was to the Canales family, that there was not anything that any of them could say and do, although she found some comfort in his daughter's comment that her father loved his job; that she to wanted to congratulate Council Member Gonzalez, that she wanted to welcome him and knew he was going to do a terrific job, that District H was a very special part of town and she had been impressed, proud and pleased as she had watched the staff continue to carry the torch and take care of that area. Council Members Lawrence, Adams, Brown and Green absent.

Council Member Jones stated that she wanted to congratulate Council Member Gonzalez; that she wanted to offer her condolences to not only Officer Canales but to his wife and two beautiful children and the men and women who served on HPD; that she wanted to come back to the Houston Fire Department, that it was squads with HFD who tired to save him so they were affected as well; that to Item No. 29, it went through and she supported it but it just made her go back to the Brock Park issue that they had with the budget, they voted to

give \$300,000 per year for 10 years to make sure that Discovery Green stayed the park that they would like for it to be, that it was a wonderful amenity and in addition to that they were already getting \$750,000 per year for, she believed, 50 years, so not all parks generated a lot of money and if they could give, for at least the next 10 years, over a million dollars a year to the up keep, maintenance and security of Discovery Green she wondered how they could justify shutting down parks just because they did not make money; that as to the zero tolerance issue, she wanted them to remember that either two or three weeks ago they had the community of respect here, they had a lot of groups and they were talking about the community of respect and how it took some action to be a part of it, they could not just sign on they had to actually do things, when they get a zero tolerance policy she wanted for people to remember, notwithstanding the discussions, it was very passionate yesterday, actually bigger than the Houston Fire Department, it was a citywide issue, so they needed to remember that and as they drafted a new ordinance, and she hoped they got one, that they make sure that the ordinance met Title 7 requirements and made sure that they got some employment lawyers at the table and if that meant they had to go to the EEOC she was for that, that she had arranged with her office to meet with a number of groups that were concerned about mutual respect and tolerance for everyone, so they needed to do that, that she would like for people to recall that the United States Senate just passed a resolution apologizing for slavery, that was profound in this Country, that this was about maintaining a productive work environment and not a hostile working environment, so as they went forward it was just the Fire Department issue was the straw that broke the camel's back, to coin a phrase, that it was about people being able to come to work in an environment that was inclusive and meaningfully and while she respected the proposed ordinance dated June 3, 2009, it was not zero tolerance. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Brown, Noriega and Green absent.

Council Member Rodriguez stated that he wanted to express his condolences to the family of Officer Canales, that it was very much saddened to hear what happened last night and wanted the family to know that they really appreciated all that their first responders did for them; that he wanted to welcome his colleague Council Member Gonzalez and looked forward to working with him; that he wanted to congratulate the Houston Area Young Jaycees for a wonderful event last night. Council Members Lawrence, Johnson, Clutterbuck, Adams, Khan, Holm, Brown, Green and Jones absent.

Council Member Sullivan stated that this past week they had the opening of the HPD property room and he wanted to congratulate Mayor White and Chief Hurtt for having the vision to do that Issa Dadoush and his team for building such a great facility, that he wanted to thank the civilian and classified employees who worked over there; that he wanted to thank Tracy Wingate and the Road and Bridge crew for their hard work on the Kingwood sink hole, that it had grown into a project that was going to cost half a million dollars and take 8 weeks to complete, that was the City of Houston's commitment to Kingwood and all of Houston to fix things right and to last; that he had a tour two nights ago with Fire Station 72 in the Clear Lake area and wanted to thank Captain Faulkner for his invitation and hospitality, that it was the B shift and those guys were on top of their game; that with respect to the TIRZ discussions they were having they had a very successful TIRZ, the Lake Houston TIRZ and he knew there was room for improvement in a lot of them but he wanted to make sure to say publicly that he was proud of this particular TIRZ and the board, that the administrator and legal costs were very low, they monitored them and worked with them to make sure they stayed low. Council Members Lawrence, Johnson, Clutterbuck, Adams, Khan, Holm, Brown, Green and Jones absent.

Council Member Lovell stated that she too wanted to say to the family of Officer Henry Canales that she sent her deepest sympathies and he would be in her prayers, that she knew he left behind a wife and 15 year old son and 17 year old daughter, that she wanted to tell

them they were in their thoughts and prayers; that Officer Canales was related to someone on her staff and she sent them her deepest sympathies also; that she said to Council Member Gonzalez that his life would change and it changed in seconds, that she knew he was going to do a fine job for District H, that she wanted to congratulate him and his family; that Jeanette Rash was at public session to remind them about being safe on the freeways, that she understood that the Governor had vetoed a bill, of which they worked very hard on, that would have made it safer for their tow drivers, who did a great job for them in the Safe Clear Program, the bill that was vetoed actually put some of their tow truck drivers in danger, that it did not add to their safety, that she wanted to remind people on the road to keep water in their car, that if they had a flat tire drive to a safe place along the side of the road and call Safe Clear at 3-1-1 and keep a sign in their car that said "need help" and keep their doors closed in case someone rear ended them and keep their seat belts on, that she hoped they could find someway in the City to implement some procedures that would keep their tow truck drivers safe because it was a very dangerous job; that she wanted to ask Mayor White about something that was raised earlier about Discovery Green, what they voted on today and the use of those funds, as sort of being related back to Brock Park, that she did not know that those two things were the same, that she understood that Brock Park was different, it was a golf course and related to monies out of their budget and that Discovery Green was different and asked that Mayor White explain where the funding came for Discovery Green that they voted on today and if there was a difference between that and Brock Park, that she did not want any of their citizens to think that they favored one park over another. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Brown, Green and Jones absent.

Mayor White stated that there were different sources of funding and knew that in discussions with the hotel board, which generated revenue where there were certain uses of the revenue for HOT Funds that would support destination area visits, that the enhanced operating support given the large usage had resulted in additional dedication of funds from the Hotel Occupancy Tax, that not every City facility would be legally entitled to that support, one that was adjacent to a destination hotel and the convention center would, that there were certain things that they could legally do with the taxes paid by those who stayed at hotels and there were not, that he doubted very seriously, that there may be some category somewhere where the Shell Open or something, not that they do it, but there may be some destination golfing event that legally could qualify for HOT funding but their City parks normally would not. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Brown, Green and Jones absent.

Council Member Lovell stated that she wanted the University of Texas to beat LSU tonight and win the College World Series. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Brown, Green and Jones absent.

Council Member Clutterbuck stated that she wanted to remind people that there were a number of places in town where people could go for free or a nominal fee that were cool; that she wanted to follow up with 3-1-1 and the City's website, she had been asked by her staff, who fielded all of the phone calls back at the office, and District C got a lot of inquiries and they also happened to get a lot of inquires relating to other districts because of the way that the 3-1-1 system was setup and the way that the City website was setup, that they thought there needed to be a better way for both 3-1-1 operators, as well as visitors to the City website, to determine who their Council Member was, that they received many calls a week directed from citizens and 3-1-1 operators who incorrectly believed that certain citizens were in District C and her office often worked on other projects and would have people come down, that last week they had somebody come down from District D and her office had worked on something for them, that they did not want to step on anybody else's toes, but right now what they did was refer people based on their zip code and with District C and D they shared 8 zip

codes so the 3-1-1 operator would automatically send everybody directly to District C because they were first in the alphabet, that they shared zip codes with Council Members Khan and Holm as well, that there was a better way to do this, that the County website provided for a way to input their address and then automatically find out what their Council district was and HCAD and Voter Registration also did the same thing, that she was sure that Mayor White agreed that citizens who visited the City website should be able to get the same quality of response and accurate information about who their representative was, so perhaps they could put a link to those existing websites if they were not able to adapt their system accordingly; that she heard the Mayor's comments earlier about Discovery Green and knew that one of the things that Council Member Lovell was going to be looking at in the Quality of Life Committee was an evaluation of exactly how they determine which part of the public was being served by their public assets and certainly with a park like Discovery Green she knew they had documented estimates or numbers of people who visited a park, they certainly did with green fees and participants in golf, that at what point did they in the community discussion they had decide what they were going to be spending precious tax payer dollars on and what not to spend them on, that she did not know if Mayor White wanted to add anything. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Brown, Green and Jones absent.

Mayor White stated that one of the issues that they confronted in government was the fact that they did not control, in a sense, their own revenues except through the property tax rate, that it was their intention to not defer decisions and cut excessively into the cash and leave the next administration in a hole and he anticipated that based on their sales tax receipts that would have to, in part, drive decisions they made, so the budget discussions that they had would be ongoing discussions through the year and that would include for each of the departments those activities which based on some objective criteria such as the number of users, the subsidy per user, that was going to be something that they looked at with respect to across departments and across City services, that he could assure people that as they did with the restoration of service after Hurricane Ike, as they had done in the allocation of CIP projects, that they would do so on objective criteria that were applied across neighborhoods and were not designed to come up with one answer. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Brown, Green and Jones absent.

There being no further business before Council, the City Council adjourned at 12:12 p.m. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Brown, Green and Jones absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary