

City Council Chamber, City Hall, Tuesday, July 7, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 7, 2009, Vice Mayor Pro Tem Sue Lovell presiding and with Council Members Toni Lawrence, Jarvis Johnson, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Melissa Noriega and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; present. Mayor Bill White absent on personal business. Council Member Anne Clutterbuck and Ronald C. Green absent.

At 2:11 p.m. Vice Mayor Pro Tem Lovell stated that Council Member Sullivan would begin presentations. Council Members Adams, Holm, Gonzalez, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he was proud today to have representatives present from the NASA Johnson Space Center celebrating Apollo 11 Day, Ms. Ellen Connors and Mr. Brian Freedman, and they represented the entire Aero Space Industry in his eyes; that the City of Houston was proud to join employees of National Aeronautics and Space Administration and all Americans in celebrating the 40th anniversary of man's first steps on another celestial body and the Apollo Program achieved the successful landing and safe return of astronauts from the moon and fulfilled President Kennedy's goals; and invited Ms. Connors to the podium and presented her a Proclamation proclaiming July 20, 2009, as "Apollo 11 Day" in the City of Houston, Texas. Council Members Johnson, Holm, Brown and Jones absent.

Ms. Connors stated that she had the privilege to serve as director of External Relations for the NASA Johnson Space Center and she thanked all for the recognition on behalf of all employees at the Center, they were very proud of their programs and were home of the man space flight for basically the entire world; and they always remembered that the first mortal words were "Houston, the Eagle has landed." Council Members Johnson, Holm, Brown and Jones absent.

Council Member Sullivan stated that they were very proud to have the Johnson Space Center in District E, it was a great place to work and educate and it was an honor to be their District Council Member and thanked all his colleagues for being a part of it. Council Members Johnson, Holm, Brown and Jones absent.

Council Member Noriega stated that she realized how important Houston's assets were and the Johnson Space Center was a terrific asset and she wanted to thank them for all the ways they made things happen. Council Members Johnson, Holm, Brown and Jones absent.

Vice Mayor Pro Tem Lovell stated that the fireworks display for July 4th really did showcase NASA which really put Houston on the map; and they were very proud the first words were "Houston, the Eagle has landed." Council Members Johnson, Holm, Brown and Jones absent.

At 2:16 p.m. Vice Mayor Pro Tem Lovell called on Council Member Adams who led all in prayer and in the pledge of allegiance. Council Members Holm, Brown and Sullivan absent.

At 2:19 p.m. Vice Mayor Pro Tem Lovell requested the City Secretary call the roll. Mayor White absent on personal business. Council Members Clutterbuck and Green absent. Council Member Holm absent.

Council Members Khan and Brown moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor White absent on personal business. Council Members Clutterbuck and Green absent. Council Member Holm absent.

Council Member Noriega moved the rules be suspended for the purpose of adding Ms. Ada Edwards to the top of the Non-Agenda Speakers List, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on personal business. Council Members Clutterbuck and Green absent. Council Member Holm absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0508 ADOPTED

Council Member Johnson stated that on a point of personal privilege he wanted to recognize a great group of the Community of Faith under the leadership of Bishop James Dixon, they were present to view the Council and asked the "Good Gang of Community of Faith" to stand to be recognized. Council Member Holm absent.

At 2:21 p.m. the City Secretary began calling the public speakers. Council Member Holm absent.

Mr. Kaimin Chy, 3417 Montrose Boulevard, Houston, Texas 77006 (832-382-4987) had reserved time to speak but was not present when his name was called. Council Members Holm and Jones absent.

Mr. Charles Foster, 600 Travis #2000, Houston, Texas 77002 (713-335-3904) had reserved time to speak but was not present when his name was called. Council Members Holm and Jones absent.

Mr. Joel Heine, 5249A Langfield Road, Houston, Texas 77040 (713-471-0927) appeared in opposition to Agenda Item 27 and stated that he managed a company called Daktronics in Houston, they designed and manufactured LED changeable message centers; that he broke down key points needing to be addressed and in Section 4611 it was limiting the face of the sign to 50% of the total area of sign base, not to exceed 100 square feet; that two statements he continuously heard was too bright at night and safety concerns and a number of university studies and State Highway studies showed no increase in traffic accidents utilizing changeable message centers at 672 square feet so why limit to a small size with no supporting material; that he would suggest amending the LED to the full 100% of the total area of sign face and not restrict the technology but enforcing the new brightness standards and the five minute hold time, signs were very important; that on brightness it was to be set by a maximum of 6500 nits at night and with a light sensing device and the standards were outdated and difficult to regulate; that 1200 nits may be too bright in poor lit areas and not bright enough in well lit areas; that a new study was out in 2009. Council Members Holm and Jones absent.

Council Member Khan stated that they were getting much input from constituents regarding the issue, but if everyone had to play by the same rules why would it matter; and Mr. Heine stated that he was in favor of the brightness standards, but the Code should be easily regulated and if material was there to support it and utilize the device to measure then absolutely on the brightness scale, but why on the size standpoint, instead of limiting the technology why not embrace it with 225 for instance; and Council Member Khan stated that he was concerned with businesses as this was one of the worst economic times and he felt it was against small businesses. Council Member Lawrence absent.

Vice Mayor Pro Tem Lovell stated that for over a year the Taskforce Members had met and they were a collection of quality of life and business people and they came to the conclusion of the size; and Mr. Heine stated that they did represent a wide variety of

businesses, but he found interesting that not one of them had the actual LED technology so how could they regulate the technology when they did not actually utilize it; and Vice Mayor Pro Tem Lovell stated that a sign near her was too large for safety and on the brightness issue it was about being a good neighbor; and the existing signs would be grandfathered in, but when buying a new sign this would apply; and the ordinance provided that the city would undertake a study of the impact of changeable message signs on the community and complete it within three years of passage and if it did not work correctly they could come back and fix it. Council Member Lawrence absent.

Ms. Judy Drabold, 3323 West Bender Landing, Spring, Texas 77386 (281-635-4877) appeared in opposition to Agenda Item 27 and stated that this concerned her customers, she was with a sign company and moved here from Detroit; that in Detroit you did not see signs on the freeways it was very scenic, but look at where Detroit was now, that she felt the decision on this sign code would really hurt Houston, if signs were smaller and the grandfathered signs were larger then the smaller signs would not be noticed and this would affect many. Council Member Lawrence absent.

Upon questions by Council Member Khan, Ms. Drabold stated that her customers were from small beauty salons to large corporations; and when the verbiage on the signs were too small and people were looking for something that was what would cause accidents, big signs people could see and get to where they needed; and many the sign was their only advertising and if not seen they would go out of business. Council Members Lawrence and Gonzalez absent.

Upon questions by Council Member Jones, Ms. Drabold stated that she worked for a sign company; that Detroit was bad off because they made many bad decisions; that if you could not find a sign, for instance looking for lunch you may be looking for something and see another sign and decide to go there, signs were very important, they were like commercials and you don't think about it until you see it; that she lived in the Woodlands a month and a half before she learned a Kroger was near her because of their small sign, she had been going way out of the way to a grocery store; that you could not say all were playing by the same rules when larger grandfathered signs were still up. Council Members Lawrence, Johnson, Holm and Gonzalez absent.

Upon questions by Council Member Lovell, Ms. Drabold stated that the businesses she represented were in Houston. Council Members Lawrence, Johnson, Holm and Gonzalez absent.

Mr. Ronnie Turboff, 5851 San Felipe #800, Houston, Texas 77057 (713-622-0800) appeared in opposition to Agenda Item 27 and stated that he and his family were involved in real estate brokerage investment and management business in Houston over 75 years and he was opposing the ordinance as it dealt with LED signs being okay for some businesses, public facilities and schools but not necessarily for others and it made no sense, somehow, an 8 feet height restriction recommendation on schools was proposed and that size sign, that low, would promote vandalism such as painting and bulb breaking; that in most cases schools were near the residences and all were opposed to vandalism; that he managed two shopping centers and both were currently leased and had been for many years, they catered to mostly smaller tenants and they used the mansards to display tenants signs and was an attractive method, but the new proposed code would be in conflict with the criteria of their tenant building signage on both centers, if a tenant moved out the ordinance would prohibit the new tenant from having a sign because it would be classified as a roof sign; that there were enough rules in place and property owners should be responsible for their own property. Council Members Lawrence, Johnson, Holm and Gonzalez absent.

Upon questions by Council Member Khan, Mr. Turboff stated that he owned strip centers and one new tenant leased a space, the new tenants would be subject to the new ordinance and older tenants would have an advantage, but his new tenants would not even be allowed to put up a sign because it was attached to the mansard and that was physically above the roof; and Council Member Khan stated his concern was they were trying to do something which looked good and beautified, but on the other hand would hurt businesses. Council Member Johnson absent.

Upon questions by Council Member Jones, Mr. Turboff stated that the sign was the property of the tenant; that a building sign and pylon sign were different, a pylon sign was affixed to the front of the business. Council Member Johnson absent.

Council Member Brown stated that he would check out whether you could put a sign on your mansard for a new tenant and would get back with him; and eventually this would not hurt small businesses in his view as they were less expensive, but the big signs did definitely favor the big guys with all the money. Council Members Lawrence and Johnson absent.

Vice Mayor Pro Tem Lovell stated that a member of the Taskforce was with the Greater Houston Sign Association and Council really relied on the Taskforce and it was not without input. Council Member Johnson absent.

Mr. Ed Orkand, 15800 JFK Boulevard, Houston, Texas 77032 (281-236-5429) appeared, presented information in opposition to Agenda Item 12, and stated that he was present on an issue threatening the livelihood of the Houston private airport parking industry; that he was sales director for the Parking Spot, Houston's largest provider of off airport parking services and he was also representing several other private airport parking companies; that they employed hundreds and for 2008 Houston private airport parking companies generated over \$36 million in revenue and paid over \$2 million in concession fees to the Houston Airport System and they just received notice last week of the proposal of raising the airport concession fee from 6% to 8% of gross revenues proposed to take effect August 2009, and it would represent a 33% increase in the overall concession fee they currently paid and the notice just came last week giving them only a few days to prepare; that amending chapter 9 of the Code of Ordinances was scheduled for Council's vote and this increase was coming at a time when they were struggling with significant decreases in travel and parking revenue losses and urged a no vote on the item or at least that it be delayed until August 1, 2010 when they expected travel may improve. Council Members Johnson, Adams, Brown and Jones absent.

Upon questions by Council Member Khan, Mr. Orkand stated that they received official notice of this last week, it was the first official notice they received on changing the fee schedule; that there were a total of ten private airport parking providers at Bush Intercontinental Airport alone and another seven at Hobby Airport; that originating passenger flights out of Houston airports was what their businesses were based on and this year on average from January through May originating flights were down about 14% and it severely impacted their businesses; and Council Member Khan stated at this time he felt they should be backing businesses and government should be minimizing the impact of the economic situation for them. Council Members Lawrence, Johnson and Jones absent.

Vice Mayor Pro Tem Lovell stated that this went to committee June 1st and the fees were not out of line compared to other airport systems, but when they found out the airport system had not notified him until June 29th she could assure him that was not how they liked to do business and they were duly noted for not getting it to him in a timely rate and having him to be a part of this; that they liked stakeholders in on discussions and it disturbed her he was not included, but she was going to vote for this because she thought it was not out of line;

and apologized for him not being treated in a more professional manner. Council Members Lawrence, Holm, Brown and Jones absent.

Upon questions by Council Member Gonzalez, Mr. Orkand stated that rates varied dramatically across the United States and they operated 12 airports nationally, but this increase in Houston was not out of line with the market, but their concern was mainly with the timing as it was coming at one of the lowest traveling points. Council Members Lawrence, Holm, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Ms. Ada Edwards, who was previously added to the Speakers List, appeared and stated that she was speaking as a private citizen, taxpayer, city employee and person who worked over 30 years in the city to bring about a quality of life all could be proud of; and her concern was the ongoing problem occurring in the Houston Fire Department and she was asking those who had the power and authority to pass laws and lead to take it and lead in the issue; that through their votes they had the power to show leadership in times of situations, they did not need them to identify all the problems, but to lead in finding solutions; that city employees from top to bottom did too good of a job for the city to be constantly entangled with publicity that did not represent the heart and sole of the city; that Audrey Lord said, "Your silence will not protect you." and Martin Luther King said, "At times your silence becomes betrayal." and that was why she came to speak; that previously when she was a Council Member some of them took every Wednesday off for a year to try and develop process and policy to address such and many were volunteers and suggested they have the same type venue again; and begged they use their authority and take the leadership role and be responsible. Council Members Lawrence, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Upon questions by Council Member Adams, Ms. Edwards stated that she was asking Council to step up and support the Mayor and Fire Chief and decide how the city would move into the year 2010. Council Members Lawrence, Holm and Brown absent.

Council Member Jones stated that some of them were doing that, she had meetings with the ADL, NAACP and other organizations to try and figure out where they would go from here, it was their goal to implement an ordinance or policy which would create a zero tolerance for hate; that she did not think what was being talked about on the news today was representative of the entire Fire Department, she respected the women and men who fought to save property, homes and lives, but there was a problem and she had met with Chief Boriskie and other Council Members on where they go from here; that this would not be just for the Fire Department but the entire city, all were entitled to non-hostile work environments; and Ms. Edwards stated that she appreciated what she said, but agencies mentioned were always here and policies could have been done a long time ago and she was now challenging them to get others involved; that during the Ida Delaney incident it was Annise Parker, citizens who took the helm not the NAACP or ADL and they met every Wednesday for a year and came up with a policy in place, then a subsequent chief said he would not do it, it was not ordinance; and she would love to work with them; and Council Member Jones stated that they had constituent meetings and wanted a wide variety. Council Members Holm and Brown absent.

Council Member Johnson thanked Ms. Edwards for coming and voicing her regards and stated that when an isolated incident comes over and over it becomes a pattern and then you have an inherent problem and they needed to address it; that he believed they needed a zero tolerance in Houston across the board, they talked about diversity training and money in the budget for it, but at the end of the day they had to get to the root of the problem and no matter how much diversity training you did it could not be erased by the media; and Ms. Edwards stated that when she was young she was reprimanded when she showed up and there had to be a consequence and benefit, if a janitor had done this he would be fired and there would not be this conversation and they could not have separate rules, this was about human behavior,

how one treated another and in this city there had to be a standard with zero tolerance on inappropriate behavior. Council Member Holm absent.

Council Member Khan moved the rules be extended for the purpose of extending time to question Ms. Ada Edwards, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White absent on personal business. Council Members Clutterbuck and Green absent. Council Members Holm and Rodriguez absent. MOTION 2009-0509 ADOPTED

Council Member Khan stated that Ms. Edwards was one of his heroes and he was very inspired by what she had done for years and years; that to him Houston was a great city and had a wonderful race relationship, he remembered in the past there was potential for conflicts between communities, but people stepped up from the private sector and used it for an opportunity to bring people together and that was what was lacking here, this was more of a management issue, if this happened in his business he would ask them to sit with those they did not understand and get to know each other and each other's culture because many times when they did not know each other was when they had more problems with other groups; that he would have invited them to his home for dinner and he appreciated what she was challenging them to do; and Ms. Edwards stated that in this country they were socialized to be competitive, not to make choice, but to follow direction and instruction; that she was only asking Council to do what had been done by ninety nine and nine tenths of employees at this City Hall, to step up and say "zero tolerances" in this institution. Council Members Holm, Rodriguez and Jones absent.

Council Member Noriega stated that she was truly shocked hearing about this morning, one time was an accident and two times it was a coincidence and the third time it was a rule; that something was going on here and they needed to deal with it and all were taking some of her thoughts under advisement; and upon questions, Ms. Edwards stated that they took a year, came up with a policy which was implemented by Chief Watson, but when she left office the next chief did not implement it and when asked why their answer was they were not a social agency and when he was gone she understood it was implemented again; Council Member Noriega stated that she would be holding a public safety meeting to discuss policy and she was interested in input and would be interested in tracking that down; and upon questions, Ms. Edwards stated that when young men and women were asked to put their lives on the line the city had a responsibility to provide for them the safest environment for them to do the job. Council Members Sullivan, Holm, Rodriguez and Jones absent.

Council Member Adams stated that \$60,000 was passed in the last budget for diversity training; and upon questions, Ms. Edwards stated that to make a difference it would depend on whether it was mandatory, whether the right people were there, otherwise it was just people sitting in the room and she did not think diversity training was dependent on dollars but on the program and how much was mandated and have a consequence for not following it. Council Members Sullivan, Holm and Jones absent.

Ms. Annetta Jackson, 10751 Meadowglen Lane, Houston, Texas 77042 (713-789-5107) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Holm and Jones absent.

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

Mr. Tino Bekardi, 6006 Fairdale, Houston, Texas 77057 (713-977-1118) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm and Jones absent.

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

Mr. Marvin Ansley, 132 Carson, Houston, Texas 77004 (713-522-4617) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm, Gonzalez and Jones absent.

Council Member Johnson stated on a point of personal privilege he wanted to recognize the McGee Chapel Summer Youth Camp, the wellness and leadership camp under the direction of Reverend Cavell; and asked they stand to be recognized. Council Members Sullivan, Holm, Gonzalez and Jones absent.

Council Member Rodriguez moved the rules be suspended for the purpose of adding Mr. Frank Elias to the Speakers List to be heard at this time, seconded by Council Member Khan. Mayor White absent on personal business. Council Members Clutterbuck and Green absent. Council Members Sullivan, Holm, Gonzales, Noriega and Jones absent. A vote was not called as a quorum was not present. ((NO QUORUM PRESENT))

Mr. Frank Elias, who was added to the Speakers List, appeared and stated that he was present regarding the ordinance which controlled the deed restrictions; that right now he was in a dilemma because of no action from City Council; that he was having a carport replaced because of Hurricane Ike and three quarters of it was completed and it was now red tagged and his roof was open; that he was told Council was working on changing the wording of the ordinance to include disasters, but now he was caught in a dilemma and it was costing more money and he wondered when Council would work on it; that this was a technicality, a carport was a carport, but deed restrictions said if it was destroyed or removed for any reason it could not be replaced and the insurance already paid him to replace it and all applications through the city were approved, it was three weeks now and he was not able to do anything as they had put a stop on it. Council Members Sullivan, Holm, Gonzales, Noriega and Jones absent.

Council Member Rodriguez stated that the issue seemed to be Mr. Elias had a carport when he bought his house in the Songwood community which was a deed restricted area and he was a victim of a natural disaster and if someone would give him an update on where they were with the ordinance and natural disasters he would appreciate it. Council Members Sullivan, Holm, Gonzales, Noriega and Jones absent.

Vice Mayor Pro Tem Lovell stated that they had discussions on the issue and he was not the first to come on this; that her best recollection of discussion with the Mayor was first it was a legal issue and they had to go through legal channels, but if they wanted to resolve this, even though deed restrictions were in place, if the new carport was not more obtrusive than the old carport which had fit into the deed restrictions they were to make allowances for it to happen; that the Mayor was working on it and Mr. Drabek was present and working on it and he could speak with him after Council's questions. Council Members Sullivan, Holm, Gonzales, Noriega and Jones absent.

Council Member Lawrence stated that Legal and Public Works were working out the situation on how to get a permit and he would need an affidavit of some sort; that she sympathized with his problem, but she had a meeting Friday and there was a process Public Works would go through to okay the permit and that was where the hang up was, but as long as you were built to the footprint the old one was on; and Mr. Elias stated that they had an architectural committee which consisted of three people and two came before he started and looked and said okay it was grandfathered and they took off and then on the 24th of last

month he was told he could not build and it was being red tagged and now that they stopped it there were damages to his house so who would pay for that now; and Council Member Lawrence stated that she said what she knew and he would have to speak to Legal. Council Members Sullivan, Holm and Jones absent.

Mrs. Diane Ansley, 132 Carson, Houston, Texas 77004 (713-522-4617) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Holm and Jones absent.

Mr. Damone Stewart, 8414 Pommel, Houston, Texas 77088 (832-885-5720) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm and Jones absent.

Mr. Lee Perry, 4640 Main #A236, Houston, Texas 77002 (713-876-4571) appeared and stated that he was a certified environmental auditor, was in the national register and conducted the first environmental quality study of Houston water in 1973, conducted the wastewater treatment study for Brazoria County, Harris County, Montgomery County and Ft. Bend County and auditors were expected to present all facts related to a situation which were used to make important decisions; that he started a project in the Acres Homes Area and his results were entirely different from the Houston investigators, it seemed to be only about the company which moved in at 1727 DeSoto and the homeowner next door at 1723 DeSoto because she knew who to call about environmental issues and it had been over a year now and no one from the city asked them if they were affected by operations which moved in next door and the man on the other side had made 30 calls to HPD; and the distance was measured and found it did not meet state requirements. Council Members Sullivan, Khan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she was looking at what she was given on the issue and her understanding was the city had been out there and the Bureau of Air Quality Control on issues concerning distance requirements and sent to TCEQ which was the permitting entity for review and they responded to 47 complaints there; that Public Works had been there and the Health Department and tried to resolve some issues, but now this went to TCEQ for review; that the city had done all they could from their standpoint and now it was up to the TCEQ to come in and do a review, it was out of the city's hands; and Mr. Perry stated that if you submitted the wrong information to the TCEQ you would get different results and he had proof false information was presented to the TCEQ. Council Members Sullivan, Khan, Holm, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Vice Mayor Pro Tem Lovell handed the document she had to Council Member Johnson and stated that it would outline to him what the Health Department did and they had responded to 47 complaints. Council Members Sullivan, Khan, Holm, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

Mr. Perry stated that he was saying the information presented by the city was false and he could prove it; and Vice Mayor Pro Tem Lovell stated that if he believed so then Ms. Kathy Barton from the Health Department was present if he wanted to challenge the information; that if he thought false information was given to the TCEQ he should go there and take it up with them. Council Members Sullivan, Khan, Holm and Brown absent.

Mr. Joseph Omo Omuari, 6367 Cattails, Houston, Texas 77035 (no phone) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Khan, Holm and Brown absent.

Mr. Glenn Thompson, 18611 Summer Ann Drive, Humble, Texas 77346 (281-827-6693) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Khan, Holm and Brown absent.

Ms. Juanita Harris, 2419 Wichita, Houston, Texas 77004 (713-522-3452) appeared and stated that she was present as the city allowed someone to place a one story undesirable piece of junk low income type house at 2526 Wichita and she wondered why he did not place the junk where he lived; that her neighbors joined with her in saying they wanted the city to remove the building or have him remove it within 10 days, it did not go with the character of their homes or comply with city ordinances; that she was block captain for the 2400 and 2500 blocks of Wichita and she brought this to the Mayor's attention in form of a letter regarding prevailing lot size restrictions and he replied stating he valued her input and was forwarding her letter to Ms. Marlene Gafrick, Director of Planning and Development for her review and response. Council Members Johnson, Sullivan, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

Council Member Jones stated that Ms. Harris should complete her statement; and Ms. Harris stated that their concerns were to eliminate the structure placed at 2526 Wichita. Council Members Johnson, Sullivan, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that citizens were present last week regarding the issue and pictures were shown and she could assure her in the Planning Department it was high on their radar and they were trying to take care of the issue; that it would help if they registered as a historic district. Council Members Johnson, Sullivan, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she went up and down their street and she was right the house was very different and the lot was very pretty; that the city was very concerned and they were trying to figure out if they had an answer, they were paying attention. Council Members Johnson, Sullivan, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

Council Member Jones stated that it was being worked on and they were working on getting the prevailing lot size and setback and considering historic designation; that their neighborhood was very old and for a long period did not have capacity for landowners to sign on for participation, because properties were being rented, but they were looking at city ordinances. Council Members Johnson, Sullivan, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

Council Member Adams stated that Planning was looking at other ways to preserve the quality of life for the community and she wanted to thank Marlene for thinking outside the box and she would be at one of their future meetings and encouraged Ms. Harris to attend. Council Members Johnson, Sullivan, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

Ms. Synethia Hall, 1515 Sydnor, Houston, Texas 77020 (832-886-7771) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was being assassinated by a global mafia terrorist organization; and continued expressing his personal opinions until his time expired. Council Members Johnson, Sullivan, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

Ms. Jean Wilkins-Dember (MHS), 2612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared, presented information and stated that she was calling on Council to address racism, White supremacy and White skin privilege through testing with the www.racisimtest.org and cultural counseling in the workplace and to outlaw nooses and other acts of psychotic dysfunction against Black, Brown, Asian or indigenous persons; and urged Council Members to be the change agents needed for zero tolerance. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

At 3:49 p.m. City Council recessed until 9:00 a.m., Wednesday, July 8, 2009. Mayor White absent on personal business. Council Members Clutterbuck and Green absent. Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Brown absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, July 8, 2009, with Vice Mayor Pro Tem Sue Lovell presiding and with Council Members Toni Lawrence, Jarvis Johnson, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Mayor Bill White absent on personal business. Council Member Anne Clutterbuck absent.

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

At 9:27 Vice Mayor Pro Tem Lovell called the meeting to order and stated that the first order of business was a public hearing on Chapter 42, the Transit Oriented Development and requested the City Secretary to call the first speaker. Council Members Johnson, Sullivan, Brown, Green and Jones absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** to consider amendments to Chapter 42, **CODE OF ORDINANCES** and adding a new Article IV relating to Transit Oriented Development – was called. Council Members Johnson, Sullivan, Brown, Green and Jones absent.

Ms. Kay Warhol, 1723 Marshall, Houston, Texas 77098 (713-529-3067) appeared and stated that she wanted to comment specially on the transit corridor ordinance that had been proposed, that she was co-chair of Richmondrail.org and was also a homeowner in Neartown near the planned University Light Rail Line, that Richmondrail, if they were not familiar with it, was a community organization that had been working for the last three years for neighborhoods friendly light rail on Richmond Rail, that just as they believed that better public transit was critical to the long term quality of life and economic health of their communities, so they believed that improving conditions for pedestrians was critical both to quality of life and to the success of light rail transit, that for that reason they supported the proposed Transit Corridor Ordinance; that the mandatory provision of a standard six by seven foot clear pedestrian space along the transit corridors begins to address and put priority on the needs for people on foot getting to and from the train and the optional performance standards begin to create a pedestrian environment that might actually encourage people to walk, that they encourage them to pass the proposed ordinance, but she also had a few requests, that foremost was that they treat it as a first step, not as a job completed, recognize that many of the exceptions that could be granted to the mandatory provisions had been created by utility

companies, by the City and by other public entities and she would ask the City to be proactive in relocating those obstacles, things like light posts and traffic signal controls that were in the pedestrian realm and also regulate the placement of these items, monitor the response to the optional provisions of the ordinance, how many property owners actually opt into creating a pedestrian realm and if not why not and what else might be needed, that to consider alternative to the current parking requirements in the transit areas that would achieve a better balance between the needs of people in cars and the needs of people using the train, avoid the proliferation of inefficient surface parking lots and encourage shared parking among business owners and the creation of parking structures that could house ground floor retail as well, that last but not least, expand the scope of the City's participation in the upgrading and creation of pedestrian facilities along the corridor, that the City takes ownership for creating a safe and efficient facility for cars, why not for people on foot, that in summary, the proposed ordinance was a good beginning but it was a long term proposition and there was still a lot of work to be done. Council Members Johnson, Sullivan, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Holm moved to suspend the rules to add Mr. Kendall Miller to the list of public speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Sullivan, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0510 ADOPTED.

Mr. Jay Crossley, 1705 Morse, No. 2, Houston, Texas 77019 (713-244-4746) appeared and stated that he was with Houston Tomorrow, a nonprofit dedicated to improving the quality of life in the Houston region, that he was present in general to support the changes in Chapter 42 and the beginning of the City's effort to legalize transit oriented development, that he thought it was long overdue and thought it was very important that they recognize that the people of Houston were strongly in favor of the City prioritizing walk ability, transit and transit oriented development, that Dr. Richard Murray did a study a while back of Houstonians and asked them what were their priorities for the City, that 80% of Houstonians said improving walk ability, that was the number one choice that Houstonians agreed on, well over widening lanes, parks or anything else, so he thought it was important that the City keep going on this and thought that there were many people who had done a lot of work on this, but he thought the citizens owed a lot to several people, Marlene Gafrick, Steve Split and Omar Mohight had done a lot to involve lots of people in this and make it a strong ordinance, that while he thought these were important first steps he wanted to point out a few things that should still be on the agenda, they had the problem of their urban and suburban zones, both of those in Chapter 42 were generally suburban character ordinances, in general after they did this, walk of urbanism would continue to be illegal in Houston, and in places that were not along transit lines people would have to get variances to do urbanism, that the importance of variances in how they set codes was a problem, he thought, for developers, citizens and for the Council, that sidewalks were too small and what was being proposed here today was too small and way below national standards, and also their lane widths were too wide, that whenever they widened lanes, like they were going on Kirby right now, made it more dangerous, less cars could get through and it took space from the pedestrian environment, that he thought it was key that they figure out how they could not widen lanes, at least in the transit oriented areas, at least let there be space for pedestrians in those areas, and the key problem there was that they had to solve the Metro contract problem, that they could not have four foot sidewalks, new sidewalks put in by Metro while they were doing this, that the easiest way they could do that was to use Metro's General Mobility money for general mobility, use that money for sidewalks in transit oriented areas, and the City could to a lot more, that as an example Austin and Dallas were under the same State regulations and the same mood that Houston was but they were doing a lot more. Council Members Johnson, Sullivan, Brown and Green absent. Vice Mayor Pro Tem Lovell presiding.

Mr. John Breeding, 1980 Post Oak Blvd., Houston, Texas 77056 (713-819-3006) appeared and stated that he was with the Uptown Houston District, that he came to join many others who were voicing their support for a transit oriented development ordinance, that proposed ordinances had significant amount of community input and had significant review as well and he thought they had been very thoughtful in their review and consideration of this, that according to the Planning Department's website there were three major goals of this ordinance, that was to encourage an urban environment that improved pedestrian mobility, that supported Metro's light rail investment by encouraging greater density around transit stations, and this was very important, to help accommodate significant growth that their community was going to face over the next 10 to 20 years, that these were laudable and important goals for the community, however it was his very great concern that the effectiveness of this proposed ordinance would be negated by conflicting policies contained in the Infrastructure Design Manual, specifically Chapter 15, which was just recently released July 1, 2009, that for those of them who were not civil engineers or that worked in the Public Works and Engineering Department they may have never heard of the design manual, yet the 65 pages of Chapter 15 alone would greatly change the way the development approval process was implemented in Houston, that the goals of Chapter 15 was to identify the adverse impacts certain development would have on traffic congestion and to identify mitigation methods, that sounded great but the design manual was in direct conflict with the proposed transit corridor development ordinance; remember the goal of the ordinance was to encourage increased development density within transit corridors, the goal of Chapter 15 was to control, reduce or ultimately prohibit additional density development if it increases traffic, that although transit may have a measurable negative impact on automobile traffic the overall mobility of a modern urban community that balances people, transit and automobiles was better reflected in the policies of the transit corridor development ordinance, that he believed that a simple amendment to the proposed ordinance could clearly spell out the public policy intent of Council, that dense, walkable communities that were supportive of transit was the objective of City Council and overrides the design manual, that in the future when conflicts arise between the decisions of the design manual and the ordinance, the proposed transit corridor ordinance must prevail and he thought it could be done through an amendment of this ordinance and at least a clarification in the design manual. Council Members Johnson, Sullivan, Brown and Green absent.

Upon discussion and questions by Council Members, Ms. Gafrick stated that she believed that Public Works distributed the draft ordinance for a 30 day comment period, that they attempted to amend the language that would give some flexibility in terms of the transit corridors where they had a level service E or F and trying to work through the mitigation measures, so they had attempted to address that issue, that they, the Planning Department, was working on it yesterday and they were committed to continue to work with Public Works and the community on a solution that would resolve any potential conflict, that they would not see it for a vote on the agenda until something had gone forward so that they could have some consistency; that this was not done in a vacuum, that they started out with a committee that included Council Members when they were working on adopting a traffic impact analysis, there was a committee, stake holder input, they discussed whether they should do an ordinance or whether they should create Chapter 15, that when they were in the middle of that process they found that there was Chapter 40-86 in the code and what Chapter 15 of the design manual was doing was actually putting the forms and the process and trying to standardize how they would go about implementing Chapter 40-86 of the code, that was the intent and it had been a very public process and had been going on for two years, that it had been done in a very lengthy process but it was really about how they implement Chapter 40-86 of the code; that the issue that was being discussed about transparency was the design manual, which was a Public Works and Engineering Department Design Manual, they recently adopted Chapter 15, which was to implement 40-86 of the code, that the amendment of Chapter 15 of the design manual went through a vetting process and the design manual may

be adopted by the Director of Public Works and Engineering Department after it went through a vetting process, that it did not require Council action, that Chapter 42 did require City Council approval because it was actually an ordinance and what they were talking about last night was looking at the design manual and discussing whether they should amend Chapter 42 or not and that was what was being discussed, so in terms of the stakeholder group on the design manual there was a process they went through and they had Council Members who were there. Council Members Noriega and Green absent.

Mr. Kendall Miller appeared and stated that he had the recently released July 1, 2009 update of the design manual that the City had put out, that it was 272 pages and was released last Friday, that he was with Houstonians for Responsible Growth Tanglewood Corporation and also served with the Uptown District as a board member, that when they read through the design manual they discovered some things in the manual, in Chapter 15, which was mostly new, that Chapter 15 had been created to hold the regulation that was written through a process that had been going on for about a year and a half, that it was mainly inspired by one controversial development, that the reason this profound regulation lived in the design manual was because it had to be based on two pre-existing sentences in 40-86 of the code which Marlene referred to, that was the only way this new regulation could capture and apply to a controversial development that was already in process, that was also perhaps the reason why City Council committees and Planning Commission were circumvented in the expediency of that process, that he hoped that it was still a work in process and would love to come and see all of them and show them where there was a great deal of room for improvement, that he did not think they were there yet and looked forward to working with them on trying to fix the design manual, that today they were supposed to be focusing on the Urban Corridor Ordinance and he wanted to jump to that and tell them the threat that the design manual, as it was enforced today, was to the urban corridor, that pardon him for falling into traffic engineering speak, but what happened was that there was a trigger and when a traffic impact analysis study was done traffic was graded on a level of service scale, when they get to an intersection like Westheimer and Post Oak they would often find the condition of F or worse, that trigger puts them into an additional level of scrutiny where they were subject to the absolute discretion of the City engineer on whether or not they could have any impact on the existing streets, that it was very hard to develop and add to the wealth of their tax base and not have impact on existing streets. Council Members Johnson and Green absent.

Vice Mayor Pro Tem Lovell stated that she wanted to make sure that they dealt with the facts, Chapter 15 of the design manual was not an ordinance, it related to 40-86 and she believed that Ms. Gafrick had already said, and because they raised the issue, they caught it and there was going to be an amendment so that they could adjust it so that it would not cause some of the issues that he brought to them, that she wanted to make sure that everybody understood that it was not an ordinance. Council Members Johnson and Green absent.

Upon discussion and questions by Council Members, Ms. Gafrick stated that as to the situation concerning A line streets and First Montrose Commons she was going to following up to Public Works and they would get an answer before they came back to City Council with the actual ordinance; that it was a Public Works design manual and there were 15 chapters, and maybe more, that it was a very detailed document that had a lot of engineering data, that the manual was designed such that gave flexibility, that ordinances did not give flexibility, that when they write ordinances they could not think of every possible situation and could not vary when a rule did not make sense, so the design manual gave the City engineer, or whoever was responsible for that chapter the option of looking at the facts and making some decisions that yes this was good engineering principles, they could deviate in this given area, that question of taking the design manual and doing what the Council Members were asking for really needed to be asked of Public Works and Engineering Department. Council Members

Johnson and Green absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Johnson and Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0511 ADOPTED.

MAYOR'S REPORT

At 10:21 a.m. Vice Mayor Pro Tem Lovell stated that they would move to the consent agenda. Council Members Johnson and Green absent.

CONSENT AGENDA NUMBERS 2 through 26

ACCEPT WORK - NUMBERS 3 through 5

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,347,151.52 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION, L.P.** for Generic City Wide Overlay Package #11 (Work Order Contract) - 4.57% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; G - HOLM and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Johnson, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0512 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,377,535.10 and acceptance of work on contract with **E. P. BRADY, LTD.**, for Sunnyside Court Storm Sewer Laterals - 0.98% over the original contract amount **DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Johnson, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0513 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,760,384.47 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 2.84% under the original contract amount - **DISTRICTS D - ADAMS; E - SULLIVAN and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Johnson, Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0514 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 11

8. ORDINANCE appropriating \$168,537.04 out of Equipment Acquisition Consolidated Fund for Purchase of Hardware for Implementation of the Stimulus Reporting Solution – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0641 ADOPTED.

- 8a. **HEWLETT-PACKARD COMPANY** for Hewlett-Packard Hardware through the City's Master Agreement with the Texas Department of Information Resources for the Finance Department – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0515 ADOPTED.
10. ORDINANCE appropriating \$464,469.00 out of Water & Sewer System Consolidated Construction Fund for Sole Source Purchase for Climber Screen for Public Works & Engineering Department – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0642 ADOPTED.
- 10a. **INFILCO DEGREMONT, INC** for Sole Source Purchase of Climber Screen Unit for Department of Public Works & Engineering – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0516 ADOPTED.
11. **NORTHWEST PIPE CO.** - \$458,957.85 and **ALLIED TUBE & CONDUIT CORPORATION** - \$218,720.14 for Signpost and Associated Hardware for Department of Public Works & Engineering - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0517 ADOPTED.

ORDINANCES - NUMBERS 13 through 26

13. ORDINANCE authorizing the issuance of City of Houston, Texas Public Improvement Refunding Bonds, Series 2009A and Series 2009B for the purpose of Refunding Certain Outstanding General Obligation Commercial Paper Notes and Certain Outstanding General Obligation Bonds; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, Escrow Agreements and Bond Purchase Agreement relating to such Bonds; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the Bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the Bonds; delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; making other findings and provisions relating to the subject and matters incident thereto – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0643 ADOPTED.
19. ORDINANCE accepting the sculpture, Great Confucius, a Cast Bronze Statue by Sculptor Willie Wang, for placement in the International Sculpture Garden of the Houston Garden Center in Hermann Park and approving and authorizing agreement between the City of Houston and the **CONSULATE GENERAL OF THE PEOPLES REPUBLIC OF CHINA** for Donation of such work of art - **DISTRICT D – ADAMS** - had been pulled from the Agenda by the Administration, and was not considered. Council Members Holm and Green absent.

23. ORDINANCE appropriating \$81,000.00 out of Fire Consolidated Construction Fund for Construction Services for Houston Fire Department Logistics Center under an existing Citywide contract (Approved by Ordinance No. 2007-1052) with **SPRING EQUIPMENT COMPANY, INC** **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0644 ADOPTED.
24. ORDINANCE appropriating \$224,508.86 out of Public Library Consolidated Construction Fund for Purchase of Furniture for the African American Library at Gregory School; approving and authorizing the issuance of a Purchase Order to **AGATI, INC** in the amount of \$111,729.38 **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0645 ADOPTED.
25. ORDINANCE amending Ordinance 2007-1144 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 and Engineering Services for Sustainable Development Program - \$200,000.00 - Central Service Revolving Fund – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Holm and Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0646 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Director Department of Public Works & Engineering to approve refund for Water & Sewer Account to **VALERO REFINING COMPANY** - \$1,282,574.99 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0518 ADOPTED.

PROPERTY

6. ORDINANCE appropriating \$95,632.94 out of Fire Consolidated Construction Fund (4500) to pay the amount of the award of Special Commissioners and all costs of Court in connection with the eminent domain proceeding styled City of Houston v. Atavroula A. Katsoulis, et al., to acquire Parcel Number HY9-003, for the Fire Station No. 22 Expansion Project - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0647 ADOPTED.
- 6a. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw the City's objections to the Award in connection with eminent domain proceeding styled City of Houston v. Atavroula A. Katsoulis, et al., Cause No. 931,763; for acquisition of Parcel HY9-003; for **FIRE STATION NO. 22 EXPANSION PROJECT - DISTRICT I -**

RODRIGUEZ – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0519 ADOPTED.

7. RECOMMENDATION from City Attorney to settle eminent domain lawsuit styled City of Houston v. Kex Investors, a Texas general partnership, et al; Cause No. 892,232; for \$760,000.00 in connection with **LONG POINT @ BLALOCK INTERSECTION IMPROVEMENTS PROJECT (Oak Tree - Freedonia)**, Parcel AY6-026 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0520 ADOPTED.

PURCHASING AND TABULATION OF BIDS

9. **AMEND MOTION #2007-845, 8/8/07, TO INCREASE** spending authority from \$213,808.00 to \$299,331.20 for Interuterine (IUD) Copper Contraceptive Devices for the Houston Department of Health & Human Services, awarded to **INTEGRATED COMMERCIALIZATION SOLUTIONS, INC dba PARAGARD DIRECT** - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Brown. Council Members Sullivan and Lawrence voting no, balance voting aye. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Green absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0521 ADOPTED.

ORDINANCES

12. ORDINANCE **AMENDING CHAPTER 9, OF THE CODE OF ORDINANCES** regarding parking rates at the airports - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented, and tagged by Council Members Rodriguez, Jones, Khan, Johnson and Adams. Council Member Green absent.
14. ORDINANCE appropriating \$68,080.00 from Miscellaneous Capital Acquisition Fund (4039); approving the Purchase and Sale Agreement between Houston Parks Board Inc., Seller, and the City of Houston, Buyer, for the purchase of approximately 0.2198 acres (9,575 square feet) out of the James Hamilton Survey, Abstract No. 880, (Parcel No. BY9-019) WBS F-000513-0005-2; and approving and authorizing payment for the land acquisition costs plus demolition, air monitoring, project management and all closing costs associated with this transaction - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0648 ADOPTED.
15. ORDINANCE approving and authorizing Lease Agreement between **ARDMORE PROFESSIONAL CENTER, LLC.**, as Landlord, and the City of Houston, Texas, as tenant, for 44,779 square feet of space at 7125 Ardmore, Houston, Harris County, Texas, for ten years, for use by the Neighborhood Protection Corps of the Houston Police Department - **DISTRICT D – ADAMS** – was presented. Council Member Green absent.

Council Member Adams stated that she wanted to tag Item No. 15 and was wanting to get information from the Houston Police Department on the why's and how's and just to look at this move a little more closely and would ask someone from HPD to please meet with her concerning the move. Council Member Brown absent. (Note: Council Member Adams

released her tag later in the meeting.)

16. ORDINANCE approving and authorizing contract between the City and the **INSTITUTE FOR REHABILITATION AND RESEARCH d/b/a TIRR MEMORIAL HERMANN** for Disability Emergency Assistance Services - \$248,379.00 - Hurricane Ike Aid and Recovery Fund – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0649 ADOPTED.
17. ORDINANCE approving and authorizing contract between the City and **BREAD OF LIFE, INC** for Evening Homeless Resolution Services and Support - \$100,000.00 - Community Health & Assessment Fund - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0650 ADOPTED.
18. ORDINANCE approving and authorizing contract between the City and **DE MADRES A MADRES, INC** for Food, Assessment and Referral Services and Health Education Courses to low income individuals in the Northside Area - \$60,000.00 - Community Health & Assessment Fund **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0651 ADOPTED.
20. ORDINANCE approving and authorizing agreement between the City of Houston, **TIM GLOVER** and **ACRES HOMES COMMUNITY DEVELOPMENT CORPORATION** for the Non-Permanent Exhibition of the “Community Tree” Sculpture on the premises of Acres Homes Multi-Service Center - **DISTRICT B – JOHNSON** – was presented. Council Member Green absent.

After discussion by Council Member Brown a vote was called on Item No. 20. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0652 ADOPTED.

21. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC** providing up to \$194,338.00 in General Funds, which amount includes a limitation on additional funding in the amount of \$145,000.00, to assist in administration and operations of the Emergency Mobile Outreach Program – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0653 ADOPTED.
22. ORDINANCE approving and authorizing Agreements to reimburse **ST. JOHN'S SCHOOL; ST. VINCENT DE PAUL CATHOLIC SCHOOL; SPRING BRANCH INDEPENDENT SCHOOL DISTRICT; NORTH FOREST INDEPENDENT SCHOOL DISTRICT; ALIEF INDEPENDENT SCHOOL DISTRICT; ANNUNCIATION ORTHODOX SCHOOL; KATY INDEPENDENT SCHOOL DISTRICT; PASADENA INDEPENDENT SCHOOL DISTRICT; HOUSTON INDEPENDENT SCHOOL DISTRICT; ALDINE INDEPENDENT SCHOOL DISTRICT; AMIGOS POR VIDA-FRIENDS FOR LIFE SCHOOL; HUFFMAN INDEPENDENT SCHOOL DISTRICT; JOHN PAUL II CATHOLIC SCHOOL; RIVER OAKS BAPTIST SCHOOL; GALENA PARK INDEPENDENT SCHOOL DISTRICT** and **CLEAR CREEK INDEPENDENT**

SCHOOL DISTRICT for payment of School Crossing Guards from the Child Safety Fund - 5 Years – was presented. Council Member Green absent.

Council Member Sullivan stated that they requested information on the item and had not received it and would tag the item and hope to receive the information sooner rather than later. Council Member Green absent.

26. ORDINANCE appropriating \$508,750.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to Agreement for Professional Architectural/Engineering Services between the City of Houston and **AECOM USA, INC d/b/a AECOM USA GROUP, INC** for Job Order Contracting Support for the Houston Airport System (Project No. 516C); providing funding for the Civic Art Program - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Green absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0654 ADOPTED.

MATTERS HELD - NUMBERS 27 through 31

27. ORDINANCE **AMENDING VARIOUS PROVISIONS OF THE HOUSTON SIGN CODE – (This was Item 14 on Agenda of June 30, 2009, TAGGED BY COUNCIL MEMBERS GREEN and KHAN)** – was presented. Council Member Green absent.

After discussion by Council Members Khan and Johnson a vote was called on Item No. 27. Council Member Khan voting no, balance voting aye. Mayor White absent on personal business. Council Member Clutterbuck absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0655 ADOPTED.

28. ORDINANCE relating to the fiscal affairs of the Saint George Place Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (LAMAR TERRACE ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICT C - CLUTTERBUCK – (This was Item 21 on Agenda of June 30, 2009, TAGGED BY COUNCIL MEMBER BROWN)** – was presented.

Council Member Green moved to refer Item No. 28 back to the administration, which would give the Finance Department an opportunity to make the necessary changes, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. MOTION 2009-0522 ADOPTED.

29. ORDINANCE relating to the fiscal affairs of the City Park Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority - **DISTRICTS A - LAWRENCE and B - JOHNSON – (This was Item 27 on Agenda of June 30, 2009, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented.

Council Member Lawrence stated that there were some projects put forward before the City took control of this particular TIRZ and they needed a chance to talk about those projects and prioritize them, and moved to postpone Item No. 29 for two weeks, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. MOTION 2009-0523 ADOPTED.

30. ORDINANCE relating to the fiscal affairs of the Fourth Ward Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON,**

TEXAS (FOURTH WARD ZONE); approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – (**This was Item 29 on Agenda of June 30, 2009, TAGGED BY COUNCIL MEMBER BROWN**) – was presented.

Council Member Brown stated that for the same reasons as Item No. 28 he moved to refer Item No. 30 back to the administration, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Member Rodriguez absent. MOTION 2009-0522 ADOPTED.

31. ORDINANCE approving and authorizing agreement between the City of Houston, Texas and the **GREATER HOUSTON PARTNERSHIP, INC** for Professional Services - \$885,000.00 - Enterprise Fund – (**This was Item 53 on Agenda of June 30, 2009, POSTPONED BY MOTION #2009-507**) – was presented.

After a lengthy discussion by Council Members a vote was called on Item No. 31. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0656 ADOPTED.

Council Member Adams stated that she wanted to release her tag on Item No. 15 and wanted to thank the Neighborhood Protection Division and the Houston Police Department for getting with her so promptly about the move of the new Neighborhoods Protection Facility, that she understood it was going to be a good facility, 45,000 square feet, and was going to be more secure and more parking, that it was always good to create new partnerships because the owner was going to step forward and provide a lot of the renovations and stuff that was going to come forward, that she wanted to thank them for looking ahead and being proactive.

15. ORDINANCE approving and authorizing Lease Agreement between **ARDMORE PROFESSIONAL CENTER, LLC.**, as Landlord, and the City of Houston, Texas, as tenant, for 44,779 square feet of space at 7125 Ardmore, Houston, Harris County, Texas, for ten years, for use by the Neighborhood Protection Corps of the Houston Police Department - **DISTRICT D – ADAMS** – was again before Council. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0657 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Lawrence stated this was the third month and they still did not have a phone bill for April, May and June, that most of them knew that they were assessed quite a large number all of sudden in May that they did not know about, their Blackberry bills, individual staff Blackberry bills, that she thought that after three months they should at least have April's statement, a breakdown of the charges, and Vice Mayor Pro Tem Lovell stated that the administration would make sure she got that information. Council Members Sullivan, Rodriguez and Jones absent.

Council Member Johnson stated that there would be a community cleanup on July 18, 2009 at Tuffley Park, that the cleanup site would be at Scott Elementary at 3200 Russell Street, that it would be from 8:00 a.m. to 12:00 p.m., that it would be presented by Aims Systems and would be done in conjunction with the City of Houston, the Health Department and Keep Houston Beautiful; that they would have a ribbon cutting on Halls Bayou on July 18, 2009 from 9:00 a.m. to 10:00 p.m., that the project would add three miles to the City's hike and bike trail and ran from Hershe to Bradshire, that it was part of the Be Healthy Initiative to help people keep their health up and improve their quality of life; that on July 14, 2009 he encouraged

everyone to show up at Shadydale Elementary in the multi-purpose room to be a part of the HCC learning about college opportunities in North Forest, that he thought it was going to be a good opportunity for the community and bringing any kind of institution of higher learning into their community was always good, but he did not believe that they were doing enough to bring the information that they needed to the community, that number one, they were going to be raising taxes, any college was going to increase taxes in that area so he hoped that HCC would do a much better job of getting the information out to let people know the importance of what they were trying to do, that it was not a done deal and he hoped that more people showed up at these meetings to be more active in their dialog and hoped that HCC also understood that it was important they helped the community become more participatory, that they were going to be doing a lot of building, construction and job opportunities and a lot of interning opportunities and he hoped that they had conveyed the message that there would be opportunities for people not only to have contracting opportunities and not only increase the job rate in the area and also increase economic development, all of those things were important but they had to be able to demonstrate to the people if they were going to raise taxes there better be a benefit to it, that it would be at 6:30 p.m. at Shadydale Elementary at 5905 Tidwell; that he would end with a note about the incident at the fire station near the airport, that it was an unfortunate situation and an unfortunate that they could not go to their workplace without being threatened or feeling like they were working in a hostile environment, that he knew and respected many firemen in their City and they did a great and wonderful job and unfortunately there were a few rouges out there that were giving a bad name to all of their firefighters, that he hoped that the Chief and Mayor would take a very strong stance on this very unfortunate situation because now it seemed as if the floodgates were open and if they did not take a strong stance now people would feel that there was no repercussion for their actions especially when those actions endangered or threatened the lives of individuals, so he hoped that they would do all they could to insure that their employees felt safe at being at work and that they were sending a clear message to their citizens that they would do all that they could and were supposed to do as City employees no matter their race, ethnicity, religious background or their income levels, that they would be there to protect and serve the citizens of the City of Houston. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Noriega and Jones absent. (No Quorum Present)

Council Member Holm stated that many of them would recall that April 28, 2009 was a rain event in the City that caused some pretty devastating consequences, particularly to west Houston, and at a committee, in May 2009, Public Works gave them a presentation about some of the status of where they were in certain areas and also said they were evaluating particularly west Houston and what steps could be taken to mitigate further damage or could be taken for the future and after that assessment they would meet with the community, and in follow up they said they would meet with the community sometime in July and now it was July and she had heard nothing, that she was asking at this point for Public Works to give them a clear response and get a date set so that the citizens had the confidence of know that they had prioritized their needs and concerns; that she wanted to mention the design manual that they talked about today, that true, it was very effective and was important to have on how to build a street, how to perform and design, and to be a design manual, but one they incorporate philosophical controls or means to that then she thought it was over extended in steps and really needed to be vetted through this body, that she was not questioning necessarily the design manual, she was questioning some of the policies that were being set to control development through design standards, that she hoped they would pursue through committee and become more on the same page of common goals, as well as give their communities their assurances that the left hand did know what the right hand was doing. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Noriega and Jones absent. (No Quorum Present)

Council Member Green stated that Summer Youth Enrichment Program at TSU was in full effect, that it would prepare students of all ages for the grade that they would be promoted to, in addition to extra curricular activities in the afternoon, that the program started on July 3, 2009

and would continue throughout the summer; that there would be a free home buyer education seminar hosted by the Town Center Housing at the Raul Yzaguirre School For Success, located at 2950 Broadway, that the classes were in English on Saturday July 11, July 25, August 8 and August 22, and would be in Spanish from 8:00 a.m. to 4:00 p.m. on August 1, August 15 and August 29. Council Members Johnson, Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez and Jones absent. (No Quorum Present)

Council Member Brown stated that they had to do a better job of shutting down game rooms, the eight liners that were in the City of Houston, and he displayed a membership card to a gaming parlor, that he could not get in but the people walking in front of him all had a membership card, that what shocked him was that there were about 1,000 of these establishments in the City of Houston, that there were about 500 convenience stores that had secretive eight liners in backrooms and storage areas, and about 500 of the larger rooms that had anywhere from 50 to 60 machines, that another thing that shocked him was that they charged an annual permit fee per machines of \$6, that this could be a huge source of revenue, that was almost a joke, it probably cost more to process the \$6 permit than they got out of it, that the bottom line was that it was a \$4.5 billion a year illegal business in the City of Houston and they set the payoffs without any oversight and the payoffs at best were 20%, that if they took 80% of \$4.5 billion the profit alone on these gaming parlors was more than the annual City budget or approximates the annual City budget, that he thought it was a shame because these were places that cheated their citizens, particularly their senior citizens, they were crime spots, they bred crime, that the police would like more authority from the City Council to shut these places down and have a more efficient court procedure, that the City of Houston, just like they were the human trafficking capital of the world, they were the gaming parlor capital of the world, so he was calling on the City Council and the Mayor to do something about it and have a public hearing on gaming parlors to see what they could do to shut down this scourge on the quality of life of their City; that on July 20, 2009, his office was hosting Ms. Stella Chow, Director, Department of Neighborhoods of Seattle, Washington, that they were going to have some workshops and a luncheon discussion about how successful this Department of Neighborhoods had been in the City of Seattle, Washington, that he had invited super neighborhoods folks, so any Council Members who were interested in neighborhoods ought to come and listen to this very articulate woman about how they were bringing neighborhood services to the neighborhoods in Seattle and stabilizing and revitalizing communities; that he wanted to compliment the Mayor and administration for their announcement last week that now they were buying 32% of the City's electrical power from Renewable Wind Sources, up from 27%, that it was a great step forward in turning the City of Houston green, that wind power was the way to go. Council Members Johnson, Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Green and Jones absent. (No Quorum Present)

Council Member Noriega stated that on July 27, 2009 at 10:00 a.m. they were having a Public Safety Committee hearing on the current situation with the firefighters, that there had been some very disturbing things that had gone on and folks that had come to Council to speak and it was the desire of this committee to look at what opportunities they could find in some very disturbing events, that they were going to have a committee hearing and invite some testimony from some folks and were going to look at resources and address policy, that they may look at some alternatives going forward to try to have some mechanism to deal with this sort of thing from that perspective, that she wanted to make sure that the public knew about it and people were welcome to come and speak, that they had, however, had several opportunities to vent feelings and to share how upset folks in the community were, they knew that, that what she was asking for at this committee was specific suggestions, policy resources and that kind of thing, that it was a Monday at 10:00 a.m.; that she wanted to address the fact that Texas and Houston was a dangerous place for children, that she had been very disturbed by several articles about how Texas led the Country in terms of injuries and death of small children both in water, pools and water features and being left in cars, that part of the reason was that Texas was hot and

Houston was hot but she really believed that they could do better and she was horrified at the idea that somebody would leave a baby in the back of a car or they would turn their back and a little two year old would go into a pool, but she very well remembered how exhausted and desperate moms could be when kids were very young, particularly when there was more than one, that she would ask everyone in the audience to take responsibility, if they saw a car seat in a car, check and make sure there was not something in it, if they saw a puppy they would do the same, that she would encourage parents to try to reach out and get resources if they were so exhausted that they might leave a car seat in the back of a car when they were going somewhere, that there was no excuse and she did not want them to lose another child, that she knew that the apartment association and the facilities around that had water features really tried to be as safe as they could be but it took all of them, it took everyone, so have all their little ones make it to the fall. Council Members Johnson, Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez and Green absent. (No Quorum Present)

Vice Mayor Pro Tem Lovell stated that on the issue of what was happening at the Fire Department, she wanted everybody to be really clear that they were all deeply disturbed about the events, that not to take their silence on this issue that they were not deeply concerned because there was a criminal investigation going on and none of them in any way wanted to impede or when they finally reached the end of the investigation say something that might stop the firing of the person who had done what they had done, so she wanted everyone to know not to take their silence or lack of talking about it as if they were not disturbed, that she guaranteed that the person who did this, they were going to find out who they were and when they found out there would be the severest of punishments that would take place, that she wanted to remind the people that their Fire Department could certainly fire people, but there was a Civil Service Board who could reinstate their firefighters for reasons that they thought did not meet the standards that the firefighters should have and in recent events that had happened, that she wanted everybody to know what they were dealing with, that they wanted the process to go through on the investigation and they had not doubt they were going to find out who did this, that she wanted to applaud Council Member Noriega on her leadership and discussion, that there was never a reason why they should not discuss issues and concerns that were going on and they were looking forward to her Public Committee session, and Council Member Noriega stated that the hearing was scheduled before the most recent incident but clearly this was what was called for, that she was right, disturbed did not begin to touch how most of them felt about it, and Vice Mayor Pro Tem Lovell's point was very well taken, but it was very important that they allow process to take it's course. Council Members Johnson, Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. (No Quorum Present)

Council Member Adams stated that on Thursday, July 9, 2009, there would be a Metro workshop at Palm Center so those who were concerned about Metro and how they were going and what they were doing, she would invite them to the workshop, that they could call her office if they had any questions about the exact time of the meeting; that on Thursday the Houston Rose Society would be celebrating their 50th Anniversary and she would be presenting a proclamation at the event; that on July 11th the Sunnyside Park would be having a Welcome Fun Day in the Park, and those who lived in the southeast area of the Sunnyside Community she would like to invite them to come out and participate in those festivities; that on Sunday there would be a homeowners meeting at Centre City, on the lawn, to talk about where Centre City was going and the parking situation that was happening concerning the Medical Center, that she wanted anyone who lived in the Centre City Community to come out and participate in that event; that she wanted to thank Legal for all they did and the communication about environmental quality issues in the district, that it was in the paper today about CES Environmental Service Center, that she wanted to give her condolences to the family of a young man who perished in the explosion yesterday evening, between 2:30 p.m. and 4:00 p.m., that many of them knew that they had been working with CES and the Legal Department to make sure that they complied with some of the environmental quality issues and the Legal

Department had been making sure that they followed through the settlement agreement and comply with that, that CES was now under investigation by OSHA, that they had to make sure that OSHA completed their criminal investigation on this property, that the community was coming together this afternoon around 2:00 p.m. to 2:30 p.m. to discuss this issue and she wanted to thank the community for being on top of this and for keeping their office informed, that she wanted to thank the Houston Fire Department because they were doing many duties, that they wanted to make sure that CES be held accountable if there was any negligence found on their property that contributed to the explosion and to the man's death. Council Members Johnson, Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. (No Quorum Present)

Council Member Noriega stated that the Public Safety Meeting that she mentioned earlier was a special called meeting and was at 3:00 p.m., not at 10:00 a.m., July 27, 2009. Council Members Johnson, Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. (No Quorum Present)

Council Member Jones stated that Ms. Hazel Hainsworth Young, passed away this past Saturday, that she was her neighbor and was 103 years old and would have been 104 years old on September 12, 2009, that she was a great woman, that her wake was on Friday and funeral on Saturday; that yesterday she received a call within 5 minutes of the explosion that happened at CES, that she had received something from Legal, and she was concerned about it, that said that they had just received confirmation that there was no explosion today at CES and there were NO WORKERS injured, that it was a gas leak, there was an 8 to 10 foot in diameter explosion where the metal bend back, smoke out, firefighters worked on the man who died, that they had to be more careful when they sent out information like that, that when she went out there after Council everyone knew that someone was injured, so how they did not know she had no clue, that prior to this CES said that two people had died in December and April in Port Arthur before the man died here, that they needed to look at how they could do a better job in the City of making sure that companies, who were not running as they should, did not get permits in the City; that as to the Fire Department, she read some disturbing things in the newspaper this morning, that someone said that reckless stereotyping of the men and women of all races of HFD by opportunist activist and self appointed labor organizations that inflamed emotions but rarely offered solutions, that she was here to say that she had spoken with both of those women and she was not interfering with any investigations, that those women were traumatized and were victimized, that organization that people were taking about as self appointed, the person who was over that organization was elected by members, the White woman whose daughter's picture was written on, her daughter was seventeen, that on the picture of her daughter they wrote "die", that her daughter's name was Amanda, that they called her a "nigger lover", that the Black woman, who was referred to as the "nigger", accompanied her to make a complaint downtown last week, that it was really problematic to her when people talked about really hard issues and people tried to marginalize them when they talked about it, that she had a sister who lost a child and she could not imagine how it would affect her sister if someone wrote on her dead niece's picture "die", that they were already trying to vilify these women and trying to accuse them of writing stuff, that no one could get into that fire station, it was a secure facility, that she thought that whoever was responsible for it and anybody who enabled it to happen should go, that she guessed that she was most disappointed that when they tried to talk about an issue people tried to marginalize them and say they were inflammatory, that anyone who had children understood that they loved their children, but when they did something that was unacceptable they chastised them, to teach them what was right and what was wrong, and just because they chastised something that they loved or someone that they loved did not mean that they did not like them and did not mean that they were painting a really bad brush for everyone that was in that organization, that she was probably the biggest groupie for firefighters that there was on the Council, that she loved the firefighters, but people were entitled to a non hostile working environment. Council Members Johnson,

Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Green absent. (No Quorum Present)

Vice Mayor Pro Tem Lovell stated that tomorrow, Thursday, at 2:00 p.m. in the Council Chamber, they would have a Transportation Infrastructure and Aviation Committee meeting, there would be a presentation briefing on revisions to the Booting and Minimum Lot Standard Ordinances, the presentation and discussion of the contract for Delinquent Parking Citation Collection Services and a presentation, update and discussion of Metro Solutions, the Comprehensive Transit System Plan for the Houston region; that she also wanted to acknowledge sadly that on Sunday they lost their first SafeClear Program driver, Mr. Isadoro Ramirez was preparing to tow a stalled car on the Northwest Freeway service road when he was hit by a man, who was determined was probably driving under the influence in a pickup, slammed into the back of his tow truck, pinning Mr. Ramirez between the tow truck and stalled car, that he died at the scene, that Mr. Ramirez was an employee of Mille's Auto Body and Repair, which was a SafeClear contractor and he worked for the firm for a year on the nightshift, that his survivors included a wife and an eight month old child, that a memorial fund had been established to help is family and they could make contributions to the Isadoro Ramirez Memorial Fund at Chase Bank, that also Miller's Auto and Body Repair and the community of wrecker drivers were planning other fund raisers and events to help his family, that she wanted to send condolences to his family, that the SafeClear Program was a very important program in the City that helped drivers and she did not think that people understood how dangerous it was for the tow truck drivers who carried out the program for them. Council Members Johnson, Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 11:23 a.m. Mayor White absent on personal business. Council Member Clutterbuck absent. Council Members Johnson, Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. (No Quorum Present)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary