

City Council Chamber, City Hall, Tuesday, February 3, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 3, 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, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Cameron Waldner, Citizens Assistance Office; Ms. Marty Stein Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director present. Council Member Pam Holm absent on personal business.

Note: Council Member, District H Position, vacant.

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

Council Member Khan stated that this was a wonderful day to recognize a wonderful outstanding Houstonian and invited Mr. Marco Bracamontez and those with him to the podium. Council Member Khan stated that this was Houstonisimo Day and basically it was a 30 minute English language television program created by Marco Bracamontez to highlight Houston's growing Latin American influence and first aired in 2005 and showed vibrant Hispanic events, festivals, etc., and it was an effort to make Houston a more diverse city and entertainment capital and won an Emmy Award; and presented a Proclamation to Mr. Marco Bracamontez proclaiming today as "Houstonisimo Day" in Houston, Texas. Mr. Bracamontez thanked all for the Proclamation and stated that it was an honor for the whole team and Houstonisimo meant the Ultimate Houston and positioning Houston as a city with many treasures should be the goal, it meant a lot; and introduced those with him. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Brown and Noriega absent.

Council Member Adams stated that she was glad to present employees today with the Bravo Awards, recognizing employees for jobs well done and presented Officer Mike McCow with the Houston Police Department and Ms. Pamela Wafer a 911 Telecommunicator and Mr. Art Zehnder with the Convention Center each a Bravo Award for going above and beyond their duties. Council Members Clutterbuck, Sullivan, Brown and Noriega absent.

Council Member Johnson thanked Council Member Adams for acknowledging wonderful employees and stated that they often did bear the brunt of what went on and did not get acknowledged and he thanked them all for their good works. Council Members Clutterbuck, Sullivan, Brown and Noriega absent.

At 2:19 p.m. Council Member Johnson invited Reverend James J. McLaughlin to lead all in prayer and Council Member Johnson led all in the pledge. Council Members Sullivan, Brown and Noriega absent.

At 2:20 p.m. the Acting Assistant City Secretary called the roll. Council Member Holm absent on personal business. Council Members Sullivan, Brown and Noriega absent.

Council Members Khan and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Holm absent on personal business. Council Members Sullivan, Brown and Noriega absent. MOTION ADOPTED.

Council Member Khan on a point of personal privilege introduced a group of VIP's, third grade students with KIPP Academy and asked them to stand to be recognized; and Mayor White stated that he knew they worked hard and so did they at the City of Houston and once you were in the habit it was fun; and thanked them for coming. Council Members Sullivan, Brown and Noriega absent.

Council Member Jones stated that they were Shinsters and she knew because her son was a KIPP kid; that KIPP Shine was children from Kindergarten through Twelfth Grade and they worked long and hard and she commended teachers and parents as they had to sign contracts and teachers had to be reached 24/7; and she was glad to see all present. Council Members Sullivan, Brown and Noriega absent.

Council Member Lovell on a point of personal privilege stated that she was bringing sad news to the Council Table today as she was just informed that yesterday Municipal Court Judge John Paul Barnish died; that he was a former chair of the AIDS Foundation Houston and he would even go cut grass for those who had AIDS; that no kinder person ever walked the streets of this city and he would be missed. Council Members Sullivan, Brown and Noriega absent.

Council Member Green on a point of personal privilege welcomed students from Moscow who were part of the Moscow Youth Alternative Government and visiting Houston and invited them to the podium and the spokesperson thanked all for making them feel welcome and stated that today they brought warm greetings from Moscow and though they were present only a few days were impressed by such a wonderful city; that they hoped the partnership between the two cities continued to grow and they would do their best to strengthen cooperation efforts and presented a set of books to the City of Houston; and Mayor White stated that for those who will continue in city government Mayor Luzhkov of Moscow was a very effective city leader and took great pride in what he called a "Shadow Government" young people of great talents and time to time he met with them and assigned them to a department and listened to them debate and found them to be real change agents within the government, particularly in implementation of IT technologies, etc. and they even filled in operational positions for a while for whom they were assigned positions, so he did shake up the bureaucracy a little and asked they give him his regards. Council Members Johnson, Brown and Noriega absent.

Council Member Clutterbuck moved to suspend the rules for the purpose of adding Mr. Hugh Rice Kelley to speak at the end of the three minute Agenda speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent on personal business. Council Members Johnson and Noriega absent. MOTION 2009-0043 ADOPTED

At 2:30 P.M. the Acting Assistant City Secretary began calling the public speakers. Council Members Johnson and Noriega absent.

Mr. Patrick McIlvain, 1618 Webber, Houston, Texas 77007 (832-894-9584) appeared and stated that he was vice president of the First Ward Civic Council and was present to encourage Council to unanimously pass Agenda Items 27 and 27a regarding the First Ward Safety Zone as they and others needed this implemented. Council Members Johnson and Noriega absent.

Council Member Jones stated that Mr. McIlvain was a major community activist and she thanked him for all he did. Council Members Johnson and Noriega absent.

Ms. Marci Perry, 523 E. Canino road, Houston, Texas 77037 (281-931-4168) appeared and stated that she was former president of the First Ward Civic Club and their residents were asking Council to approve Agenda Item 27; that they worked toward a Safety Zone since 1999 as it was needed for everyone's safety and she thanked all who had helped work toward this. Council Members Johnson, Adams and Noriega absent.

Council Member Brown thanked Ms. Perry for all her hard work over many years; that this was a quality of life initiative and he would be proud to vote for it. Council Members Johnson, Adams and Noriega absent.

Council Member Jones thanked Ms. Perry for all she did for her community. Council Members Johnson, Adams and Noriega absent.

Mr. Steve Gibson, 1301 White, Houston, Texas 77007 (713-503-9592) appeared, presented information and stated that he was present in support of Agenda Items 27 and 27a and the stretch of track they were speaking of which passed through the Sixth Ward ran between Holly on the east and Sawyer on the west, there were 10 rail crossings and seven had no warning lights or protective crossing arms and those seven were designated by TxDOT as ultra-hazardous and caused them to continuously blow their horns. Council Members Johnson, Adams and Noriega absent.

Mayor White thanked Mr. Gibson for his work and stated that he and Mr. McIlvain and Ms. Perry did much work, this required approval by UP, the requirement of getting TxDOT funding and design and cost estimation of each improvement and to Council there should be a way UP had a preexisting protocol with a fast turnaround where there was public funding for the request, but they would work on this in the future; and Mr. Gibson stated that there was something in the ordinance which gave him concern, the stretch of tract they were speaking of would have six streets closed and they were making improvements to four, Houston, Silver, Henderson and Sawyer, but the ordinance only mentioned Houston and Henderson and he thought it was an oversight, but to truly make this available for quiet zone status they had to do minor improvements also to Silver and Sawyer and urged the ordinance be amended if necessary; and Mayor White stated that it would be checked into. Council Members Johnson, Adams, Lovell and Noriega absent.

Mr. Barry Ward, 4550 Post Oak Place Drive, Houston, Texas 77027 (713-840-8733) appeared and stated that he was director of Trees for Houston and present on their behalf; that they had concern with late revisions to the proposed tree and shrub ordinance and those issues for concern were the elimination of Live Oaks as a tree under lines and insertion of a root barrier in sidewalk repair; that he did not have all technical answers but wanted transparency; that he worked on this a year and the committee longer than that and he wanted to make sure the process was not being compromised in the issue, if the changes were necessary and the technical merits of the proposed changes were adequate it would come out in committee and he believed that was where it needed to come out and hoped there was not an arbitrary process where the late revisions came in and they did not have the ability to vent. Council Members Johnson, Adams, Khan, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan thanked Mr. Ward for coming and stated that he represented an incredible organization and one who worked tirelessly in many venues to get attention to trees and tree planting and he enjoyed working with them and considered him an expert in the field and he would listen to them; that they were bringing his emails to him now; and upon questions, Mr. Ward stated that he did not email everyone, but they were sent out via other source and there were other experts and some were present and would comment later; that from his information they thought they were ready to go and now it seemed they were ready to pass a tree ordinance not allowing planting of Live Oaks under power lines and the insertion of a root barrier when repairing sidewalks would cause many to be lost; that he was not saying some things should not be looked at but they did not arbitrarily do something without vetting it with a well educated and versed committee which had already spent 1/1/2 years on it; and Council Member Sullivan stated that he would hate to think all the time he spent at the table

representing the Mayor would be thrown out as well and he would like to be assured someone was listening to him. Council Members Johnson, Khan, Lovell, Noriega and Jones absent.

Mr. Carroll Shaddock, 2310 Underwood, Houston, Texas 77030 (713-226-1223) appeared and stated that he was the founding chairman of both Trees for Houston and Scenic Houston and wanted to address the issues of visual appearance caused by the ugliness of the above ground utility lines; that there was a short and long-term aspect and a highly number of successful street trees in Houston were Live Oak Trees, Live Oak Trees hid power lines and displayed beauty with their green foliage all through the year and they were a low growing tree which spread and they were the toughest trees in Houston and rather than prohibiting them under power lines they should be the tree of choice; he would give San Antonio as an example of what could be done on power lines, for some years now they spent 1% of its electric utility budget. Council Members Johnson, Adams, Khan, Noriega and Jones absent.

Mayor White thanked Mr. Shaddock for being a civic leader and so engaged in the process. Council Members Adams, Johnson, Adams, Khan, Noriega and Jones absent. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Mr. Shaddock stated that San Antonio instituted a program of taking 1% of their utility budget and using it for underground utilities and it may take them 100 years to do it, but they had started and it was a practical approach; that Scenic America had a wonderful publication on the topic of underground utilities, this was a long-term subject and a good time to begin. Council Members Johnson, Adams, Khan, Noriega and Jones absent.

Mr. John Cutler, 2235 Bartlett, Houston, Texas 77098 (713-725-3678) appeared and stated that he was a landscape architect and president of Trees for Houston and present to reinforce Mr. Shaddock's and Mr. Ward's comments; that the committee spent about two years meeting and working on revisions of the tree and shrub ordinance with Public Works representatives, Parks and Recreation and urban forester and Park People, Trees for Houston and representatives of the Development Council; that he spoke in favor of the tree and shrub ordinance at the Planning and Commission Meeting and at the Quality of Life Council Committee regarding the ordinance, but was concerned now and would like it sent back to committee regarding the revision to the street tree list definition as it related to trees generally planted and those planted under power lines; that there was a list in the documents and making a change without the full committee in reviewing the definition and impact of the definition...., as already highlighted, and urged the ordinance be approved but not without the late eleventh hour revision of the tree street list definition. Mayor White, Council Members Johnson, Khan, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Diane Schenke, 2311 Canal #116, Houston, Texas 77003 (713-942-7275) appeared and stated that she was president of the Park People and executive director and was a member of the group which worked to revise the tree and shrub ordinance and it was an amazing group which included the Houston Real Estate Council and Houston Home Builders Council and their primary focus of the two years was to take care of trees not being protected under the tree and shrub ordinance and testimony she offered focused on four main items; that they deleted the protected tree replacement cap, increased protected tree mitigation fees for trees in public rights-of-ways by two to four times based on the size of the trees and they revised the revision of parkway trees which would substantially increase money that would go to Houston Parks and Recreation Tree Fund and more than tripled the cost of lying out protected trees rather than planting new trees so there were substantial changes in protecting street trees, there was never a discussion on the street tree issue and the issue came up at the Quality of Life meeting and it was a post lke issue and she would hate to see their very real gains made for protecting street

trees and it would add dollars into the street tree funds and Parks Department; and was urging Council tomorrow to move forward with the bulk of the changes worked on for two years and if the street tree needed worked on then focus on that. Council Members Johnson, Khan and Green absent.

Mayor White thanked Ms. Schenke for coming and offering her suggestions. Council Members Khan and Green absent.

Hugh Rice Kelly, who was previously added to the speakers list, appeared, presented information and stated that he was present speaking for the South Hampton Civic Club and authorized to speak for the Boulevard Oaks Civic Club and his principal point was already made and that was the planting of Live Oak Trees under power lines; that Live Oaks had been planted in Houston under power lines for at least 100 years and the lines running in front of his house on Rice Boulevard no one knew were there as they were on top of historic Live Oaks, the Live Oak was the one tree in Houston which had capability of growing on the street and was genetically capable of surviving hurricanes and the larges in Texas was within site of the Gulf and was 1,000 years old and one on St. John's Island in the Atlantic was 1,400 years old and both survived countless hurricanes, it had the densest and strongest wood of any domestic hardwood and was flexible; that after the last hurricane he surveyed as many parts of Houston as he could and there were no Live Oaks uprooted and none had caused damage to power lines and the only Live Oak which fell was in front of City Hall because they cut the roots off on one side when replacing sidewalks; that HL & P had waged war against Live Oaks for at least 60 years and his information showed the proper and improper way to trim the Live Oak and though both were safe one was hideous and one was beautiful. Council Member Lawrence absent.

Mayor White thanked Mr. Kelly for coming and stated that he read his testimony before the committee and for those interested on the issue Mr. Shaddock brought up about burying power lines, etc., he commended it and wished it could be posted as it gave a balance discussion of the various issues; and upon questions, Mr. Kelly stated that if you saw a Live Oak with a huge "V" shape cut down the middle that was a battle victim, it was a narrow minded way of trimming the trees; that he believed there was work to be done on the tree and shrub ordinance mostly because it applied to mature trees and all mature trees so treated would die, he thought they could be worked out and then they could support them after they were fine tuned; and upon questions of Mayor White, Mr. Shaddock stated he was confident the cost would be increased if the trees were trimmed correctly, he thought it would need better supervision, but the tree crews trimming were professionals and spoke very good tree trimming and it would disappear in the rounding of people's bills. Council Members Lawrence and Rodriguez absent.

Council Member Brown thanked Mr. Kelly for the photograph of the carnage on Bissonnett, it was appalling; and upon questions, Mr. Kelly stated that it was horrendous and regarding back yards, older subdivisions had about a three to five foot easement and the street tree ordinance and they were talking about and the Live Oaks were on streets and in the public pathway and that was what was addressed, back yard trees were not addressed in this though they posed their own issues, but as developing new subdivisions all of lateral power lines should be underground, it was not expensive if you did it during development; and in his opinion the lines smashed the power value of residents. Council Members Lawrence, Johnson, Rodriguez and Jones absent.

Council Member Lovell thanked Mr. Kelly for coming and stated that she did love Live Oaks, they were majestic, but in her neighborhood some came up by root balls during the storm; that she lived off Richmond Avenue and if there was an SPCA for animals there should be one for trees and come along Richmond; that Live Oaks were planted there about 15 years ago and they had graced placed around them, but the grates grew into the trees and then they

had to be pulled out and the trees were fighting for water because they were planted under bricks and popping them up and buckling the sidewalk and because of the utility lines they were getting mutilated and continuously trucks were cracking off their limbs as they drove by and that was why she did not want them there they needed to be in big open fields, appropriate places, she disagreed with placing them along Richmond, etc., and this ordinance was designed to place appropriate trees in appropriate places; and Mr. Kelly stated that those trees along Richmond were half Water Oak and half Live Oak and the Live Oaks were healthy; and Council Member Lovell stated that she disagreed; and Mr. Kelley stated that he would love to give her a tour and go over the trees; and Council Member Lovell stated that she would love to do it. Council Members Johnson, Khan, Rodriguez and Jones absent.

Mayor White stated that six or seven years ago when they met with general council he remembered asking why they could not just bury more power lines if it was all agreed it was in a rate base and he explained along the lines that people were concerned someone would encourage them to incur a cost and then when they saw the bill they would not pay the bill; and Mr. Kelly stated that was right when the bill came people did not like it; and Mayor White stated that he wanted people to weight that and understand, but it was a solid thing to do to see that utilities were put under ground and he wanted to do that over an extended period of time so there would not be rate shock, but he did not want people to think it was just because they were foolish, but they did need to come to a consensus on how much they would pay over a period of time and it needed to be an open and transparent process and it also meant Center Point could not just say they knew what was right, they had to act as a company which responded to the public and give the public plans with price tags. Council Members Johnson, Khan and Rodriguez absent.

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

Ms. Sandra Massie-Hines, 4421 Alvin, Houston, Texas 77051 (832-475-7861) appeared and stated that she had been waiting to get assistance for housing, initially from FEMA since the Ike disaster on September 13th and she was utilizing her car as her house and work area and she wanted to know what did constitute emergency disaster assistance; that she was told by FEMA they would provide emergency disaster assistance as well as assisted living and she wanted to know what took this government so long to assist its citizens and why were they not told Houston had a problem; that she and many of her neighbors lost power for up to two or three months and no phone service and they did not know where to go for assistance; that she could not find necessary items to apply for assistance but while she waited in her driveway under a tent she still served neighbors; that she had the first POD site, so to speak, in her area; that she wanted to know why they were not assisted and why METRO had stopped. Council Members Johnson, Rodriguez and Green absent.

Upon questions by Council Member Adams, Ms. Hines stated that she wanted to know what did constitute emergency disaster assistance and why could Houstonians not get help; that today Buddy Graham and Gwen Luis let her know the deadline for FEMA had been extended; and Council Member Adams stated that she could confirm what Ms. Hines stated and she did applaud her for still partnering with Ms. Pharm and churches to bring trucks to the POD site and make sure items were provided to seniors; and upon further questions, Ms. Hines stated she did not know how many people the DHAP could take at any one time, the process was very slow and she was not notified until the end of November and called in during December to get services. Council Members Rodriguez, Lovell and Green absent.

Council Member Jones stated that she knew Ms. Hines started her own POD site, but did not know she was having such issues; that she put a call into Housing and would also speak

with the Mayor on what specifically the City was doing or could do for hurricane relief and she would place it on the Agenda for the Housing Committee and they would have an informational meeting so people could listen and hear what was available and open and what resources there were to help; and Ms. Hines stated that she would like her to visit with churches and civic clubs in the area; and Council Member Jones stated that they could try and do a series of town hall meetings with Council Members if they would allow her to come in with Housing; and Ms. Hines stated that would be fine. Council Members Rodriguez, Lovell and Green absent.

Council Member Johnson stated that he appreciated her coming and even with her needs championing the causes for those who did not have a strong voice or resource or knowledge to come before Council and challenge them; that he wanted her to be a part of a taskforce he was putting together to make sure individuals would be going into places ready to serve them, it was important to talk about creating safe havens when disasters hit, the city should be as prepared as possible and he hoped they could come to a conclusion for her issue. Council Members Rodriguez, Lovell and Green absent.

Council Member Brown thanked Ms. Hines for all she did in her community and in looking at the internet publication "Overcoming Ike" there was hurricane recovery at cityofhouston.net and they also had contact information for the county on the same issues she brought up; and upon questions, Ms. Hines stated that she was given a book today by Mr. Buddy Graham and his department on housing resource information and she did not know if that entailed county and city but she would aggressively read and utilize it. Council Members Rodriguez, Lovell, Green and Jones absent.

Council Member Noriega apologized for Ms. Hines finding this so difficult and stated that this was not something the government did well and the City of Houston had stepped up and done a better job than most entities; that last week there was a hearing on first responders and it sounded like they needed to look at the follow-up, but she understood money was coming from FEMA but it was not here yet and she would offer to help her stay in touch. Council Members Rodriguez, Lovell, Green and Jones absent.

Council Member Adams stated that all would help; and upon questions, Mayor White stated that they could follow through; that he had information on her case and when she received vouchers and various locations of apartments and they did have large meetings where they particularly focused on people who did not have shelter and not enrolled in the temporary housing program or apartments or hotel program and they were transitioning them to DHAP, most in the temporary program in apartments had their landlord sign up for the program and getting the paperwork through the landlords took time, but there did seem to be some disconnect between the time Ms. Hines received her vouchers for housing; and upon questions, Ms. Hines stated that one concern was the people filling out the paperwork were scrutinizing the paperwork and asking for information she did not believe they should ask for, such as social security, how much funding they had, etc., that she took the papers back to Housing but after a while you would be told you were over qualified or under qualified or sorry someone else gave cash money and they went with them; and Mayor White stated that they did tend to pursue these and he would ask for feedback on the hotline. Council Members Johnson, Khan, Rodriguez, Noriega and Green absent.

Ms. Mary Davis, 4008 Sunflower, Houston, Texas 77051 (713-733-5424) had reserved time to speak but was not present when her name was called. Council Members Johnson, Khan, Rodriguez, Noriega and Green absent.

Ms. Cheryl Lee, 4008 Sunflower, Houston, Texas 77051 (713-320-2600) had reserved time to speak but was not present when her name was called. Council Members Johnson, Khan, Rodriguez, Noriega and Green absent.

Ms. Juana Rivas, 15718 Ross Briar Drive, Houston, Texas 77489 (832-578-1786) appeared and stated that she was present to complain about a fraudulent ticket she received on the 11th, it was an incident and everything on the ticket was wrong, she pointed it out to the officer all was wrong such as it said backing when she was waiting on a parking space when she was impacted by another lady from the back; that there were other mistakes, she told him about the mistake and he ordered her arrest and she was trying to see if it was a crime to complain about this; that he did not notice she was pregnant and she had a witness wither her, her daughter, but he said her daughter could not be a witness as she was a family member and when tickets were wrong people were taken advantage of, she was asked for her policy number and license number so she could go and claim for her bumper and she got a citation. Council Members Johnson, Adams, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that a sergeant with HPD was present and could take information from her at this time; and thanked Ms. Rivas for coming. Council Members Johnson, Adams, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Marion Ray, 6111 Willow Bend Blvd. #808, Houston, Texas 77096 (832-689-8149) appeared and stated that March 23, 2008, he was run over working an extra job, he was a police officer at North Forest ISD and the incident turned his life upside down; that he had witnesses, but the case was very negligently investigated by HPD and they treated him as if he were the criminal; the Aggravated Assault Division literally treated him as if he was not a peace officer, he had two kids he could not support and just now got another job and it was not half of what he had made, he did not see how you could have witnesses and no one speak to them and even tell him they did not need his statement and then say the case was closed; that he went to IAD and they did nothing; that three days after he had surgery he went to HPD, a lady almost tore his right leg off and broke his left foot and from the get go she had preferential treatment, HPD even said they were not going to do an accident report. Council Members Johnson, Adams, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Ray stated that he went through all proper channels and HPD shut the door on him and he was an officer to; and Council Member Jones stated that he called her office and she sent a email requesting information on the incident, but they had not had time as yet to information gather but when she hears she would let him know what information she received. Council Members Johnson, Adams, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Upon Mayor White, Mr. Ray stated that he was complaining about the entire investigation, the lady was walking around scot-free, they had too much evidence that night to not pursue her, they did not pursue her until almost 1-1/2 months later, there was so much unprofessionalism shown to him, he could not understand it; that he knew there was a different type of bloodhound there when it was one of their own and they had too much information on her and never talked to the witness or took his statement, said they did not need his statement; that a vehicle ran him over, Veronica Lopez had an altercation with a Black female in a restroom and he did a quick assessment and it was just pulling hair and no blood so he asked that the Black couple be escorted out the back and he escorted the Hispanic group out the front and she was saying she wanted to press charges and he said they were both combatant so go home, but then he was told someone had a gun and when he turned around she was running from the back and anybody started running because the guy with her had the gun and when he said come here she ran and she was trespassing and evading him so when she got in the car he tried to keep it from shutting but she had more leverage and he asked her to get out and she backed it up and hit him against the other car and rolled over him. Council Members Johnson, Adams, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)



Council Member Clutterbuck stated that her office had been working with Mr. Ray and part of the problem was Mr. Ray was a police officer with the Oak Forest ISD and had permission to work an outside job which was what he was doing at the club when two individuals got into an altercation and when one rammed him with her car the long and short of it was HPD would not issue a report on it; and Mr. Ray stated that they issued a report showing they went to the scene but the investigation was ...; that he had not been at oak Forest a year yet and could not get FMLA and it was how he was talked to and the Lieutenant over the case said, when looking at his case number, was that he deserved what happened, if he would have made an arrest none of this would have happened and told him not to talk about his officers and hung up the phone, then when he went they made him wait two hours and after checking to see if he was still there he was told to sue them and that was how he was to be treated; and Council Member Clutterbuck stated that there were two issues, one was lack of respect for a fellow peace officer and lack of respect for a citizen and how they were treated in a difficult situation and she wondered if a more detailed report was issued would it help or was it strictly the issue ...; and Mr. Ray stated that they went through training and they knew what to do but they choice not to investigate his case, they knew what should have been done, but they did not even do an accident report and now no one wanted to hear anything and he had bills, etc. Council Members Johnson, Adams, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Ray stated that there was no claim, no accident, Officer J. Cornelius told him to take it to civil claims court and he did not know what he was talking about, and he was not able to file insurance claims; and Mayor White stated that there were two different things here, first there were issues of auto/pedestrian, in the U. S. they relied a lot of civil justices as opposed to the criminal justice system to remedy the wrong and second he did not know whether or not what the circumstances were if whether there was an accident report, he understood he was saying he could not get medical expenses without an accident report; Mr. Ray stated that he was told without the report the incident basically did not happen and they could not help him. Council Members Johnson, Khan, Rodriguez, Noriega and Green absent.

Council Member Jones stated that she wanted to receive information but there was disrespect; that from a legal perspective people got charges filed on them in jail for spitting on jailers and they could face two to ten years and she was asking for information because when you had fiscal injury like that she heard a number of charges which could had been filed by police and accepted by the DA and she was trying to get why it was not even investigated and after her response she would get with him. Mayor White, Council Members Johnson, Khan, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that two Council Members were listening to Mr. Ray and Council Member Jones was waiting for the report. Mayor White, Council Members Johnson, Khan, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that Mr. Tim Douglas on her staff was present and would meet with him and they would make sure he had a chance to visit with HPD and see what could be done to resolve this. Mayor White, Council Members Johnson, Khan, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Brenda Anderson, 3031 Sumpter #19, Houston, Texas 77026 (713-226-7025) appeared and stated that this was not a city case but she and others needed transportation to the doctors; that she rode with medical transportation since 2006 and the city had nothing to do

with it, it had to do with Medicaid, but since she filed 10 complaints against drivers at AMR, they were low income and had no other way to get there, they were handicap or senior citizens and could not afford catching the bus back and forth for the doctors; that she suffered hardship, anguish and stress and diagnosed with a tumor, etc., and had to go to the doctor and she and others had to depend on Medicaid transportation, some stopped going because if they took you they would not come back for you; that some called 911 and that cost more; that she had dates of all her complaints but everyone else gave up. Mayor White, Council Members Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Adams, Ms. Anderson stated that METRO denied her, they gave her a METRO disabled card; and Council Member Adams stated that today they were fortunate to have a representative from METRO, Mr. Steve Brown, present and she asked if he would speak to her today and he had agreed and would speak to her at this time. Mayor White, Council Members Johnson, Khan, Rodriguez, Noriega and Green absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. John Murray, 8906 S. Dairy Ashford, Houston, Texas 77099 (281-530-7922) appeared, presented information and stated that he was again before Council to clear up any unanswered issues as to why he was requesting reinstatement as a firefighter paramedic with the City of Houston; that he submitted to the Mayor and all Council Members documents supporting his position, letters from his doctor stating a food supplement he used to boost his immune system caused him to test positive; that he never violated the zero tolerance policy; that he discussed his resignation and surrounding circumstances with two of his station captains at Station 31 on the A Shift and they submitted statements all Council Members should have and they both support the fact he did not use illegal substances and never did they convey anything different and he also had union support; that he took two subsequent drug screenings and there was no trace of illegal substance and he did not want to resign but did so under much pressure and was under duress for fear of losing his pension and all his certifications and as a veteran of over 13 years he was asking to be reinstated and have his name restored. Council Members Johnson, Khan, Rodriguez, Noriega and Green absent.

Council Member Lawrence stated that during her five years on Council this was the fourth person she was involved with and three she offered jobs to; that she did not like someone getting the short end when they were dedicated like Mr. Murry; that in the Sunday Chronicle there was an article in Lifestyle by Lisa Gray and it was on zero tolerance and how a teacher of 17 years with HISD, outstanding teacher two times and third time for the district, was taken out in handcuffs because of dogs; that there was no real evidence but there was two pills in her back seat in a bag and others had been in and driven the car; that Mr. Murray swore he had not done drugs and after his first time present she gathered information and discussed what she had including his resignation papers and stated this was not right to him or to the teacher; that zero tolerance was done no where in the U. S. to the point Houston did it and this policy needed to be looked into and if vested they should look twice; and she was concerned with this gentleman because she felt he had been under duress and if a special meeting needed to be called she was willing to do so. Council Members Johnson, Khan, Rodriguez, Noriega and Green absent.

Council Member Jones stated that she wanted to go through this document by document and she had something from New Earth Health Foods where his wife bought three orders of this and it was legal and they had letters from his doctor as to why he used it and there were clean drug screenings and letters of support from the Fire Department and the resignation, but when threatened of losing your pension you may just take a plea, etc. and now they were being told nothing could be done because of the magic language in the resignation and she commended Council Member Lawrence for digging and sharing information and she wanted to meet with the

person dropping salt on brothers even if he was high up and when elected officials asked for information it should be given to them. Council Members Johnson, Sullivan, Khan, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that this man had been without a job six months now and still loved the Fire Department; that the other person was ticketed and this was a special consideration needing to be looked at; that she asked HR and had yet not received it, but they did not keep data bases before Mayor White was present and she thought if they looked at who had been fired due to zero tolerance, how many people in different departments were vested and go from there, this man had 13 years of perfect record, never written up and that should be taken into consideration, but she hoped Council Members would look at this. Council Members Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White thanked Council Member Lawrence and he wanted to address two issues on his case and then policy, first, there could be an independent test of the split sample and second, Mr. Murry would have to decide if they could share records and details of the case with other Council Members because he did feel old fashioned about protecting certain things and if he would say it was okay to share documents they would and if not then he just would not comment and third, there was the issue of if there was a bad motive he wanted to identify it, but there were procedures advocated for the purpose of allowing people to resign if there was violation of policy in a way to not make it more difficult for them to get employment, but he would investigate and the reason a form of resignation versus another form of resignation would be required or appropriate he had not gotten into but would; that he had looked at other cities and had learned his instincts before his case were more consistent with Council Member Lawrence in terms of human beings were resources and if they were lawful substances required in an unlawful manner, etc., it seemed a harsh policy to have zero tolerance, but on the other hand three were people who believed zero tolerance had a good effect in maintaining a bright line at the city and he was trying not to just substitute with his instincts. Council Members Johnson, Sullivan, Khan, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

After a lengthy discussion with Council Members Council Member Jones stated that with zero tolerance when she was running track they would be drug tested and even wearing deodorant tampons or taking cough syrup would test you positive for steroid use and even if the same showed something the issue was not that it tested positive but it should be asked if the person had taken other substances which could have caused a false positive; Council Member Sullivan stated that this reminds him of school board days where they had policy and there was appeal process and generally they supported policy and if there was things they did not like they changed policy and not made it retroactive and here they were becoming an employee appeals board and the Mayor's chosen directors were making decisions and Council should stand by them or change policy going forward; Mayor White stated that they encouraged policies which promoted dialogue between city employees who did seek help and assistance and he thought it was important and there were deep issues of not disclosing matters within certain personnel files without an individual's consent; Council Member Noriega stated that Council Member Sullivan had a valid point and Council Member Lawrence also had a valid point but with a process and appeals it was important to have clear policies and if the ruling was never in favor of the employee the policy probably needed to be looked at again; and Mayor White stated that he reviewed a number of appeals of employees and they always ruled in favor of management and he was concerned and did not think the vast majority of citizens would think it appropriate for those individuals to work for the city; and Mr. Murry stated that he did not get to go through the Fire Department appeal process as he did not have the information at that time, appeal was only three days. Council Members Johnson, Khan, Rodriguez and Green absent.

Mayor White stated that someone had appeared on DHAP and again he had information on their case history and his comment was not directed to that individuals circumstance, but he

had to say they were told Dan Gonzales was a case worker and given a number for those needing investigation for Houston Housing Authority and Ms. Stein was here 20 to 25 minutes going through a telephone nightmare and when she did get someone on the line the call was terminated and they tried to find out where the caseworker was and it was a contractor working for Jefferson Wells and there was a problem with the caseworker on the DHAP program if he did not have a phone or if someone could not get an answer for an extended period of time and maybe someone at the Houston Housing Authority could explain to him what Mr. Gonzales's job responsibilities were, his hourly basis of pay and how his productivity was measured. Council Members Johnson, Khan, Rodriguez and Green absent.

Council Member Jones stated she was inviting all to her next Housing Committee Meeting and maybe someone with the Housing Authority could be there to answer questions; and Mayor White stated that they were a public forum and had public sessions for the Houston Housing Authority and he was concerned with the DHAP Program where someone had a caseworker assigned when they could not reach them by phone for extended periods of time from the Council table. Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Adams thanked Council Member Jones for the excellent idea of communication and adding the Housing Authority as a part of conversation. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams moved the rules be suspended for the purpose of replacing Ms. Olivia Randall with Ms. Cynthia Pharm, seconded by Council Member Noriega. Council Member Holm absent on personal business. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding. A Vote was called but not recorded as a quorum was not 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, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Olevia Randle, 6023 Beldart, Houston, Texas 77033 (713-733-2348) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Cynthia Moss, 6307 W. gulf Bank #A, Houston, Texas 77088 (281-999-3424) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Norma Barnes, 1703 Simpson, Houston, Texas 77020 (713-671-2363) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Reba Wright, 1707 Simpson, Houston, Texas 77020 (713-675-5050) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Michael "Griff" Griffin, 5327 Winding Way Drive, Houston, Texas 77091 (713-503-8064) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Gloria Granda, 3968 Autumn Ridge Drive, Houston, Texas 77048 (281-467-3415) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Cynthia Pharms, who was previously added to the speakers list, appeared and stated that she was present on behalf of the Precinct 239 Civic Club president Ms. Olivia Randle, and they would like lights installed at the parking lot of Las Park in the 6100 block of Vasser Road at McKawa she came before and it had been promised the lights would be installed and they would appreciate it. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Sullivan stated that initially Parks said it was a large project and they would try to do it in house and since sent him an email that it was too big a project and they wanted to treat it as a CIP project and that would be a long project, he had not yet got to speak with Parks to see if there were other options, but he would like it done sooner for the community; and Ms. Pharm stated that at the 6100 block of South Wayside there were no curbs and they had a bad flooding problem and would like curbs checked on. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that there was criminal activity in the area and lights were needed for security it was not a beautification thing and children would then have a place to go in a historically/disadvantaged area and whatever Council Member Sullivan needed her to do to help she would. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Trent Winters, 7967 W. airport, Houston, Texas 77071 (832-264-1816) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

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, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

The Acting Assistant City Secretary stated that Mr. James Partsch Galvan would be the next speaker after which Ms. Mary Taylor would speak as her name had been left off the Speaker's List. Mayor White, Council Members Lawrence, Johnson, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that [www.mayorgalvan.com](http://www.mayorgalvan.com), the city of Houston already had a White

woman Mayor, Kathy Whitmire and had a Black Mayor, Lee Brown and it was time for a Hispanic Mayor; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Mary Taylor, appeared and stated that she was president of the Willow Run Restoration and Beautification and again present requesting a YMCA be funded with their tax dollars in their park land, they had \$1.6 million for a park to be built on the land and they needed a "Y" which brought about peace and fought obesity. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

At 4:52 p.m. City Council recessed until 9:00 a.m., Wednesday, February 4, 2009. Council Member Holm absent on personal business. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Rodriguez, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

The Houston City Council reconvened at 9:00 a.m. Wednesday, February 4, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Sue Lovell out of the city on city business.

Note: Council Member, District H Position, vacant.

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

At 9:26 a.m. Mayor White called the meeting to order and recognized Council Member Jones. Council Members Adams, Sullivan and Brown absent.

Council Member Jones stated that she wanted to recognize the Houston Association of Realtors, that 20 of their Board Members were present in the audience and asked that they stand and be recognized and stated that they appreciated them.

Council Member Clutterbuck moved to suspend the rules to hear the Mayor's Report out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lovell out of the city on city business. MOTION 2009-0044 ADOPTED.

### **MAYOR'S REPORT** - Issues regarding FY2010 and FY2011 Budgets

Mayor White stated that he wanted to share with the people around the Council table and also the citizens of the community and employees some thoughts as they went into the preparations for their next fiscal year's budget, that they would also be remarks addressing the budget that they would do, in draft form, for the year following because it just turns out that there would be a change of administration in the middle of the fiscal year and one thing that he found would be helpful was a draft of a budget for a new administration, that not that they could presume to dictate what a new administration or Council would do but that they would do a service for those who followed them if they provided at least one roadmap or scenario that may be able to follow for a good transition; that he would give some background and then he would also talk specifically about what it meant for them as a governing body, what it meant for their citizens, and then what it meant for those who work for the City of Houston, they were part of

the team where every person was important, that he would disseminate in writing at the Council table a written version of what he was saying and he was doing it in part because in prior years he had request from Council Members for some information that they could use to answer questions by their constituents about the budget process, the state of the economy, and if there were some facts or figures that might be useful to them then he would give those to them to have them in hand; that over the last five years the City of Houston had experienced the greatest job growth of any urban area in America, by far and away, they had greater job growth than 16 states combined, that meant that they needed to provide more services to their population and they had provided those services, that they had shown discipline in their budgets as well, that the property tax rate had been cut every year and the senior exemption had risen, that they reserved some money for surpluses or some money for increased cash reserves when their projections on revenues were more conservative than the actual revenues and that had stood them in good stead, that they had invested far more in public safety, their citizens had told them that was a first priority, it was not the only priority of the government, that he could name any number of City services which if they did not go on their City would be in terrible shape, but they did know that safety and security was the essential role of local government, that for those who may doubt their commitment to public safety he would like to provide for them some figures, that in fiscal year 2004, the budget adopted before this Administration, the Police budget from all funds, and they did check it, it was all funds, was some \$495 million dollars, that their current budget for policing for all funds was \$720 million dollars, that expenditures on Fire and EMS were \$283 million dollars, that he would get the number to the dollar for them, and today they were some \$423 million dollars, so nobody could doubt their commitment to public safety, and he would also tell them that did not include in those budgets the significant investments and upgrading they had done to some of their fire apparatus, new apparatus that they had been able to get, that now regular rotation and replacement of civilian police vehicles, helicopters, that it did not include just the beginning of the replacement of their radio system used by public safety and Public Works and other personnel, where they would be a leader in the Nation, that none of those had been included but those investments had been made; that their budget had to deal with the reality that cost for the City of Houston had risen as they had risen for many American families but they had risen in a different way than many American families, that the federal government measures how much of what they call Consumer Price Index, the CPI, went up every year, that over the last five years it had gone up by 16%, but the index had gone up, 2004 through 2008, and thought it had lagged a year, and that was for their region, that was for the Houston, Galveston and Brazoria area, that the amount that the index had up for cities, local government costs, which were also measured by the federal government on a statistically sampled basis, so there was Consumer Price Index and then there was also the cost that local governments paid because they had a different cost structure, they did not buy manufactured commodities, for example, many of which had gone down in price because of the consequences of the dollar and international competition, that index had gone up by 29.6% in the same time period, so the cost of services, and they all knew that, the price of concrete and health care benefits that had affected their personnel costs were, that this meant that they dealt with and this body had dealt successfully, with the assistance of the City Controller and others with budgets and challenging times to meet the needs of a growing community and deal with the commodity inflation that had hit local governments particularly hard; that now an economic outlook, the Congressional Budget Office, which was a nonpartisan group that did budget projections every year had forecast towards the end of last year that the national income in the United States, income of Americans, would go down in 2009 by 2.2%, that many people believed that what they called inflection points, times where things were predicted to go up or down more sharply than usual, they usually missed the mark on the low side, whether it be up or down, but even if it was just 2.2% shrinking of the economy that would mean that recession, and this was their projection, would be the longest and deepest since World War II, that Houston will not be exempt from the forces that had cut personal savings accounts, reduced credit for expansion of businesses, which has caused many businesses to cut back on their capital spending and look at cutbacks in their payrolls, so they do not live beyond their means,

that he mentioned in the State of the City Address, that their City, Nation and State would recover, that it was not the first economic cycle they had been through and would not be the last and they would recover and in the meantime people had to work through this with a spirit of optimism and hope and people helping other people so that they get through this just as they did through a hurricane disaster with good spirit and hard work; that families and businesses were tightening their belts, that they would see notices, he imagined, in the business pages of the Houston Chronicle about layoffs and there would be many businesses who do not put a press release out about the downsizing of their workforce, that inevitably that would affect the revenues of government, including local government because every time they saw a layoff notice that was affecting somebody who paid their paycheck and the paycheck of the citizens of the community, that they did not have the option of borrowing money to pay for operating expenses, like the federal government did, that even if they did have that option this administration would not propose it, that they did not think it was prudent; that they were fighting for a fair share of a stimulus package that was pending in the federal government, that he would say more on that in just a minute, that the financial flexibility of their community had been affected by Hurricane Ike, although most of the storm loss expenses would be covered by FEMA reimbursement or private insurance, expenses to the City of Houston, it would take them time to collect those amounts, that thank goodness they had a Rainy Day Fund through the foresight of the Controller and many others who had served previously on City Council, that it had helped them plug the hole, but it was unrealistic to believe that they would be able to immediately replenish this fund but they must have a plan to replenish it over time as they got the reimbursements, and there were some amounts, for example, on their private insurance that were self insured, that there were other things that were not covered by FEMA or federal insurance and there were other things that were covered by FEMA but which people were very slow to pay or they would go through a long process of fighting for those claims, that they last October cut back on some of their capital spending plans, they deferred some capital expenditures, no projects that were under construction, that would have been a waste to stop something in the middle of construction that would cost taxpayers far more money than it would save, but they did know that they needed tighter capital budgets, that mass transit and thoroughfare improvements, and other infrastructure funding, including drainage in their community could be better funded if the State of Texas and the federal government gave the City of Houston it's fair share of federal funding under the stimulus package, what did that mean, he would translate it into numbers if he could for them, that their City had about two thirds of one percent of the population of the Country, that was a fact, if Houston received its fair share, based on population of some \$40 billion for transportation infrastructure funding, out of the \$700 billion to \$800 billion stimulus package, now being debated in the Senate, the one that passed the House, then that would translate into a quarter of a billion dollars in Capital Expenditures for transportation infrastructure, that they understood that there were projects that were funded within the city limits by TxDOT, by Metro, they were not the only local government entity that had public needs, but they would be fighting for their share of that funding, and in that connection they would call on each member of the body as they had the acting Mayor Pro Tem today, that he called her and she was representing them today with the Chairman of the House Appropriations Committee in the United States House of Representatives in a meeting that he would attend by conference to discuss the need for a fair share of funding for transportation needs within their region, and this would need to be something that they would have to fight for, that they should also receive a substantial amount of funding if they were treated fairly in the allocation of CDBG funds, which have been allocated to Texas based on the devastation of Hurricane Ike, that they submitted detailed plans for the use of these funds and now it had been two months ago, detailed plans, and the State made basically, in his view, fair allocations to the HGAC region based upon the relative amount of damage, the number of houses rendered uninhabitable, that allocation was made some time ago, that it was made around Thanksgiving, not a penny had been received by the City of Houston, that he knew that he and others and those who worked with the HGAC would be fighting to find out why and when they would receive that penny, but they had submitted detailed plans to help homeowners, that sometimes



they would need to move into new houses, which would help housing construction, and people like HAR, they had to rehab some apartments to make them more habitable, because they had apartments destroyed, using the success they built on and the Apartment to Standards Program, create more funding for regional flood detention in places that had experienced chronic flooding like Halls and White Oak Bayou, and there were others, and to provide some relief in dealing with the crisis of the uninsured, that had become worse in this region following the limitation of services by UTMB Galveston, that those funds would not be in the general fund or enterprise fund budgets, but he did want to emphasize to this body the fact as people talked to them about the need to invest in the future in infrastructure funding to please be armed with the information, that there were other sources of those monies which had been allocated by Congress, a very large National investment, and it would be up to all of them, and one would expect those who represent them in D.C., to make sure that they received their fair share of those dollars, that they would be pressing hard for other sources of federal funding, for example, the new administration in Congress had evidenced their intention to reinstitute parts of the program that existed in the 1990's to provide support for additional police officers on the street, that money to they would be working for and fighting for, that the whole reason for money like that was to take into account the fact that State and local governments had been hurt in their revenues by the economic downtown and that the functions of government to were something that needed attention, that they would have a special Mayor's Report about the state of federal funding with their representatives present in about March when the final conference bill was enacted and when they had some more progress, hopefully, out of HGAC; that he would tell them what it meant for their current budgets and what it meant for Council Members, citizens and employees, that he and Michelle Mitchell had asked all departments to make more conservative or lower budgeted assumptions than in the 5-year plan presented to the Finance Committee just several weeks ago, that for one thing, the 5-year forecast itself showed, if they looked at the number in parenthesis at the bottom line, that they needed to cut the growth in spending to be more in line with their revenues, that in addition, over the last few months he had talked to business leaders, employers, people in the real estate construction industry about retail sales, real estate and construction related activity, and other indicators of local economic activity, that he had concluded from these discussions that as the Nation as a whole their local economic would get worse before it got better and they would emerge from it stronger competitively because of a host of figures that he would not talk about here today, they would pull together and help each other out, they were not whiners or complainers when faced with adversity in this community but they did pull together, it was just a reality though that he would tell them that things would get worse before they got better, that for that reason they must prepare for the balance of this fiscal year and for the two next fiscal years for little growth in expenditures within their major funds, that they did know that there were some expenses that did rise, such as health benefit expenses that would rise over time unless there were changes in those health benefits so it would pose challenges to management, that they had good management, that good management meant that there existed the ability to manage through times that were tougher as well as times in which there was growth, so his message to City Council, to the public and to their employees, that first to those who were his colleagues,

That they were all responsible for hard choices that needed to be made, that every person who ran for office and went to civic clubs and into the neighborhoods and knocked on doors where people were slow to answer because they were so isolated and had a hard time just getting to the door, understand the unmet needs in this community, that he had begun meetings with each of them on priorities, they did take notes and tried to make decisions based on their input, that Chairman Clutterbuck would conduct hearings on the budgets of various departments, there would be plenty of opportunity for input, that he was aware that there would be a change of administration in the middle of the year and that would be done through the democratic process, that elections were democracy's tools for encouraging debate and different approaches and that was a good thing and healthy, that they prayed that others who succeeded those around the table in the future would have insights and approaches that would result in a better government

for the public within their community, but it would do no good to make promises which could not be kept, and he wanted to remind all candidates for municipal offices that in times like these, those who advocate significant increases in spending must also advocate either increased levels of taxation or cuts in specific programs so long as the economic environment remained as it was; that for the citizens of this community, he would assure them that they would work hard to be effective public servants and they would never forget that the public money's was not their own, that they knew that people were tightening their belts and they would do the same and had been doing the same within the City government, that they worked hard to build a consensus on what the priorities were and knew there would be unmet needs, they were not the only level of government responsible for meeting those needs and they would strive, as did many families, to live within their means, that it would require work by City employees, so express their appreciation when they saw City employees doing a good job because some of those employees, if there were unfilled positions, in times of need then some employees may be working even harder, so please when they did see good work express their thanks because there would be times where people were doing hard work, that he was so proud of the way the citizens did that at the time of Hurricane Ike where they saw so many City employees who were working 16 hour shifts, day after day after day, to pick up the garbage, to get their traffic signals back up and to do so many other things; that finally, to the employees of the City, they would strive to ensure that those who were currently employed by the City and were performing at a high level that they were important and their job was secure, they needed their help in meeting all the needs of the community and being able to provide the kind of security for those who perform had been typical of the City of Houston, that people must chip in, managers must manage, people must look for ways that they could increase productivity and suggestions of how to do that should be welcomed, that sometimes people feared change, but this was a time when people needed to think about how they did their work so that work could be done smarter, that they knew that there would be challenges in staffing new facilities, for example, but they did not want to be in a position where they needed to let go one employee in order to hire another, therefore he wanted people to figure out and work together as teams and within the department in a collegial manner to find out how they got through these difficult times without increasing their net spending; that as a team, to conclude, they had increased the confidence of the people in City government, that he got that from the feedback he got at meetings, he knew a number of them did to, that he could not believe how many people watched the Municipal Channel and commented on the fact that people treated each other with respect and were trying to find solutions not sound bites in most cases and that was what they were in the business of, solutions; that they had dealt with the unexpected including natural disasters, they had around the table about as full a diversity of life experience, ideology, background and faith as they could imagine within this Country, and if people around this table brining those experiences could come together to build consensus then they knew they were doing something right; that they needed to take pride in their efforts and take pride at how they could make this the most efficient and responsive City Hall in the Nation, if they did that then it would be perhaps one of the most challenging years in the budget, but it would be the best budget that they ever passed; that concluded the Mayor's Report.

Council Member Khan thanked Mayor White for a very comprehensive and insightful report and requested a copy which he could carry in his pocket and everywhere he went he could talk to the citizens and his constituents because he thought it was very helpful; that Houston was a can do City and full of optimistic people and he believed, just like they had done in the past recessions, that Houston would handle it in a much better way and will come out even more vigorous; that of all the things they had planned for fiscal management required that they plan for the worst and hope for the best and he thought in that regard every one of them could take certain steps to plan properly and be positively surprised with the results; that Mayor White mentioned the City employees and what they could do in their departments and he was pretty optimistic that they would do that, that he would like to see that they not lose a single employee because of hard times; that every new hire had to have proper justification, that every

new purchase and dollar spent had to have proper justification; that he would like to challenge the private sector, he would like to see before somebody loses their job that may be a way to reduce their expenses before they laid off somebody.

At 9:59 a.m. Mayor White stated that they would move to the Monthly Financial Report and Quarterly Investment Report and called on Ms. Annise Parker, Controller and Ms. Michele Mitchell, Director of Finance.

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

Ms. Parker and Ms. Mitchell reviewed the Monthly Operations and Financial Report and the Quarterly Investment Report, a copy of which is on file in the City Secretary's Office for review.

Council Member Sullivan stated that Ms. Mitchell said that she expected holiday receipts by next week and Ms. Mitchell stated yes and Council Member Sullivan asked if she could share that information with them by email; and Council Member Sullivan stated that Ms. Parker made a comment about some real estate that was in his district, PWE, at Beltway 8 and Galveston Road, that he was not familiar with that transaction and asked who could he ask for details on what it involved, and Mayor White stated Bob Christy. Council Member Jones absent.

Council Member Khan stated that Ms. Mitchell reported that the FEMA money, a lot of it had been released and at least \$24 million was sitting at the State, that was costing them money for not having that money and asked why it was sitting in the State, and Ms. Mitchell stated that the Mayor back in early October had some meetings, and she was in those meetings as well, with FEMA and this mainly had to do with \$12.7 million that was de-obligated on Katrina, that what the Mayor worked out was that they take the \$12.7 million across disasters and advance that as the Ike advance, that was agreed on by the State and FEMA and that the \$12.7 million would be paid back out of the permanent funds and now the State was state was saying they wanted it now, that she was working through that at the moment but they had \$24 million that they had there for a month; and Council Member Khan stated that Ms. Mitchell had stated that all the decrease in revenue she was expecting offset and decrease in expenditure, was it this fiscal year or next fiscal year, and Ms. Mitchell stated that on the Enterprise Funds clearly they continued to go down in revenues and she would like to see that they had some offset in reduction expenses, so if their revenues were down, and she believed just by checking the market they had a lot of lower costs in construction material, concrete and things like that, that they should have lower expenditures and right now she was seeing some lower expenditures in personnel but she was not seeing it in services and supplies and that was where she thought she needed to see some. Council Members Sullivan, Noriega and Jones absent.

Mayor White stated that they would do some Council hearings on the Combined Utility System, they would have a long term rate study, but one of the issues was if the price of fuel, concrete and steel went down then where were they seeing that within their Capital Budgets and how was it being tracked and measured. Council Members Sullivan, Noriega and Jones absent.

Council Member Khan stated that yesterday Ms. Abdul reported in her Municipal Court Administration report that they had transferred in the last five years \$107 million to the State from their revenue collected at Municipal Court and this fiscal year, he believed, she said that

\$22.9 million was going to the State and he asked her if any of that money coming back to their community, that he knew that they took half of the Red Light Camera revenue with the promise to put it in the trauma centers and so far that money was going to the General Fund, what were their plans to put that money back into the community and how much of the \$107 million, which they took from them, were they spending back in their community, and Mayor White asked Ms. Mitchell to get back to the Council Member, what they knew and what they did not know. Council Members Sullivan, Noriega and Jones absent.

Council Member Holm stated that she had two questions, what did balanced budget meant, did it mean they were going to cut expenses in order to balance the budget of revenue that was coming in, or did it mean the amount of money they were going to reduce from the fund balance in order to meet the bottom line, and Mayor White stated that different people could use it different ways but basically that they had identified the sources of funds in order to pay for the City's operations and maintenance expenses; that for the current fiscal years in his comments in the director's meetings they had asked that people look at their budgets; and Council Member Holm stated that from 2003 they had increased from 23% to 28% their dependency on Sales Tax Revenue and asked if they were addressing that in any way, and Mayor White stated that one way that they wanted to address that was by having essentially in two fiscal years planning no growth in General Fund expenditures, that was a goal and they would see how close to that they could get, because there were fixed costs; and Council Member Holm stated that she proposed that they look again at a zero based budget and she realized how hard that was to get at now and one of the things she would recommend that this fiscal year maybe they chose two departments, and she did not want to argue exactly what zero based meant other than to start from scratch and build a budget and to even supply them with the backup and packaging of where the cuts would be or what the justification was, and Ms. Mitchell stated that she was meeting individually with the directors and they would be going over the discretionary dollars and to look at where they could scrub their budgets, and Ms. Parker stated that she could not speak for the other departments but would say that for the financial departments they had worked over the last few years to examine everything that they do and they had really did a naming and claiming process where there were things that she used to do and now Ms. Mitchell's department did and things that they used to do that the Controller's now did, that they had taken on responsibilities from other departments and tried to rethink everything and that was why they were successful in going to the paperless payroll, that they were going to move more and more into paperless transactions for invoicing and billing and they were moving into an imaging process, that if they focused to much on the zero based budget and not on were they rethinking how they did things because most of their services were essential services and there were very few things that the City could suddenly decide not to do; that going back to the Sales Tax question, they were a tax dependent entity and it was not as if they could wean themselves away from sales or property tax, what they could do was make sure they were careful on the expenditure side so that they did not get caught short. Council Members Lawrence, Rodriguez, Noriega and Jones absent.

Council Member Brown stated that he would like to find out how many applications for building permits were in the waiting line; that he was looking at the difference in the Controller's revenue projections and the Director of Finance, that there was a variance of about \$10 million from the current budget to the projection, that most of the \$10 million was in the Sales Tax projection, that he wanted to know why they did not agree on the projection, and Ms. Parker stated that he had asked her that question on a number of occasions and the answer was not going to change as many times as he asked her the question, they did an independent analysis, Ms. Mitchell did an independent analysis and they put their best estimates out there, they, the Controller's, lowered their projection earlier than she, the Finance Director, and as she mentioned in her report she was now looking at the numbers and may make an adjustment, that part of being an independent entity within the City was that while they communicate they did not coordinate their response to things and that was what Council Member Brown expected them to

do, that independent response. Council Members Lawrence, Adams, Rodriguez and Jones absent.

Council Member Clutterbuck stated that she had cued in when Council Member Khan was making his comments on the State and other entities that were not releasing the funds, that there were going to be two public meetings next week, February 11 and 12, 2009, before the Houston Galveston Area Council, and they were in the process of allocation and they were eager to see that process move forward and allow them to start releasing the funds, and Mayor White stated that \$800 million had been allocated to this Council of governments and a substantial amount of property damage was within the city limits of Houston, that they were ready to get started and they needed to let people know that. Council Members Brown and Noriega absent.

Council Member Adams stated that she had noticed over the last couple of RCAs that they had an enormous purchase of vehicles and now she heard how tight the budget was among various departments and asked how were they looking at the budgets in various departments, and asked for the adopted plan in writing from their departments on how they were planning on stretching out their vehicle purchases. Council Members Rodriguez, Brown, Noriega and Jones absent.

Council Member Clutterbuck moved to accept the Monthly Financial and Operations Report and the Quarterly Investment Report seconded by Council Member Khan. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Members Rodriguez, Brown, Noriega and Jones absent. MOTION 2009-0045 ADOPTED.

Mayor White stated that he wanted to thank the City Controller and Director of Finance for their reports. Council Members Rodriguez, Brown, Noriega and Jones absent.

Mayor White stated that with unanimous consent he wanted to recognize somebody and say thank you to David Berg, that he and his firm had worked with the City in the public interest to reach an agreement, a court judgment, against CES, a plant that had a lot of friction with it's neighbors, that he wanted to thank Mr. Berg for good work, that it was very detailed; that he wanted to highlight that many Members of Council did hear from citizens that the City was some how persecuting the plant and that they were responsible for driving the company out of business, that it was true, that it was a fact that certain of the operations at that location the company decided that rather than comply with the City's requirements and the law that they would relocate some of those operations so they were not near the neighborhood, that did not mean that the City tells companies who they must employ, how long they must employ them or where they must employ them. Council Members Rodriguez, Brown, Noriega and Jones absent.

### **CONSENT AGENDA NUMBERS 1 through 31**

#### **PURCHASING AND TABULATION OF BIDS** – NUMBER9 and 9A

9. ORDINANCE appropriating \$161,930.00 out of Equipment Acquisition Consolidated Fund and \$123,690.00 out of Reimbursement of Equipment / Projects Fund for Purchase of Light-Duty Utility Vehicles for Various Departments – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. ORDINANCE 2009-0061 ADOPTED.
  
- 9a. **PF45, L.P. d/b/a PLANET FORD 45** for Light-Duty Utility Vehicles for Various Departments - \$617,864.00 - Enterprise, Building Inspection, Stormwater and Special Waste Transportation and Inspection Funds – was presented, moved by Council Member

Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Members Brown and Noriega absent. MOTION 2009-0046 ADOPTED.

**ORDINANCES** - NUMBERS 12 through 31

12. ORDINANCE consenting to the addition of 1.59 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0062 ADOPTED.
13. ORDINANCE consenting to the addition of 15.7164 acres of land to **FOREST HILLS MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0063 ADOPTED.
14. ORDINANCE consenting to the addition of 7.544 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 143**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0064 ADOPTED.
15. ORDINANCE consenting to the addition of 60.4418 acres of land to **HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0065 ADOPTED.
16. ORDINANCE consenting to the creation of **WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 9** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0066 ADOPTED.
20. ORDINANCE approving and authorizing first amendment to Construction Management At Risk Contract between the City of Houston and **TEAL CONSTRUCTION COMPANY** for Construction Phase Services for the Bracewell Library, Kendall Library and Oak Forest Library - **DISTRICTS A - LAWRENCE; E - SULLIVAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0067 ADOPTED.
- 20a. ORDINANCE appropriating \$5,023,875.00 out of Public Library Consolidated Construction Fund as an additional appropriation for Construction of Bracewell Library Replacement under an existing Construction Management At-Risk Contract with **TEAL CONSTRUCTION COMPANY**; providing funding for engineering and testing services, Civic Art Program, and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0068 ADOPTED.
- 20b. ORDINANCE appropriating \$7,398,225.00 out of Public Library Consolidated Construction Fund and \$1,500,000.00 out of Parks Consolidated Construction Fund as an additional appropriation for Construction of Kendall Library Replacement and Community Center under an existing Construction Management At-Risk Contract with **TEAL CONSTRUCTION COMPANY**; providing funding for engineering and testing services, Civic Art Program, and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund and the Parks Consolidated Construction

Fund - **DISTRICTS A - LAWRENCE and G - HOLM** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0069 ADOPTED.

21. ORDINANCE amending Ordinance No. 2007-1144 (passed October 10, 2007) to increase the maximum contract amount for City-funded Governmental Purpose Projects under an Interlocal Agreement between the City of Houston and **GEOTECHNOLOGY RESEARCH INSTITUTE** for Professional Consulting Services for a sustainable development program - \$150,000.00 - Central Service Revolving Fund – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0070 ADOPTED.
24. ORDINANCE awarding sole source contract to **SOUTHWESTERN BELL TELEPHONE COMPANY d/b/a AT&T TEXAS** for City-wide Tariff Services; providing a maximum contract amount - 3 Years with two one-year options - \$9,500,000.00 - Central Service Revolving Fund – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0071 ADOPTED.
25. ORDINANCE awarding contract to **ADOBE EQUIPMENT HOUSTON, LLC** for Fuel Tanker and Trailer Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$541,715.00 - Fleet Management Fund – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0072 ADOPTED.
30. ORDINANCE appropriating \$2,526,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX, CORP.** for White Oak WWTP Improvements; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0073 ADOPTED.
31. ORDINANCE appropriating \$2,141,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX, CORP.** for West District and Cedar Bayou WWTP Improvements; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS E - SULLIVAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0074 ADOPTED.

Council Member Jones stated that she wanted to recognize Mr. Anthony Hall's, Junior Achievement Job Shadow, Mr. Kendrick Warrant, that he was a senior at Westfield High School and planned to graduate in May and attend Texas A&M and major in computer engineering. Council Member Brown absent.

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

## **MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **AFFIRMATIVE ACTION CONTRACT COMPLIANCE COMMISSION**:
  - Position One - **MR. ISAIAH "IKE" ALLEN**, reappointment, for a term to expire January 1, 2011, and to serve as Chair
  - Position Three - **MR. ALFONSO KENNARD, JR.**, appointment, for a term to expire January 1, 2010
  - Position Five - **MR. CECIL FONG**, appointment, for a term to expire January 1, 2010

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Brown absent. MOTION 2009-0047 ADOPTED.

Council Member Rodriguez stated that he wanted to congratulate Mr. Allen, Mr. Kennard and Mr. Fong for their willingness to serve on the board and asked that they stand and be recognized and thanked them for their commitment to the City of Houston. Council Member Green absent.

2. RECOMMENDATION from Director Parks & Recreation Department to change the name of Cloverland Community Center to **BESSIE SWINDLE COMMUNITY CENTER - DISTRICT D – ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Green.

Council Members Adams, Jones and Noriega thanked the Parks Department for naming the center after Ms. Bessie Swindle who had worked so hard and deserved this. Council Members Brown and Rodriguez absent.

A vote was called on Item No. 2. All voting aye. Nays none. Council Member Holm out of the city on city business. Council Members Rodriguez and Brown absent. MOTION 2009-0048 ADOPTED.

## **DAMAGES**

3. RECOMMENDATION from City Attorney for settlement of claim styled **HISD** v. City of Houston; in the 152nd Judicial District Court, Harris County, Texas; No. 2007-77159; (Consolidated with) **RAMONA ESCAMILLA** vs. City of Houston; in the 165th Judicial District Court, Harris County, Texas; No. 2007-77403 - \$200,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Members Rodriguez and Brown absent. MOTION 2009-0049 ADOPTED.

## **ACCEPT WORK**

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,688,514.74 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS) 2.83% over the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK and E – SULLIVAN** – was presented, and tagged by Council Members Johnson, Green and Jones. Council Members Rodriguez and Brown absent.



Council Member Johnson stated that he had another item coming before them where the contractor did not meet his MWBE goals and unfortunately the company was a part of their Mentor Protégé Program and with him having a protégé within his system he would think that he would be able to meet the goals that had been laid out, that he hoped that during the tag week they would have an opportunity of meeting and talking with him and at the same time strengthening their positions on these companies, because if they did not have better explanations as to why they were not meeting their contractual obligations to their contract then at some point or another they needed to become stronger in making sure these type of companies did not do business with the City of Houston. Council Member Rodriguez absent.

Council Member Green stated that his concern was that the information that he received was that the work orders on their behalf were not substantial enough for this contractor to meet their goal, however he saw that there was a 2.83% amount over the original contract amount, that the bigger issues was when they got to the contracts in their final stage and got an unsatisfactory rating for the MWBE participation his big concern was what did they do before they got to the final contract amount and what did Affirmative Action do to help assist in helping the contractor meet it's goal; that if they were going to have the goals then the contractor needed to meet them but if they were going to have the goals they were going to have to help enforce them and not just wait until the end of the contract to say they did not meet their goal. Council Member Noriega absent.

Mayor White stated that the item had been tagged. Council Member Noriega absent.

## **PROPERTY**

5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Gilbert Froehlich Jr. of United Lumber and Supply Inc, for abandonment and sale of a 12-foot-wide alley from Detering Street to Lester Street (formerly Settegast Street), Block 2, Settegast Dodge Addition, Parcels SY9-040, SY9-043, SY9-044, SY9-045 - **DISTRICT H** – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. Council Member Noriega absent.

Council Member Brown stated that they were vacating an alley for a property that faced on Washington Avenue and he thought they needed to be very careful about denying access via the alley to other properties that were along the alley and forcing them to have more curb cuts on Washington Avenue, that when they were doing the abandonment and sale it seemed to him they could impose some conditions on the beneficiaries. Council Member Noriega absent.

Mayor White stated that he never heard the criticism that the Joint Referral Committee moved to fast and one reason for that was the requirement for the consent of the various stake holders, that he knew that the firm, as told to him, owned all the property on each side, but Council Member Brown says there were people who were using the alley right now, was it a general comment or was it specific to this item, and Council Member Brown said both and would tag the item to get to the bottom of it.

Council Member Holm stated that she to was going to tag the item and thought that Council Member Brown brought up a good point, that she was concerned that the Joint Referral Committee's perspective may not be the perspective of the quality of life of the community and the impact on the community.

## **PURCHASING AND TABULATION OF BIDS**

6. ORDINANCE appropriating \$1,022,575.00 out of Equipment Acquisition Consolidated Fund for Purchase of Ambulances, Cabs & Chassis for the Houston Fire Department – was presented, and tagged by Council Member Jones.
- 6a. **LAWRENCE MARSHALL CHRYSLER, LLC** - \$93,225.00 and **KNAPP CHEVROLET, INC** - \$1,013,650.00 for Ambulances, Cabs & Chassis, and a Squad Utility Vehicle through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Airport System and the Houston Fire Department – was presented, moved by Council Member Khan, seconded by Council Member Green, and tagged by Council Member Jones.
7. **GTSI, CORP.** for High-Capacity Ethernet Circuits through the City's Intergovernmental Agreement with the County of Fairfax, VA, for Computer Products and Services under Section 791.025 of the Government Code for Information Technology Department - \$371,487.68 - Central Service Revolving Fund – was presented, moved by Council Member Khan, seconded by Council Member Lawrence.

Council Member Khan stated that he would ask a general question, probably not related to this item, but they had noticed that their computers were working very slow, the internet was working very slow sometimes, that he did not think it was just one computer, that he did not know what was going on.

Mayor White stated that on this issue they should have Mr. Lewis and Mr. Lambert brief Council Members on the upgrade.

A vote was called on Item No. 7. All voting aye. Nays none. Council Member Lovell out of the city on city business. MOTION 2009-0050 ADOPTED.

8. **SMITH-MOBLEY, INC** for Securing Services for Multi-family Buildings and Swimming Pools for Police Department - \$73,376.00 and contingencies for a total amount not to exceed \$80,713.60 General Fund - **DISTRICT B – JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Green.

After discussion by Council Members, Mr. Michel stated that the problem was that condo owners had a right in the common property and in order to demolish they had to serve all the condominium owners, but legislation that would allow a centralized notice that would put the obligation on the condo owners the way they would have a filing with the Secretary of State or perhaps with the County Clerk that would be sufficient for service of process, and Mayor White asked if that was not allowed under the law right now, and Mr. Michel stated that what had been represented to him but would look into that and get another opinion, that there was substituted service and thought that part of the problem was the delay, and as he understood the law, they had to attempt to personal service first, establish to the court that was insufficient and then they could go to substituted service, and Mayor White asked him to take a look at matters effecting real estate. Council Members Holm and Rodriguez absent.

A vote was called on Item No. 8. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Members Holm and Rodriguez absent. MOTION 2009-0051 ADOPTED.

10. **ROCAL, INC** for Aluminum Traffic Sign Blanks for Various Departments - \$2,342,574.28 General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. MOTION 2009-0052 ADOPTED.

## **ORDINANCES**

11. **ORDINANCE AMENDING ARTICLE V OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to trees, shrubs and screening fences; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented, and tagged by Council Member Clutterbuck.

Council Member Holm stated that she too would like to tag Item No. 11 and talk to the Parks Department and would like a list of all contributors to the fund for the last 18 months so she could see where some of that money was going to be spent. Who were board reps for HGAC in

Council Member Sullivan stated that he would also like to add his tag to Item No. 11 and would ask if the Parks Department could get with him to make sure that the public speakers that they had come before them yesterday that they fully understand their concerns, that he did not because it was kind of brief.

Council Member Brown stated that he also wanted to add his tag to Item No. 11, and say that in some cases the idea of banning live oaks under electrical lines where the utility poles were actually in the wrong place was the tale wagging the dog.

Mayor White stated that Item No. 11 had been tagged.

17. **ORDINANCE** approving and authorizing purchase of a Boiler and Machinery Insurance Policy from **CNA INSURANCE COMPANY through its member company, CONTINENTAL CASUALTY COMPANY**; providing a maximum contract amount - 3 Years - \$212,136.00 Property and Casualty Fund - was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. **ORDINANCE 2009-0075 ADOPTED.**
18. **ORDINANCE** approving and authorizing contract between the City of Houston and **DENTON, NAVARRO, ROCHA & BERNAL, P.C.** for Legal Services and Representation of the City in connection with all matters relating to Cause No. 4:08-CV-2404; Dwight Bazile et al. v. City of Houston; in the United States District Court, Southern District of Texas; establishing a maximum contract amount - \$197,400.00 - Property and Casualty Fund – was presented, and tagged by Council Members Green and Lawrence.
19. **ORDINANCE** approving and authorizing Funding Agreement between the City of Houston and the **HOUSTON GALVESTON AREA COUNCIL** for the Livable Centers Planning and Feasibility Studies - \$113,712.00 - Building Inspection Fund - **DISTRICTS D - ADAMS; DISTRICT H and I – RODRIGUEZ** – was presented.

Council Member Brown stated that this was the beginning of their livable cities program and transit oriented development and was a great thing for the City and commented to all of them a PowerPoint presentation by HGAC and the Urban Land Institute, it was the direction their urban areas needed to go, and Mayor White asked Council Member Brown if he was having a hearing and Council Member Brown stated that was correct, that he was hoping to join with Council Member Lovell's committee and Council Member Holm's committee and have a presentation and a City Council committee hearing on transit oriented development and their livable cities program, they would be scheduling that soon.

A vote was called on Item No. 19. All voting aye. Nays none. Council Member Lovell out of the city on city business. **ORDINANCE 2009-0076 ADOPTED.**

22. ORDINANCE amending Ordinance No. 2007-864 (passed by City Council on August 1, 2007) to increase the maximum contract amount; approving and authorizing first amendment to contract between the City of Houston and the **TEXAS DEPARTMENT OF INFORMATION RESOURCES (“DIR”)** for Telecommunications Services for Various Departments authorizing the issuance of purchase orders - 42 Months - \$14,346,800.00 - Central Service Revolving Fund - was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0077 ADOPTED.
23. ORDINANCE approving and authorizing Agreement between the City and DIR Go-Direct Vendor **SOUTHWESTERN BELL TELEPHONE COMPANY d/b/a AT&T TEXAS** through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Voice Communication Services for Various Departments; authorizing the issuance of purchase orders 15 Months - \$7,500,000.00 - Central Service Revolving Fund - was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0078 ADOPTED.
26. ORDINANCE approving and authorizing Agreement between the City of Houston and **CONWAY CONSULTING, INC** for Professional Consulting Services for the Houston Airport System \$1,000,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ** – was presented, and tagged by Council Member Johnson.

After discussion by Council Members, Mayor White asked Mr. Hall if this was in connection with the revenue allocation, that the issue was should they have more in house expertise and what were they doing to develop that.

Mr. Hall stated that he believed it was a five year contract and was a contract to provide a host and wide range of services to include internal leasing configurations, what was best practices today and what met all the requirements, in addition to helping to advertise, for instance, at Ellington, airport layouts and plans and optimum use of those facilities, that candidly \$150,000 would not provide those services in house, they did not need them constantly, they were project driven in many instances when they had spaces that needed to be allocated, they were experts for assuring that they had the best flows through the airport in terms of layout, all of those kinds of services, quite frankly, that could seem intuitive, but frankly required professional expertise to do it, that it was on a project basis, he thought, and Mayor White asked what was the annual amount that this firm had been paid, say, for the last 15 to 20 years, and could some of this expertise, over time, be done internally, that it was a more efficient way to do business, if they had sporadic needs for some expertise, to contract for it on a project basis, and Mr. Hall stated that was the situation and could get them the history of this, but it was discussed, the contract, and information was given, the kinds of issues that were required for satisfaction of all the regulations in addition to trying to make certain that they raise the level at which they plan and allocate their spaces both for concessions and for traffic flows and the projects like the Ellington Initiative that Mayor White instituted, to do that in the best way required research and information and expertise over time that they could not or should not afford to keep on board full time, and Mayor White stated that certainly that would be the issue just as long as somebody went through that analysis and said here was how much it would take them and here was how much they had paid for the individual, and Mr. Hall stated that they could get that information. Council Members Clutterbuck and Noriega absent.

After further discussion Mr. Hall stated that they would certainly ask them to provide some comparison of what had been done over the last five years and then what capacities could have been maintained inside to do that, that he did not mean to suggest that they did not have people who do that, that they had people who did that but they were more operational and managers

rather than those people who kept up with what the best practices were based on all the change and requirements that seemed to come about. Council Members Clutterbuck and Noriega absent.

After further discussion, Council Members Green, Brown and Khan stated that they would tag Item No. 26.

Mayor White stated that Item No. 26 had been tagged by Council Members Jones, Green, Brown and Khan.

27. ORDINANCE approving and authorizing Agreement among the City of Houston, the **TEXAS DEPARTMENT OF TRANSPORTATION** and **UNION PACIFIC RAILROAD COMPANY** for Grade Crossing Improvements at Houston Avenue and Henderson Avenue for the First Ward Safety Zone - **DISTRICT H** - was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0079 ADOPTED.
- 27a. ORDINANCE approving the closings to vehicular traffic of street railroad crossings by Hickory Street, Goliad Street, Holly Street, Sabine Street, Colorado Street and Johnson Street at Winter Street, and approving the installation of cul-de-sacs or other roadway ending devices at those crossings to effect such closings - **DISTRICT H** - was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0080 ADOPTED.

Council Members Noriega stated that District H wanted to thank Council for the passage of these two items and the Winter Street Safety Zone, that it was being funded by a grant from TxDOT and the Federal Government and improved public safety by installing items such as crossing arms or closing or redesigning streets, that she wanted to thank all who had worked on this item, that it was going to help insure the safety of the residents who lived in the First Ward.

Council Member Jones stated that she was thankful that they were able to work with this and hopefully they would move forward to getting quieter zones like they had in Sugarland.

Council Member Holm stated that she wanted to thank Mayor White and all of the people in District G and District H, that this particular section was a safety zone that helped them close some streets so that the cars and traffic were actually safer with using it and it was a really good plan that hopefully they could use in a lot of different areas in order to mitigate some of those dangerous intersections and crossings.

28. ORDINANCE appropriating \$216,450.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to the Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Reconstruction of Richmond Avenue Intersection at IH-610 West Loop (approved by Ordinance 2005-0070) - **DISTRICTS C - CLUTTERBUCK and G – HOLM** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0081 ADOPTED.
29. ORDINANCE appropriating \$325,028.00 out of Fire Consolidated Construction Fund; awarding construction contract to **PEMCO, INC** for Underground Storage Tanks Remediation, Removal and Installation at Fire Station 13; 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 materials testing services, project management and construction oversight, and contingencies relating to construction of facilities financed by

the Fire Consolidated Construction Fund - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0082 ADOPTED.

**MATTERS HELD** - NUMBERS 32 through 33

32. ORDINANCE appropriating \$7,127,686.00 out of Equipment Acquisition Consolidated Fund and \$699,296.00 out of Reimbursement of Equipment / Projects Fund for the Purchase of Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for Various Departments – **(This was Item 14a on Agenda of January 28, 2009, TAGGED BY COUNCIL MEMBER JONES)** - was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0083 ADOPTED.
- 32a. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Purchasing Agent to award to **PHILPOTT MOTORS, LTD. d/b/a PHILPOTT FORD/PHILPOTT TOYOTA** - \$7,981,462.00; **BABY JACK II AUTOMOTIVE, LTD d/b/a CALDWELL COUNTRY CHEVROLET** - \$3,029,417.00 and **PFPP, L.P. d/b/a PLANET DODGE** - \$494,437.00 for Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for Various Departments - Enterprise and Various Funds – **(This was Item 14a on Agenda of January 28, 2009, TAGGED BY COUNCIL MEMBER JONES)** - was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. MOTION 2009-0053 ADOPTED.
33. ORDINANCE determining the population of the City and the population of each of the Council Districts and determining that the populations of the existing City Council Districts are not materially unbalanced; making various findings and provisions related to the subject – **(This was Item 17 on Agenda of January 28, 2009, TAGGED BY COUNCIL MEMBER JONES)** - was presented.

Council Member Jones moved to postpone Item No. 33 for two weeks, seconded by Council Member Rodriguez.

After a lengthy discussion by Council Members, a roll call vote was called on Council Member Jones motion to postpone Item No. 33 for two weeks.

ROLL CALL VOTE:

Mayor White voting aye	District H position, vacant
Council Member Lawrence voting no	Council Member Rodriguez voting aye
Council Member Johnson voting aye	Council Member Brown voting aye
Council Member Clutterbuck voting no	Council Member Lovell out of the city on City business
Council Member Adams voting aye	Council Member Noriega voting aye
Council Member Sullivan voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Jones voting aye
Council Member Holm voting no	MOTION 2009-0054 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Noriega stated that she wanted to talk about the Green Market in Discovery Green, that it was a certified farmers market in downtown Houston and held at Discovery Green Park each Sunday from noon to 4:00 p.m., that it was managed by the Central City Coop with the support of the Discovery Green Conservancy; that County Commissioner Garcia was hosting a townhall meeting on Thursday, from 6:30 p.m. to 8:30 p.m. at Jefferson Davis High School, 1101 Quitman; that the CERT Community Emergency Response Team would be holding their Third Annual CERT Rodeo Roundup on Saturday, February 7, 2009 from 8:00 a.m. to 5:00 p.m., for more information they needed to contact the District H office at 832-393-3003; that the District H staff would be participating in the Conoco Phillips Rodeo Run Community Cleanup in collaboration with State Representative Jessica Farrar's office and the Greater Northside Management Office, that it would take place on February 21, 2009, from 7:30 a.m. to 12:00 p.m., that volunteers would meet at 1906 Cochran; that there would be a cleanup at the Olivewood Cemetery from 8:00 a.m. to 12:00 p.m. on Saturday, thank you to Margo Williams and Boy Scout Troop #84 for helping to clear the historic cemetery at 1300 Court St. Council Member Lawrence absent.

Council Member Adams stated that she wanted to remind the District D community and surrounding communities of the public safety forums that the District D Office would be hosting, that the first was on Thursday with Chief Hurtt at the Wheeler Avenue Baptist Church on McGregor; that on Saturday they would be participating in a dialog with Ms. Ada Edwards to discuss the crime issues along with Chief Hurtt and other representatives from HPD; that they were welcoming Black History Month by revisiting a fact from today, February 4, 2009, that in 1986 a stamp of Sojourner Truth was issued by the US Postal Service, that she was born into slavery in Sweetkill, New York and her best known speech, "Ain't I Woman" was delivered in 1851 at the Ohio Women's Right Convention in Akron, Ohio; that this Monday was Groundhog Day and they knew there would be six more weeks of winter; that she wanted to congratulate Mayor White and Judge Emmit and others who were honored as Weather Hero's, that they attended the Inaugural Ground Hog Gala which took place on February 2, 2009 honoring the 2008 Weather Hero's; that last night they attended the Crestmont Park Civic Club meeting and one of the issues that came up was redistricting, that she was glad that they held a dialog about the issue so that those watching good see it was a tough decision for some about the upcoming Census; that she wanted to thank Mayor White, Mr. Arturo Michel and Ms. Carolyn Lacy in the Legal Department about CES, that she appreciated the Mayor's comments that it was not Council's decision that employees were terminated, that the order was signed today and they would be holding a community meeting to let them know what was the final settlement and where they stood; that she wanted to congratulate Dallas Jones, who headed up her campaign with Angela Lopez, that they would be getting married on Saturday; that she wanted to highlight a book titled, "Young So What", that it was written by Keith Davis, a 17 year old, and it was his first book, that he gave kudos to four Council Members along with Mayor White in his first book; that she wanted to congratulate him on his first book. Council Members Lawrence, Noriega and Green absent.

Council Member Rodriguez stated that he wanted to thank Mr. Issa Dadoush for attending a meeting with Dallas Council Member Steve Salazar regarding their City's weatherization initiative, that Council Member Salazar was really impressed with all they had done to weatherize homes and decrease energy consumption throughout the City, that it was a plan that they would like to implement in the Dallas area and maybe have City staff come up and brief their Council; that he wanted to thank HPD Truck Enforcement who were out in Limerick Valley and Clinton Park and were making a strong impact out there. Council Members Lawrence, Noriega, Green and Jones absent.

Council Member Rodriguez stated that he wanted to express his condolences to Mr. Frank Partida and Family for the passing of his wife, Mary Alice, that they were a lifetime residents of the Magnolia Park area and had been major advocates for the community, and asked for a moment of silence for Mrs. Partida. Council Members Lawrence, Noriega, Green and Jones absent.

Council Member Sullivan stated that he wanted to welcome two new interns to the Council E office, that they were from the University of Houston, Ms. Rachel Burnett and Ms. Linda Leon; that he had a CIP meeting in District E in the Kingwood area, from 6:30 p.m. to 8:30 p.m. at Creekwood Middle School; that he wanted to thank the Mayor's Citizens Assistance Office for all the work they do in helping put on the CIP meeting, that they had a successful one at San Jacinto College South last week, that as a result of that meeting he had received largely positive comments from the residents of the South Belt and Clear Lake area. Council Members Lawrence, Noriega, Green and Jones absent.

Council Member Johnson stated that they would have CIP meetings on Monday, February 9, 2009 at 6:30 p.m. at The Acres Homes Multi Service Center, 6719 West Montgomery and on Tuesday, February 10, 2009 at 6:30 p.m. at the Northeast Multi Service Center, 9712 Spaulding; that he wanted to thank Mr. Arturo Michel and his department for aggressively going after the Hot Sheet Motels, that as they got these buildings closed down he wanted to make sure they had something in place for these facilities after they were shut down, that somehow as they were filing lawsuits that they either entice or force the owners to sell those properties, that during the Mayor's State of the City address he mentioned veterans and finding safe places for veterans to live, that he had an opportunity to meet with Dr. Blaze Carabello, the interim Executive Director of the Veterans Administration, they had a very lengthy conversation about what to do with the veterans who were homeless, that they needed to do a much better job and would like to have a dialog with Mayor White as they tired to find safe places for these individuals to live and put programs in place because many of these individuals had substance abuse problems. Council Members Lawrence, Sullivan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Holm stated that last Thursday she and Mayor White were at the groundbreaking for the Memorial Park Bridge, which was a great partnership and new infrastructure that was going to bring so much to Memorial Park, that she wanted to thank the Memorial Park Conservancy and Ms. Mindy Hildebrand for her leadership in helping them bring the funds together; that on Monday, February 16, 2009, at 1:00 p.m. they would have the groundbreaking for Kendall Library; that District G would have a CIP meeting on Tuesday, February 17, 2009, at 6:30 p.m. at Tracy Gee Center, that she wanted to go on record of being concerned about calling it a CIP meeting where they were taking citizens input of projects they wanted to see, that the CIP had been basically defined, it was five to six years scope out, that they always took recommendations and reviewed things from their citizens and she did not want to give anyone the false hope again that if they came out they could present their wish list and it would be considered and moved forward any time soon, that it was an important part of the process, that she had always said that it was much more appropriate to call it the State of the



District meeting because every department would be represented, the Health and Police Departments, all departments, so it was an opportunity not only to get information about where they were in the CIP, projects that were rising as well as the status of some that were on the books, and an opportunity to discuss some far reaching that needed to be placed on their infrastructure projects but also to define and become a real knowledgeable, resourceful citizen within the district. Council Members Lawrence, Johnson, Sullivan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that their CIP would be on Thursday, February 6, 2009 at Sharpstown Community Center, 6600 Harbor Town, at 6:30 p.m.; that he wanted to recognize Ms. Nirja Aiyer, that she was fighting on behalf of the citizens of Houston for a TABC Alcohol Beverage Permit which was applied for by El Zorro Discotheque, that in November the TABC denied the application and they filed an appeal with the Attorney General's office and the hearing was held on January 23, 2009, that Judge Steven Kirkland entered his final judgment in favor of TABC and the alcohol beverage permit was denied, that they wanted to thank everyone involved; that it was the Year of the Ox and they would have a celebration from February 7, 2009 from 11:00 a.m. to 7:00 p.m., at Viet Hoa Center at the Beltway Plaza, located at 8300 West Sam Houston Parkway, that the family who had the Viet Hoa business was an example of fulfilling an American dream. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that Ms. Veronica Flores was his new Chief of Staff, that she had worked for him for 8 years, that he wanted to wish Maverick Welsh, his retired Chief of Staff all the best; that the Houston Grand Opera, on Saturday at 7:30 p.m., would have a production of "Chorus", that it was a combination of Broadway and classical music, that it would be broadcast live at 6 different locations, that there would be a huge screen at Discovery Green and five school where it would be broadcast live at Johnston, Stephen F. Austin High School, Jeff Davis, Cesar Chavez and James Ryan Middle School, that he and his wife were proud to be sponsors of this initiative, that it was a first of additional City cast, as they called it, of the Houston Grand Opera; that their Sustainable Growth Committee, last week, initiated a new recycling program for the City of Houston, they would have state of the art recycling in 300 City buildings that would be generating tens of thousands of materials per year that would not go to the landfill but would be recycled and hopefully be used in some fashion in their increasing environmentally sustainable approach to growth and change in the City; that he attended the community meeting in District H, chaired by Congresswoman Jackson Lee and wanted to thank all of those who participated, particularly the citizens who were concerned about public safety in the Heights. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that on Item No. 33 she would offer her willingness and eagerness to participate in the next two weeks to come forward with a suggested plan and committee members for a task force to review the important issue of redistricting, that she voted against the item because she did not believe it was good public policy to vote to delay things if nothing was going to happen in the following two weeks, that she appreciated the Mayor's commitment to that and would add hers' as well, that she looked forward to seeing that many people showed up and were counted for the Census; that a privilege that she had was representing the City on the Houston Galveston Area Council, that one of the commitments that she made was to give Council an update after the meetings, especially when they took action that was significant, that on January 20, 2009 they were at HGAC voting on some items that benefitted the City of Houston, that one of them was the Westfield Estates Watershed Protection Project, that it was the perfect example where HGAC could come in and help an area that was covered by both municipality as well as an unincorporated County area where they shared the same watershed, that Westfield Estates, located in northeast Harris County was an urbanized watershed that drained into Halls Bayou and unfortunately while land use in this

particular area was primarily residential and residents were low income households, bacteria in that watershed exceeded the State criteria for human health, so what they were doing for 700 homes, more or less, they were helping them currently replace all of their septic tanks and have a treatment plant built, that it was going to help improve the water quality in the area, they were using it as a test case to see if it did help reduce bacteria levels in that watershed and hopefully they would be able use it and expand upon it throughout their region if it was successful and they all did hope it would be successful; that they voted on another item related to behavioral health impacts on hospitals and emergency departments, that they had a number of mental health and substance abuse patients that clogged their emergency rooms as well as their prisons and this was an opportunity to address the challenges of their level one trauma centers where they had sometimes a diversion of their resources to help with people who had chronic mental health or substance abuse issues and it was very exciting to see that money was being used to help divert it ahead of time rather than increased costs at the emergency room waiting for people to come in when it was at a crisis point; that she looked forward to reporting back on their challenging times at HGAC and making sure they got their fair share of resources based on their population and level of damage as a result of Hurricane Ike. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:43 p.m. Council Member Lovell out of the city on city business. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)  
DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

/S/Barbara Guzman

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Barbara Guzman, Acting Assistant City Secretary