

City Council Chamber, City Hall, Tuesday, August 25, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 25, 2009, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega and Ronald C. Green and; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance Mr. Xavier Herrera, Citizens Assistance Office; Ms. Marty Stein, Agenda Director; and Ms. Marta Crinejo, Assistant Agenda Director; present. Council Member Jolanda "Jo" Jones absent on personal business.

At 2:06 p.m. Mayor White called the meeting to order and stated that Council Member Khan would begin presentations. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown and Noriega absent. (NO QUORUM PRESENT)

Council Member Khan stated that this was a special presentation, outstanding students were in the Houston region and one was Aditya Chemudupaty who he invited to the podium and stated that Aditya was committed to excelling in education and other things; that he was at a Spelling Bee 2009 and won the South Asian Spelling Bee on June 28th; that he would beginning the eighth grade and he was in the Magnet School Program in the Alvin ISD and because of his outstanding accomplishments was presented a Proclamation proclaiming today as "Aditya Chemudupaty Day" in Houston, Texas. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams stated that it was wonderful for presentations to be presented to young people excelling in the district and invited Jaylen Smith-Sanders to the podium and stated that Jaylen was 10 years old and at the Jewel Simpson Houston Academy and was interviewed and accepted to participate as a member of the People to People Sports Ambassador Program who would go to Vienna, Austria, and since then he was promoted to the sixth grade, the objective of the program was to promote international understanding through athlete competition while building leadership skills among America's youth and they competed with children from 22 countries; and because of his outstanding participation and being an ambassador presented him with a Proclamation proclaiming today as "Jaylen Smith-Sanders Day" in Houston, Texas. Council Members Johnson, Clutterbuck, Holm, Brown and Noriega absent.

Council Member Green stated that it was a great day recognizing some homegrown talent and invited Miss Latoya Luckett to the podium and stated that Miss Luckett was a two time Grammy Award Winner singer/songwriter who had released numerous successful commercial recordings as a solo artist and as a founding member of Houston's Multi Platinum R & B Group Destiny's Child; that her self titled debut album was released in July 2006 and debuted at number one and certified as "Gold and "Platinum" soon after; that in 2007 she became an active participant in the Get Your Money Right Financial Literacy and Empowerment Tour presented by the Hip Hop Summit Action Network by speaking to young adults on the importance of being financially responsible at an early age and more; that she was also proprietor or very successful boutiques in the Galleria Area, Lady L, and she had now returned with her 2009 album, Lady Love, to be released today and it was a true testament to the ups and downs which came with relationships; and now she had a leading role to come out in 2010; and because of her many outstanding contributions presented her a Proclamation proclaiming today as "Latoya Luckett Day" in Houston, Texas. Council Members Johnson, Clutterbuck, Holm, Brown and Noriega absent.

Miss Luckett stated that she had been all around the world and everywhere she went she said she represented her City of Houston, Texas, and she tried to do it the best she could by

speaking at high schools and boys and girls clubs everywhere to empower youth and let them know there was a way to live their life in a positive light; that with God and her family and friends she was able to do many things even when others said she could not; and thanked all for the recognition and honor. Council Members Johnson, Clutterbuck, Brown and Noriega absent.

Council Members complimented Miss Lockett on her music; and thanked her for all her good works and being someone youth could look up to. Council Members Clutterbuck, Brown and Noriega absent.

Mayor White stated that at the beginning of Council they recognized everyday heroes, people who had overcome adversity and those who had a positive outlook to the future; that he wished throughout the meeting they would keep in mind the thoughts in the prayer and the inspiration of those who were not looking back but forward to what could positively be done in the future. Council Member Brown absent.

At 2:23 p.m. Mayor White called on Council Member Lawrence who led all in prayer and in the pledge of allegiance.

At 2:25 p.m. Mayor White requested the City Secretary call the roll. Council Member Jones absent on personal business. Council Member Johnson absent.

Council Members Khan and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Jones absent on personal business. Council Member Johnson absent.

At 2:26 p.m. Mayor White requested the City Secretary to begin calling public speakers. Council Members Johnson and Green absent.

Ms. Elizabeth Vitek, 4861 Woodpecker, Houston, Texas 77035 (713-723-9586) appeared and stated that she was an active volunteer at BARC and was present in favor of extending the contract of Mr. Jerry Fusco; that she had been impressed with his work for the few weeks he had been there, intake and euthanasia were down and adoption was up and that was the main things to look for in the success of BARC; and urged a vote in his favor. Council Members Johnson, Adams and Green absent.

Mayor White stated that she had been going there a number of years and he thanked her for her service in helping to accomplish their goals and to keep engaged by passing on specific suggestions and in making sure BARC felt welcoming for employees. Council Members Johnson and Green absent.

Council Member Clutterbuck thanked Ms. Vitek for appearing before Council and for her work at BARC; and stated that Ms. Vitek and her husband showed up at Precinct 287 civic club meetings as well as other areas in the city and were classic Houston activist who put their heart and money in causes they believed in. Council Members Johnson and Green absent.

Ms. Margaret Gondo, P. O. Box 7114, Houston, Texas 77248 (713-743-1924) appeared and stated that she was opposing the contract with Jerry Fusco Consulting because reasons BARC continued to under perform were not being addressed, it was well known BARC was severely underfunded; that the Humane Society of the United States recommended funding level for a progressive animal control program to be between \$4.00 and \$6.00 per citizen and BARC's 2010 budget amounted to \$1.82 per citizen and read a list of funding for municipal animal control programs in Texas and number of employees for such programs and number of pet owning households in Houston and other Texas cities; and further stated that not only was BARC under funded and under staffed but also charged with policing double the amount of land

area and pet owners with the bottom line being Houston could hire the best manager but still he or she would never be able to deliver anything more than a catch and kill facility which must always be on the defensive; and instead of wasting tax payer dollars on a consultant they should fund BARC appropriately. Council Members Johnson and Green absent.

Mayor White thanked Ms. Gondo for coming and sharing her thoughts. Council Member Johnson absent.

Ms. Mary Ellen Arbuckle, 10002 E. 25th, Houston, Texas 77009 (713-516-8828) appeared and stated that she had not always been a good pet owner, as a child they did not spay or neuter their pets or keep their dogs on a leash or in a fence and as an adolescent she was a neglectful pet owner and did not vaccinate as she should and passed off dogs after they lost their appeal and for that she was very regretful and would be making amends to them daily for the rest of her life; that as a community they had been neglectful of their beloved pets and even more so of unwanted ones, but shame comes when recognizing the need for change and choosing not to do so and as a community she believed they were recognizing the significant suffering they had caused animals, now speaking out and demanding change or a basic level for animals now, food, shelter and health and in the future stamping out dog fighting and ending puppy mills; that she was in support of executing the contract for Jerry Fusco; that BARC should be more than an animal shelter, it should be involved in all areas of animal care and control in the Houston area and they needed someone to move BARC from being an impounder to having compassionate care of animals that would not be there but for people's own negligence; that she volunteered at BARC and the community could make a difference and Mr. Fusco had the organizational knowledge necessary to clean up BARC and make substantive and sustainable change. Council Member Johnson absent.

Mayor White thanked Ms. Arbuckle for what she did and her words, especially regarding reaching out to the community; and there would be a Mayor's Report regarding the Stakeholders Committee where that was one of their recommendations. Council Member Johnson absent.

Council Member Garcia thanked Ms. Arbuckle for coming, her thoughts and her hard work and commitment; and he looked forward to working with the community in improving BARC. Council Member Johnson absent.

Ms. Robyn Arouty, 10630 Olympia Drive, Houston, Texas 77042 (281-731-2129) appeared and stated that she volunteered at BARC and she wanted to thank Mayor White for deciding to give animals their fair share; that the past was the past and this was a long time coming; that her wish for BARC's next year's budget was to follow suit; that the department had been underfunded compared to smaller cities in Texas and across the board nationally; that BARC had been neglected and she and others would beg that necessary changes be made; that only a handful of consultants could handle this task and Jerry Fusco was one, they were going in the direction of transforming their animal control facility and creating an amazing adoption center with happy employees and proud Council Members; and urged a yes vote tomorrow for the animals. Council Member Khan absent.

Mayor White thanked Ms. Arouty for coming today and stated that Council Member Johnson would be holding a hearing and he just received a report this morning on a timeline for coming up with budget for a new specialized adoption facility with veterinary services in a central location and this would be one of many changes occurring. Council Member Khan absent.

Ms. Shari Geer, 5007 Holly, Bellaire, Texas 77401 (713-202-5626) appeared and stated that she became involved in the BARC issue several months ago when seeing the controversy;

that she was present speaking out for Mr. Jerry Fusco, she met him and talked about BARC problems and he did not come here to lose but to make change and make a difference; that she told him she would find a donated vehicle to look happy and fun and pull up to Delmar Stadium, etc., and have happy faces adopting puppies. Council Member Khan absent.

Council Member Lawrence thanked Ms. Geer for coming and stated that she was not aware, but at a hockey game it was bring your dog and a whole section was for them and that would be a great chance for BARC to be at such a location and that could be done in other sports as well. Council Members Clutterbuck, Khan, Rodriguez and Lovell absent.

Council Member Johnson thanked Ms. Geer for coming and for her passion and stated that more people such as her were needed and he loved her creativity; that at the end of the day it was human behavior which had brought them to where they now were and as a city they could do better; that they would have a committee meeting on August 31st in which they would discuss progress and where they currently stood and he hoped individuals would attend to hear what progress they made and benchmarks they would expect out of Mr. Fusco and out of BARC. Council Members Clutterbuck, Khan, Rodriguez and Lovell absent.

Mayor White stated that he made notes and made note of her; that you had to meet customers where they were; and kudos to rescue organizations as he looked at numbers and rescue activities were up but more were needed. Council Members Lawrence, Clutterbuck, Rodriguez and Lovell absent.

Mr. Thomas Madonna, 1519 Bernard, Houston, Texas 77006 (713-535-3131) appeared and stated that he was the chief financial officer of the Menil Foundation and present to present a plan on Agenda Item 7; that the Menil Foundation was host of the Menil collection, one of the city's real treasures, an international art museum and free to all visitors; that the Menil Foundation as part of its future mission was working on a master site plan for the purpose of developing additional museum buildings, open space, sculptor parks, auditoriums and where they saw themselves over many decades and one thing was they began discussing with the city and METRO many years ago was a Menil Station on the University Light Rail Line at Mandel and it would be designed by architects and have a flair for the museum but to accommodate it there needed to be a land swap which was Item 7 on the Agenda; that the swap would be the Menil giving all right of way along Richmond up until Mandel and would exchange it for the streets of Loretta, Colquitt and the teardrop along Mandel and it would be held in reserve as the plan was a longtime off to actually develop with the museum buildings, etc., the city would approve the transaction and METRO would be a member and the members of the Menil believed this would enhance the city and be something they would be proud of for years to come. Council Members Lawrence, Clutterbuck, Rodriguez and Lovell absent.

Council Member Adams thanked Mr. Madonna for all he and his team did and she would be supporting the item. Council Members Lawrence, Clutterbuck and Rodriguez absent.

Council Member Brown stated that all recognized the Menil Collection was a crown jewel of culture and he liked the idea of a specially designed station; that he would like the stop at the Menil named the Menil Stop, rail stations tended to be named after streets rather than places and it was important, as in other cities, to be named for important places and he hoped they would fight for that; and he was supportive of the item. Council Member Clutterbuck absent.

Council Member Lovell thanked Mr. Madona and stated that the Menil was in her neighborhood and they were so blessed to have it; that the plan was great and she would be supporting it tomorrow with her vote. Council Member Clutterbuck absent.

Mayor White stated that as he shared with members of the board as they were searching for a new director a few years back, the care and interest Dominique took in the environment should be and was reflected in their organization's mission and he wished every citizen of the community knew what he knew, that they would have a real oasis and few communities that size on earth had such world significance and such non profit facilities like St. Thomas and Menil to work with; and this was what Council Member Brown talked about when he spoke of the benefits of people thinking ahead 20 to 30 years. Council Member Noriega absent.

Mr. Samiri Williams, 7947 Grow Lane #260-T, Houston, Texas 77040 (281-772-1541) appeared and stated that he had driven a taxicab eight to nine months and needed ten years to get his own cab company; that he was a single father with a business plan but he could not implement it because of city ordinance; that it was tough now and hard to compete with other companies and felt if he had his own company the money would go to him and his family, he would like to compete on a level playing field. Council Members Lawrence and Lovell absent.

Council Member Johnson stated that he loved his spirit and passion; that he would ask his staff to do some research, but he did know you had to have a medallion and maybe he had thoughts to offer on how this could be more open, transparent and more opportunist process; and a staff person was present to speak with him. Council Members Lawrence, Holm, Gonzalez, Rodriguez and Lovell absent.

Upon questions by Council Member Khan, Mr. Williams stated that he was driving a cab now for Liberty; that he had no medallion in his name and he planned to get one, but it was difficult as they started at \$40,000; that he had been driving nine months and his issue was the medallion; and Council Member Khan stated to Mayor White that they talked about this many times over the years, many people were independent cab drivers working for large companies; that not all were rich and drivers had shared with him many times that there were so many barriers and many were because of the city policies; that it was suggested all medallions be placed in a pool and drawn and that way all had equal opportunity and he thought they should look at making the playing field level and when it was drawn who ever received it received it; and Mayor White stated that he had the identical perspective joining the Council; that a number of Council Members sat through and looked at this and as knowledge was passed on and other cities looked at it; that there was a bit of tension between making sure you had not so many cabs that no cab driver or individual could get enough business to survive, but he was always for removing barriers without compromising quality control. Council Members Lawrence, Holm and Gonzalez absent.

Ms. Reagan Flowers, 3226 Alabama, Houston, Texas 77004 (713-443-4021) appeared, presented information and stated that she was present representing over 20,000 students and over 500 teachers they impacted bridging the gap in areas of education of Communication, Science Technology, Engineering and Mathematics (CSTEM); that what she brought was reading material so they could better support them in the community and she was looking forward to them getting back with her; that last year they had over 2,000 students participate in the national program, The CSTEM Sea Turtle Challenge, at the George R. Brown; that they were supported and partnered with many and she was asking the city to stand with them and full endorsement of Council and thanked Council Member Johnson for his last year's support. Mayor White, Council Members Lawrence, Clutterbuck, Holm, Gonzalez, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Flowers for all her work and anything her office could do to help promote her she would. Mayor White, Council Members Lawrence, Clutterbuck, Holm, Gonzalez, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Johnson thanked Ms. Flowers for coming and stated that he was amazed at the work she did and the whole phenomenon of CSTEM, she had taking it to a whole other level; that he had enjoyed watching the children build and compete their robots; that the program gave to those needing the support and it was a great opportunity. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Gonzalez, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Paula Cooper, 9630 Heartwood Drive, Houston, Texas 77040 (713-208-9735) appeared and stated that she was science department chair and biology teacher at Eastwood Academy in the East End and she wanted to give a teacher's view point of CSTEM education and what it did; that in her region most schools participated and she had seen a rise in scores on standardized testing; that CSTEM set up new challenges and pushed them out of their comfort zones and allowed them to be true facilitators for their students because they adapted and took to it quicker than the teachers; that there was nothing like seeing students know for the first time they had what it took to compete with anybody; that they competed very highly in the last years and this year they planned on doing a clean sweep and invited all out to watch. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Ms. Cooper stated that students worked throughout the year, in the past it was before and after schools and lunch, but this year more teachers were coming on board and doing it in the classroom; that they would still meet after school and sometimes they had 80 children working at the same time; and Council Member Johnson stated that he encouraged all to go out and see this; that he had never been in a room of students and teachers where it was nonathletic and still hear such spirit and excitement; that they were using their mental brawn and opposed to their physical brawn and it was phenomenal. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that apparently this program instilled confidence to learn and the teacher's perspective was one of the most perspective and she had so much respect for teachers and what they did; and if she would let them know when the event was they would love to come. Mayor White, Council Members Lawrence, Khan, Holm, Gonzalez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Sylvia De LaCruz, 6612 Avenue Q, Houston, Texas 77011 (713-921-4145) appeared and stated that she was currently a senior at Lakewood Academy and for two years and been with the program and out of all programs she participated in during high school, this one had impacted her the most on academic level and personal life; that they called this a challenge and it really had challenged her; that she could not stress the benefits she had obtained from the program and it had broadened her horizons by introducing different areas of study and it gave her confidence and a chance to succeed also giving her leadership skills and changed the way she perceived the world. Mayor White, Council Members Lawrence, Khan, Holm, Gonzalez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Rodriguez thanked Ms. De LaCruz for coming and doing a wonderful job; that he represented the Eastwood Academy and enjoyed visiting the campus and several students there had been a part of the Mayor's Youth Council; and urged she continue doing what she was doing; and any help they could provide, their office was her office. Mayor White, Council Members Lawrence, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Johnson, Ms. De LaCruz stated that last year in the competition she entered several programs, the mural and CSTEM Green which was her favorite, they took a look in the community to see what they could make better and they decided

to start with the betterment of the school and allow it to have a domino effect where it would spread; that they had to do a model of what they wanted to turn their school into and present it; that she also had to do service in the community to see how much people knew about going "green" and it changed her perspective and allowed her to want to learn more; and Council Member Johnson wished her, Ms. Flowers and Ms. Cooper good luck and stated that he would be happy to do whatever he could. Mayor White, Council Members Lawrence, Khan and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Bernard Johnson, 5300 North Braeswood #4429, Houston, Texas 77096 (281-838-7252) appeared, presented information and stated that he was executive director of Immanuel Educational Services and they administered a project called The Reach-In Project and it was where they went to high schools to teach seniors how to use credit as a tool to fuel whatever career or entrepreneur endeavor they chose; that Council Members Sullivan and Johnson had been a part of their endeavor, they now had put together a board of directors and formed it into a nonprofit organization with the end result at the most was to empower students to use their talents and match it with career endeavor; that they had come upon an initiative called Global Entrepreneur Week and last year was an inaugural year and he found no one in Houston had anything to do with it and this year they decided to be the regional coordinators for the Global Entrepreneur Week and it touched the entire city and they welcomed and solicited the Council's help. Mayor White, Council Members Lawrence, Khan and Gonzalez absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Green, Mr. Johnson stated that he did have a website; and Council Member Green stated that would allow them to send the information out to their distribution list. Mayor White, Council Members Lawrence, Khan and Gonzalez absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that was an awesome responsibility and she thanked him for taking it on. Mayor White, Council Members Lawrence, Johnson, Khan and Gonzalez absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Douglas Nichols, 2510 Broad, Baytown, Texas 77521 (281-426-2376) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Khan, Holm and Gonzalez absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Barbara Ann Lacourse, 1600 Louisiana, Houston, Texas 77002 (832-880-2010) appeared and stated that she was present regarding sidewalks for the disabled; that she was given information on sidewalks and how they should be, but if you took METRO to the U of H there was no way to get off the sidewalk to get to the bus stop to the right on Wood Street, you had to go past Wood Street and then there was no crosswalk, you had to put your hand out and sometimes the bus would just go by you; that the road went up and down and was bad on your wheels and horns would beep at you; that many sidewalks in the downtown area needed to be checked over; that at San Jacinto and Leland from main to past Fannin sidewalks were really bad and she could not help it if she was blocking traffic. Mayor White, Council Members Johnson, Khan, Holm and Gonzalez absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell thanked Ms. Lacourse for bringing the matter to Council's attention and they did not want her in the street; that Mr. Drabek with Public Works was present and with Public Works and had information and would like to speak with her; and METRO could help her with problems with METRO. Mayor White, Council Members Johnson, Khan, Holm and Gonzalez absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Rodriguez thanked Ms. Lacourse for coming and stated as the Vice Mayor Pro Tem stated Mr. Drabek was present to speak with her and his office staff person

would also be present to get her locations and help facilitate with METRO. Mayor White, Council Members Johnson, Khan, Holm and Gonzalez absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Madine Lewis, 807 Park Trail Vista, Houston, Texas 77019 (832-665-8894) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Khan, Holm and Gonzalez absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Durce Muhammad, P. O. Box 71123, Houston, Texas 77271 (832-752-8699) appeared and stated that he was concerned about the potential tragedy which may occur in the City of Houston and throughout the country concerning the Swine Flu and proposed vaccinations relating to that and they had reached out to experts and believed to put the city and citizens in the best position to be informed and prepared should be discussed; that Dr. Graham, the next speaker, was one of those experts; that they were proposing 90,000 deaths and could be the worst thing to happen to the city, but even worse would be having a chance to prepare and not doing it; and they would be offering it this weekend. Council Members Lawrence, Khan, Holm and Lovell absent.

Upon questions by Council Member Johnson, Mr. Muhammad stated that Dr. Graham would give more information, they were offering information from experts regarding the Swine Flu and the vaccinations which go with it; that all should be on the same page, have the same information and there should be a push for that from the top down. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez and Lovell absent.

Mayor White stated to Council Member Johnson that after he heard the information from the outstanding speakers present, he would get him information on the program the city would have when they received their allocations beginning October 1, and priorities set for inoculations by the CDC and it would be in the purview of his committee if he chose to have a hearing. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez and Lovell absent.

Dr. Akili Graham, 2627 Ruth, Houston, Texas 77004 (713-385-9511) appeared and stated that his presentation today was to urge they use his services and the services of those who came with him to help educate the community; that right now the CDC and NIH as well as the World Health Organization were in the southern region of the Americas learning about what they potentially thought the Swine Flu would do when it got here during flu season; that right now parents were making decisions on whether they would follow the typical suggestions based on confusion and misinformation so this Saturday, August 29th, they would be offering information at 4443 Old Spanish Trail from 11:00 a.m. to 3:00 p.m.; that the worse case scenario was they would lose two-thirds of the population of the planet and if applied to Houston they were talking in excess of three million here who may have potential to die and it should be addressed; that being prepared, if that did not happen, would only cause Houston to be a healthier city and nothing was negative about that; and this should not just happen Saturday but be a continuum, and those they wanted Saturday were those who had influence on schools, parents, etc., as there was lack of information and misinformation and when making a decision on confusion and fear you hardly ever made the right decision. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Lovell absent. (NO QUORUM PRESENT)

Council Member Adams thanked Dr. Graham for coming and upon questions to Mayor White, Mayor White stated that first he reviewed what the city planned to do, in particular, for those who could receive vaccine and the amount of vaccine they would receive and priorities for that, the vaccine would be distributed and Houston would participate in a national program beginning October 1, administered principally through private physicians and some priorities given by the CDC for that and immunization was voluntary; that some priorities would be



pregnant women, healthcare workers, infants under six months, children and young adults and finally people with certain underlying medical conditions, etc., that the topic the speakers brought up of public discrimination of information in an appropriate manner and without hysteria was a good question and he did not think he had the resources in the room to identify that, but it may be why Council Member Johnson should hold a hearing to figure out what a public communications strategy should be; and Council Member Adams stated that sounded like a great plan, if Council Member Johnson at the next committee meeting could have the Health Department present and make sure they had the health tools being spoken of at health centers, she would like to see proactive materials at senior centers; and Dr. Graham stated that Mr. Muhammad, the next speaker, was an expert in the arena of public policy as well as immunizations. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Green, Dr. Graham stated that this weekend they would be at 4443 Old Spanish Trail and a contact number would be 713-741-2747, but no one needed to call to register and it was from 11:00 a.m. to 3:00 p.m. and open to the public. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mr. Kevin Muhammad, 2627 Ruth, Houston, Texas 77004 (713-385-9511) appeared and stated that he was present to help the City of Houston and those who had willing heart to organize; that one thing they wanted to do was really educate the community at the grassroots level; that much heard on the Swine Flu and potential for massive fatalities and even dealing with vaccines was all coming through for the mass media, some hysteria had been built and they wanted to let individuals know what they could do personally; that the CDC and others said, "this coming flu season", but what made fall the season for the flu, many did not know and Saturday at 4443 Old Spanish Trail they wanted to offer information and what made flu season a flu season was because they came out of summer and they did not have the same sunlight which produced Vitamin D which had the natural enzyme to ward off influenza viruses and many other viruses; that besides washing your hands you could take Vitamin D supplements, make sure you had milk for an adequate amount of calcium and in the Houston Chronicle the writer said they did not know if the regular flu vaccine would be compatible in terms of health outcome with the new Swine Flu vaccine and then how would it mesh with other vaccines given to children and that was the problem they had with Gardasil given to young girls for HPV, the children were getting vaccinated for Meningitis and the combination did not set well and you had young girls injured and they wanted to make sure the citizenry was armed with the right information for their children. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that [www.mayorgalvan.com](http://www.mayorgalvan.com), [www.galvan.org](http://www.galvan.org); that first he wanted to wish Houston and all Virgos a "Happy Birthday"; thank God only a few months were left of the Bill White Administration, the worst Mayor Houston had; Mayor Roy Morales, [www.roymorales.com](http://www.roymorales.com) would take over in January; that he would be filing against Sue Lovell and he wanted the 3000 block of Terry reopened as it was closed without proper neighborhood input; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Steven Mueller, 527 Soft Shadow Lane, Houston, Texas 77013 (713-678-4414) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

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

Mr. Frank Elias, 10223 Valencia, Houston, Texas 77013 (713-675-5027) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present again speaking for the YMCA in Willow Run; that she had asked Mayor White to sponsor the YMCA for a community which badly needed it, but she had not received an answer as yet and would like an answer. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that it would be the same answer previously given; and thanked her for coming. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 had reserved time to speak but was not present when his name was called. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

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 Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Sammie Jones, 3325 Airport, Houston, Texas 77051 (713-733-9820) appeared and stated that he appeared years ago regarding employment and never heard back on his request, but since then he had discovered the college where he earned his math degree with a 3.33 grade point average was releasing information contrary to what he said and he also discovered someone in the court changed his record to show a felony conviction and found he was changed from the high school he graduated from to another and he did not know why, but again he was before Council asking for employment; that they had been given bad information. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

At 3:50 p.m. City Council recessed until 9:00 a.m., Wednesday, August 26, 2009. Council Member Jones absent on personal business. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 26, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E. , Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega and Ronald C. Green; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director, and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Jolanda "Jo" Jones absent on personal business.

At 8:25 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:37 Mayor White called the meeting to order. Council Members Johnson, Sullivan, Khan, Rodriguez and Brown absent.

### **MAYOR'S REPORT**

Mayor White stated that they had outstanding citizens of the community who helped them shape and guide City policies and they had some discussion from citizens yesterday and others about something that members of this table had asked about, that he had asked Council Members to help on and that was of great interest to all Members of City Council and the community, that by the community he did not mean one part of it but the citizens of Houston did a better job of reducing the number of neglected animals and making sure that those animals that were neglected had humane treatment and had caring owners, that as people knew their animal activities dealt with a wide variety of different animals, some of those animals were domestic and healthy and there were many dedicated men and women who worked for a long time responding to the complaints of citizens and providing an important public service; that there had been a facilitated process in which people who cared about making changes and being part of the solution had been involved, it was an issue which could engender strong passions and feeling and recognized Ms. Margaret Robinson, who had done so much for their community in so many ways, that many of them might know that there had been many facilitated discussions on Houston of the future that she had led in her participation and Center for Houston's Future; that people had a copy of the stakeholder's committee report and asked Ms. Robinson if she could outline some of the things that they came up with. Council Members Johnson, Sullivan, Khan, Rodriguez and Brown absent.

Ms. Robinson reviewed the BARC Facilitated Stakeholder Initiative Process Final Report, which her firm. MCB Consulting, facilitated on behalf of the Mayor's office, a copy of which is in the City Secretary's office for review. Council Members Sullivan and Lovell absent.

Mayor White and Council Members Clutterbuck, Brown, Khan, Gonzales, Lovell, Noriega and Lawrence thanked Ms. Robinson for her review, as well as thanks to Jessica Jarvis and Elena Marks. Council Member Sullivan absent.

At 10:30 a.m. Mayor White stated that he had been blessed to work for 10 years with Ms. Christina Cabral and they had to, that Ms. Cabral was going to corporate America, that he wanted to say that Houston, at this time and place, which was to him very special, that when he was a private citizen he perceived that many of them could do a better job in building new networks of leadership at the grassroots in this community and in particular their emerging Hispanic plurality in this community, that they were so lucky to have a large and growing population of people of different backgrounds and it was just a reality that so many of those were Americans of Hispanic origin; that he had been working on this since he got to this town and Ms. Cabral, and her predecessor, who worked with him in the private sector, Rosanne Palacios, that Christina in particular had done a lot to build networks, well before she began working within the City of Houston, that it was within organizations like MECCA and ADVANCE, that it was for organizations with people who were active in parishes and in precincts within the City, that one thing they sought to do was to be part of a group of leaders, some of whom had sat at the Council table, who were creating not people who were Hispanic leaders and a small handful of recognized Hispanic leaders but they wanted to have a lot of leaders who happened to be Hispanic, at all ages, not just those on the forefront of community activism and change, that they both came from San Antonio, Christina's dad was active in La Raza and others, that it was not always quiet change in those days that had to be used to get results, that now if they looked at the boards and commissions across the City they see not only leaders from diverse backgrounds but they see a new generation of new leaders from all backgrounds within the City

and in part it was because of the efforts of this remarkable woman who had networks which were very incredible, who could be perfectly comfortable at a meeting in a neighborhood with apartment residents or going and working the crowd with the Greater Houston Partnership Board, perfectly comfortable, that they may not know this but before coming to work with him in the private sector he was very part of the fact that Christina Cabral was the Chief of Protocol for the Secretary of Defense, that was not a small job, that he did not know how many people were aware of that, but it was a very special person and he knew that his colleagues had worked with Christina, that he would say it was not just about her because if it was about her he would have to do this with a number of citizens employees that were departing, that it was really about this time and place in Houston, Texas, because when he got to this town there was one Hispanic elected official and when he asked to meet with leaders of the Hispanic Community people would say "well there is this group and that group" and now there were networks, networks of professionals and networks across the City and it had occurred within the last 20 years that the network of the new leaders of the community had been forged, that there would be a time, whether it be the Hispanic Heritage Award, the Hispanic Advisory Committee, the boards and commissions, the work that she does with interns, when an intern was assigned to Christina Cabral nine were permanent employees, people who were interns who thought it was going to be a temporary tour of duty because the pay was not very good in the City, but then they became dedicated to public service, so for all those reasons they wanted to say "gracias por todo" and she would always be around. Council Member Sullivan and Noriega absent.

At 10:36 Council Member Clutterbuck moved to suspend the rules to consider Item Numbers 39, 39a and 39b, seconded by Council Member Khan. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Sullivan and Noriega absent. MOTION 2009-0621 ADOPTED.

### **MISCELLANEOUS**

39. MOTION to suspend Council Rule 19 relating to City Council appointments – was presented, moved by Council Member Khan, seconded by Council Member Lovell. Council Member Sullivan absent.

Council Member Holm stated that this was to bring a nomination forward for their pension system to represent City Council in a short order and she regretted that this was the way the process was being handled, that for three months they had known that there was an opening in that seat and she had sent emails about it twice and nothing had come forward to discuss it, that it was also at a time that the pension system was bringing forward a budget that was going to cost their employees a lot of needless money, that it called for a lot of increased spending by the system and nothing was done about it, that today they had a nominee who she thought was an outstanding and incredible nominee, but her colleagues had no opportunity to meet him or to know what was going on and she very much would support it today because the budget was going to come before the pension system tomorrow and she thought it was important that they as a Council had someone there to represent the interest of the employees of the City; that she thought that the Council and the pension committee that was formed, that was never acknowledged or recognized as one of anything other than a recording body for the pension system, that this was an area that was so critical to their City and that they had failed to operate in a manner that gives the Council the information and equip them with the responsibility that they needed to make good decisions, that she supported this today because she thought that in the long term her job was to find somebody who was going to represent their employees well, that she wanted to go on record that she was really disappointed, that this could have been handled appropriately and in a much more timely manner, that seat should never have stayed vacant more than one month. Council Member Sullivan absent.

Council Member Green stated that it seemed like a lot of people were consulted on this

and seemed like contemporaneously a lot of things happened at the same time and the fact that they had the appointee present today, with a member of the pension board, who obviously was consulted, and not Members of the Council, was offensive was probably one word to look at and he knew what needed to happen on the pension board but doubted seriously that anybody could be appointed today and then tomorrow make any good decision that would help a City of Houston employee, that the learning curve was too steep, that he did not know what happened, that in order for this to have gotten on the agenda several people had to have been consulted and he thought the transparency was not here on this one, and to those members around the table he just did not think that was the way they needed to do business, he did know that some Council Members had discussed appointees in hopes that they were waiting to have this put on the agenda; that he would be voting "no" for Item No. 39 because he did not think they had time to properly vet any one for the position and he would respectfully request that if this was the way they were going to start doing their appointees then at least let them know ahead of time so that the rest of them could also put forth good qualified people as well; that he thought this was something that should have been discussed in the pension review committee or at some sort of committee. Council Member Sullivan absent.

Council Member Adams stated that she heard that the vacancy was coming to fruition about two months ago and at that time she notified someone and said that a nomination was coming up for the pension board and asked that they submit their resume so that she could forward it over, that at that time they were not going to consider it and then to see that the item came on the agenda the week before the major meeting tomorrow she did not think that was open and fair to their employees, that she hears people say a lot that the employees were very important, so if they were so important then three months ago when there was a vacancy then immediately they would have sought out qualified personnel, and not disrespect to the gentleman in the audience to sit in on the meeting, but make it open to all colleagues so that they could have an opportunity to submit, but another person may be just as qualified, that she would not be supporting the item today and would be voting "no"; and asked Mayor White if they still had a pension committee, and Mayor White stated that they did not, that Council Member Holm had recommended, he thought at open table, that the function be merged into the Finance Committee and he agreed at open Council table, but was amenable to whatever suggestions people had, and Council Member Adams stated that she thought if it was something of importance why did they not discuss it before now; that she thought they needed to put in some type of policy in place if it was going to come through their boards or commissions, through the Council or whomever that if a person decided to resign and if they knew it was such an important committee as the pension committee then there should be a timeframe on when that position needed to be filled, that she did not think they should be waiting three months to fill such an important position as this, that she thought they needed to look at this and make it open to everybody who wanted to recommend somebody for this position. Council Member Sullivan absent.

Council Member Lawrence stated that Council Member Adams made a good point; that this was a very important vote, that David Long's salary was over \$240,000, that was what was at stake right now if they did not put a person in who had convictions for their employees, that Mr. Long had an administrative assistant that was almost at \$100,000 salary, that insurance for 33 people was over \$1million, things like that had to be looked at and voted down, that tomorrow for the first time in six years they possibly could have good people on that board, a one person majority vote was how it was coming down, that would make a big difference, that if they could get one person that could stand up to certain people then they had a chance of taking back that pension board and doing the right thing for the employees of the City for the first time, that yes it should have been handled very differently but they were not given very much time in this situation and when she started going over different things in that budget she realized they needed to have it happen right away, that she did not think that any of them knew what was going on Monday or earlier and how important this vote was, until the last part of the week.

Council Member Sullivan absent.

Council Member Clutterbuck stated that she shared the frustration of all of her colleagues on this, they all knew that when Art Morales resigned two months ago and she knew there were a number of emails and conversations behind the scenes and it had taken her a while to understand the nomination process, that as she understood the Mayor sets the agenda and they all find out at the same time when these items come up, that the Mayor's office of appointments was also responsible for noticing and taking the recommendations and no one Council Member owns any particular appointment, that she thought it was important for the public to know, that she agreed and shared the absolute frustration that it was extremely frustrating that they did not receive notice of this, that additionally it had been her experience that appointments, whether Historic Commission, the Planning Commission or the pension, did not go through committee and that was why they had the nomination process; that she learned about this on Friday as well, and on Friday she had word that her friend, Justo Gonzalez, was both interested in the position and was available to serve, so when they all received the agenda and notice of what was going to be voted on, she talked with Justo and vetted his resume, he emailed it to her and she submitted his resume at that time, that everybody else had that same opportunity on Monday, or at this table now to submit a nomination, and she welcomed it, that she thought that competition was a very good thing, but the reason that she supported the suspension of the rules, this procedural move, was because their seat on that board was so critical, and as had been eluded to, had been vacant for two months and would be vacant for three months if they missed the vote tomorrow, that it would be vacant for four months because they had a Council break week coming up if they continued to follow the typical procedure, which was why she was supporting a move to suspend the rules and shorten that procedure, that sadly, in addition to it being vacant for four months, the holder of that seat was also absent for several months in addition to that so they had not been represented in these critical issues that were critical to the financial well being of their City and that was why she was willing to support a motion to suspend the rules and consolidate their time, that she was also eager to see other representatives and knew that the Director of Boards and Commissions was also eager to have as many well qualified and interested people for a variety of services in the City of Houston, but because they needed this representation on the board, not just tomorrow but next month as well, she was supporting the motion to suspend the rules; that there was comment made that she was assuming that this would pass and was why she brought her friend Justo Gonzalez to Council, that as was typical whenever they had nominations because colleagues had not had their opportunity to meet them that was the only reason and she apologized for any inference that was made that it was presumptive that it would pass today.

Upon questions by Council Member Johnson, Mayor White stated that they had ordinances which said that certain vacancies should be Council appointees, that he had asked the Vice Mayor Pro Tem, the Agenda Director and the Head of Boards and Commissions and it had been a collaboration usually between those, it was over five and a half years, to try to come up with a consensus candidate by City Council, that they had done that because he did not think that it was particularly fair to citizens for there to be three people seated out there and seeing who would get the most votes to serve as a civic volunteer, some of whom they needed to recruit for their specialized skills and experience, that he had been in awe that they had been in a situation in which they were able to come up with qualified people without a disproportionate amount of contention at the Council table, that frankly he was not all aware of where some of the details were, he knew that this position was open on a draft agenda a couple of months ago but there had not been the ringer that they needed found, that he would also say that it had been his experience in searching for these pension boards where it was the Mayoral appointee or where Council Members had asked him if he had an idea, that the best people to represent them would have either a deep life experience in benefits and actuarial matters or investment management, and on the investment side many of the people that he had approached would be conflicted out because they required them not to have any conflicts, that

he would thank his colleagues for coming up with excellent people that had served on these boards, they had been real advocates for change, that he would ask Council Member Lovell and Ms. Stein if something went wrong with this process and things worked well in the past that they try to figure out what they do to bring these things up more expeditiously, that it was not within his control to build consensus on City Council, that he was asking for the leaders around the table to do that as they had so ably done so in the past; and Council Member Johnson asked how did they make the decision to put this one person, who he believed was very qualified, over anybody else, and Mayor White stated that he was not sure that he could answer the question expect that he wanted to the City staff to put the item on the agenda so that they would get the seat filled and he would tell them how they did it in the past, he had tended to turn to very able people at the agenda meeting and asked if there was a consensus at City Council about a person and usually they had been able to come up with one, that was sort of the way it had been, that there had been some cases where open and publicly, as well as private conversation, he had expressed a strong opinion that there should be a strong financial background of whoever held this slot and it should be somebody who had some backbone to stand up, as have other Council appointments, to some of the abuses that were cited by Council Members Lawrence and Holm, that he was between a rock and a hard place, that some people said it should have been filled two months ago and other people said it was being filled to fast, that this was a Council appointment and people had a choice whether to confirm the individual or they could go down to the next thing and do it at the table, that he would say if they went to number two he would ask the Council Members to work this out before it came to the table so they would not have two outstanding citizens sitting and waiting, that it was just the wrong message to their citizens.

After further discussion Mayor White stated that he may be misinformed but believed that there may be a proposal to increase the payroll of the pension board by 7% or more relative to last year and that money comes from, out of, funds for the City employees and retirees at a time when their City municipal payroll would certainly not go up by that, and at a time when the asset values of the funds had plunged.

After further discussion a roll call vote was called on the motion to suspend the rules.

**ROLL CALL VOTE:**

Mayor White voting aye	Council Member Gonzalez voting aye
Council Member Lawrence voting aye	Council Member Rodriguez voting no
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Adams voting no	Council Member Noriega voting aye
Council Member Sullivan voting aye	Council Member Green voting no
Council Member Khan voting aye	Council Member Jones absent on
Council Member Holm voting aye	personal business.

**MOTION 2009-0622 FAILED TO RECEIVE  
TWO THIRDS VOTE OF COUNCIL.**

39a. MOTION to receive nominations and vote on appointment to Position 10 of the Houston Municipal Employees Pension System Board of Trustees, for the current unexpired term ending June 30, 2011 – was moot inasmuch as Item No. 39 failed.

**NOTE: The following item will be considered only in the event that Items 39 and 39A are not adopted:**

39b. MOTION to set a date not less than seven (7) days from August 26, 2009 to receive nominations for Position 10 of the Houston Municipal Employees Pension System Board of Trustees, for current unexpired term ending June 30, 2011 – was presented.

Council Member Khan moved to set Wednesday, September 2, 2009, to receive nominations for Position 10 of the Houston Municipal Employees Pension System Board of Trustees, for current unexpired term ending June 30, 2011, seconded by Council Member Adams. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2009-0623 ADOPTED.

At 11:46 a.m. the City Secretary called the consent agenda. Council Members Clutterbuck, Holm and Noriega absent.

### **CONSENT AGENDA NUMBERS 1 through 38**

#### **MISCELLANEOUS** - NUMBER 1

1. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Renovation to the Parks & Recreation Department Campus and Park - Gragg Building - **DISTRICT I – RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Clutterbuck, Holm and Noriega absent. MOTION 2009-0624 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 3 through 6

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,808,165.05 and acceptance of work on contract (Work Order) with **TOTAL CONTRACTING LIMITED** for On-Call Drainage Construction Contract - 9.59% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; E - SULLIVAN; F - KHAN; G - HOLM; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Clutterbuck, Holm and Noriega absent. MOTION 2009-0625 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,848,433.85 and acceptance of work on contract with **REPIPE-TEXAS, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method - 1.08% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - KHAN; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Clutterbuck, Holm and Noriega absent. MOTION 2009-0626 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$914,532.06 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 7.91% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; G - HOLM; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Clutterbuck, Holm and Noriega absent. MOTION 2009-0627 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for



approval of final contract amount of \$525,087.20 and acceptance of work on contract with **R & B GROUP, INC** for Roark No. 1 Lift Station Rehabilitation - 9.63% under the original contract amount **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Clutterbuck, Holm and Noriega absent. MOTION 2009-0628 ADOPTED.

**PROPERTY** - NUMBERS 7 through 11

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from The Menil Foundation, Inc (Menil), for (A) abandonment and sale of: 1) Loretto Street, from Richmond Avenue north to its terminus; 2) Colquitt Street, from Mandell Street to Loretto Street; and 3) ±6,146 square feet of excess Mandell Street right-of-way, (B) the City's abandonment of the Camp Logan sanitary sewer line in exchange for Menil's conveyance to the City of (i) full-width underground utility easements beneath the abandoned Loretto Street and Colquitt Street rights-of-way, and (ii) the conveyance by Menil and its subsidiary of ±18,346 square feet of land for the expansion of Richmond Avenue right-of-way; located in the 1410 Richmond Avenue Subdivision, South Lancaster Place, and Lancaster Place Extension No. 2, all out of the O. Smith Survey, and (C) approval of the Outline for Agreement which addresses various obligations between Menil and the City, Parcels SY9-048A, SY9-048B, SY9-048C, SY9-048D, VY9-030A, VY9-030B and AY9-460 **DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Clutterbuck, Holm and Noriega absent. MOTION 2009-0629 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Dennis W. Sander, P. E. Sander Engineering Corp. on behalf of Cy-Champ Public Utility District (Ron Walkoviak, President), for sale of a 10-foot-wide water line easement, a 15-foot by 45-foot-wide water meter easement, and a 15-foot-wide temporary construction easement, all located within the Willowbrook Regional Wastewater Treatment Plant Subdivision, out of the W. H. York Survey, A-943, Parcels SY10-003A, SY10-003B and SY10-003C - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Clutterbuck, Holm and Noriega absent. MOTION 2009-0630 ADOPTED.
10. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and pursue the City's objections to the Award in connection with eminent domain proceeding styled City of Houston v. Turnkey, Inc., a Texas Corporation, et al., Cause No. 936,744; for acquisition of Parcel AY7-074; for **PARKER ROAD PAVING IMPROVEMENTS PROJECT (Fulton - Hardy) - DISTRICT H - GONZALEZ** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Clutterbuck, Holm and Noriega absent. MOTION 2009-0631 ADOPTED.
11. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and enter judgment on the amount of the Award in connection with eminent domain proceeding styled City of Houston v. Norberto Orozco and Maria Orozco, et al., Cause No. 939,741; for acquisition of Parcel AY7-176; for **PARKER ROAD PAVING IMPROVEMENTS PROJECT (Fulton - Hardy) - DISTRICT H - GONZALEZ** – was presented, moved by Council Member Khan,

seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Clutterbuck, Holm and Noriega absent. MOTION 2009-0632 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBER 13

13. **MCNEILUS TRUCK & MANUFACTURING** for McNeilus Refuse Body Replacement Parts & Repair Services for Solid Waste Management Department - \$3,240,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Clutterbuck, Holm and Noriega absent. MOTION 2009-0633 ADOPTED.

**ORDINANCES** - NUMBERS 20 through 38

20. ORDINANCE approving and authorizing contract between the City and **BAYLOR COLLEGE OF MEDICINE** for Tuberculosis Physician Services; providing a maximum contract amount \$176,800.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0774 ADOPTED.
21. ORDINANCE approving and authorizing contract for Elderly Services provided through the Harris County Area Agency on Aging between the City and **EYE CARE EXPRESS LAB, INC**; providing a maximum contract amount - \$60,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0775 ADOPTED.
25. ORDINANCE to amend and restate Ordinance No. 2009-633, to authorize an Interest Rate Swap Agreement with respect to certain outstanding City of Houston, Texas, Public Improvement Bonds; authorizing the Mayor and City Controller to enter into such Interest Rate Swap Agreement; making other provisions regarding such Interest Rate Swap Agreement and incident thereto; authorizing a Bond Counsel Agreement; a Swap Advisory Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0776 ADOPTED.
26. FIRST AMENDED AND RESTATED CONCURRENT ORDINANCE creating a Freight Rail District pursuant to Chapter 171, Texas Transportation Code – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0777 ADOPTED.
27. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **THE CITY OF HEDWIG VILLAGE, TEXAS** creating Joint Municipal Court Jurisdiction and establishing Joint Law Enforcement efforts and SafeClear Program coverage along the contiguous borders between the City of Houston and the City of Hedwig Village – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0778 ADOPTED.
29. ORDINANCE awarding contract to **INFOR GLOBAL SOLUTIONS, INC** for Computer

Software Maintenance and Support Services for Public Works & Engineering Department; providing a maximum contract amount - 5 Years - \$533,495.29 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0779 ADOPTED.

30. ORDINANCE amending Ordinance No. 2005-0620 (passed on May 11, 2005) to increase the maximum contract amount for contract between the City of Houston and **SOUTHWESTERN BELL TELEPHONE COMPANY d/b/a AT&T TEXAS** for Video Arraignment & Teleconference System for the Municipal Courts Department - \$145,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0780 ADOPTED.
31. ORDINANCE appropriating \$985,230.36 out of Parks Consolidated Construction Fund and approving and authorizing issuance of purchase order to **CONTRACT RESOURCE GROUP, L.L.C.** for Purchase and Installation of Furniture for Renovation of the Parks and Recreation Department Campus-Gragg Building and Wheeler Warehouse Building – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0781 ADOPTED.
32. ORDINANCE appropriating \$801,497.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing an Energy Savings Performance Contract between the City of Houston and **SIEMENS BUILDING TECHNOLOGIES, INC** for Energy Conservation Measures at two facilities - **DISTRICTS A - LAWRENCE and D - ADAMS** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0782 ADOPTED.
33. ORDINANCE appropriating \$100,000.00 out of Reimbursement of Equipment/Projects Fund; awarding Construction Management at Risk Contract to **J. E. DUNN SOUTH CENTRAL, INC** for New Fire Station 84 - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0783 ADOPTED.
35. ORDINANCE appropriating \$220,100.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing first amendment to Professional Engineering Services Contract (Approved by Ordinance No. 2008-0086) between the City of Houston and **LBG-GUYTON ASSOCIATES** for services associated with the rehabilitation of water wells at various locations; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - ADAMS; F - KHAN; and G - HOLM** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0784 ADOPTED.
36. CE granting to **A-GAIA AMERICA, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor

Pro Tem Lovell presiding. ORDINANCE 2009-0785 PASSED FIRST READING IN FULL.

37. ORDINANCE No. 2009-759, passed first reading August 19, 2009  
ORDINANCE granting to **RW JAYNES, LLC, d/b/a INTRA-SERVICES WASTE TRANSPORT, A Texas Limited Liability Company**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0759 PASSED SECOND READING IN FULL..
38. ORDINANCE No. 2009-747, passed second reading August 19, 2009  
ORDINANCE granting to **MINER DEDRICK, LLC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0747 ADOPTED THIRD AND FINAL READING IN FULL.

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

**MISCELLANEOUS**

2. ORDINANCE appropriating \$1,715,179.28 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the contract between the City of Houston and **SOUTH COAST CONSTRUCTION** for Cambridge Bridge and Paving (Approved by Ordinance No. 07-0107 **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0786 ADOPTED.
- 2a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 for Cambridge Bridge and Paving awarded to **SOUTH COAST CONSTRUCTION, INC - DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0634 ADOPTED.

**PROPERTY**

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by Joint Referral Committee, on request from William Bickerstaff of W. W. Bickerstaff and Associates, Incorporated, on behalf of Candlelight Development Joint Venture (Alvin L. Freeman, Manager and Tom L. Shepard, Manager), for abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4 and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544, Parcel SY9-096 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan, and tagged by Council Member Lawrence. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem

Lovell presiding.

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

12. ORDINANCE appropriating \$885,750.66 out of General Government Consolidated Construction Fund for Emergency City Hall Storm Sewer Repairs and Modification Services for the General Services Department – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0787 ADOPTED.
- 12a. **WALTER P. MOORE** - \$62,900.00 for Professional Surveying and **JAMAIL & SMITH CONSTRUCTION** - \$780,672.06 and contingencies for a total amount not to exceed \$822,850.66 for Repair Services in connection with Emergency City Hall Storm Sewer Repairs and Modification Services for the General Services Department - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0635 ADOPTED.

### **ORDINANCES**

14. ORDINANCE **AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solid Waste Management – was presented, and tagged by Council Member Sullivan. Mayor White and Council Member Noriega absent. Vice Mayor Pro Tem Lovell presiding.
15. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **ABCO AVIATION, INC** for certain premises at William P. Hobby Airport - Revenue - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Members Sullivan and Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0788 ADOPTED.
16. ORDINANCE approving and authorizing Interlocal Agreement between the City and the **HOUSTON-GALVESTON AREA COUNCIL (HGAC)** for National Emergency Grant Public Service Employment Project - \$222,975.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Members Sullivan and Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0789 ADOPTED.
17. ORDINANCE amending Ordinance No. 2003-620, passed on June 25, 2003; Ordinance No. 2004-685, passed on June 30, 2004; Ordinance No. 2005-607, passed on May 11, 2005; Ordinance No. 2006-628, passed on June 14, 2006, and Ordinance No. 2007-648, passed on June 12, 2007, which approved and authorized the submission of the 2003, 2004, 2005, 2006 and 2007 Consolidated Plans, respectively, including grant applications for the Housing Opportunities for Persons With AIDS (“HOPWA”) Program, to the United States Department of Housing and Urban Development (“HUD”) under the authority of the AIDS Housing Opportunities Act, as amended by the Housing and Community Development Act of 1992 – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Mayor White and Council Members Sullivan and Noriega absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0790 ADOPTED.

18. ORDINANCE amending City of Houston Ordinance No. 2004-0685, passed on June 30, 2004, which approved and authorized the submission of the 2004 Consolidated Plan to the United States Department of Housing and Urban Development, including grant application for the Home Investment Partnerships ("HOME") Program under the authority of Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended – was presented. Mayor White and Council Members Sullivan and Noriega absent.

Council Member Clutterbuck stated that she wanted to request an update on an item that they passed several months, if not, a year or so ago, where they had employed the group ACORN, that it was before the election and there was a concern that she had to make sure that the ACORN, which had political activities, was not involved with the ACORN group that was doing the work on behalf of the City of Houston, that at the time there was some word that there would be periodic updates and she would request that of the administration, that she would like to know about the progress made and the foreclosure abatement type program that they had hired that organization for, and Mayor White stated that they would get that report to her. Council Members Sullivan and Noriega absent.

A vote was called on Item No. 18. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Sullivan and Noriega absent. ORDINANCE 2009-0791 ADOPTED.

19. ORDINANCE approving and authorizing contract between the City of Houston and **SISTER'S OF SERENITY MINISTRY** providing up to \$190,017.00 in Housing Opportunities for Persons With AIDS ("HOPWA") Funds for the operation of a Community Residence along with providing supportive services - **DISTRICT D - ADAMS** – was presented. Council Members Sullivan and Noriega absent.

After discussion by Council Members Adams and Lawrence, Council Member Adams stated that she wanted to recognize Dr. Beverly Solomon, who was in the audience. Council Members Sullivan and Noriega absent.

A vote was called on Item No. 19. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Sullivan and Noriega absent. ORDINANCE 2009-0791 ADOPTED.

22. ORDINANCE approving and authorizing contract between the City and **GERRY FUSCO CONSULTING** for Professional Services relating to the Bureau of Animal Regulation and Control (BARC); providing a maximum contract amount - \$135,000.00 - General Fund – was presented, and tagged by Council Member Green. Council Members Sullivan, Brown and Noriega absent.

Council Member Holm stated that she to was going to tag Item No. 22 and wanted to commend Mr. Fusco, that she was still concerned about the process, that it was a very important contract and the information just came in and she had not even seen it, and secondly, she appreciated the work that Council Member Johnson had done and the committee hearings and they had promised many citizens another opportunity to speak and address the issue and thought that meeting was coming forward Monday and thought it was important that they hear them before they voted on the issue. Council Members Sullivan, Brown and Noriega absent.

Council Member Johnson stated that there would be a committee meeting on Monday, August 31, 2009, where they will be discussing that, that not only will they be hearing from the community and some of their concerns and suggestions and accolades that they wanted to present in respect to Mr. Fusco, that they would hear many of his benchmarks, has he met them, what progress had been made and they would hear where Mr. Fusco stands with the

whole process. Council Members Sullivan, Brown and Noriega absent.

Mayor White stated that Item No. 22 had been tagged. Council Members Sullivan, Brown and Noriega absent.

23. ORDINANCE approving and authorizing first amended and restated agreement among the City of Houston, Texas, Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), and the **MEMORIAL-HEIGHTS REDEVELOPMENT AUTHORITY** to finance certain public infrastructure improvements - **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and H - GONZALEZ** – was presented. Council Members Sullivan, Brown and Noriega absent.

Council Member Clutterbuck stated that she wanted to confirm with the administration whether or not this item included the tolerance bridge, and Mayor White stated that he believed that it did include a bridge that had been long planned, but the bridge did not contain the public art feature mainly because the cost began climbing for that, but there had been some commitments of private funding or public art and there had been additional commitments with HAA looking in the same vicinity but not as a structural component of the bridge for a privately funded art project that would be extraordinary there, that the budget did contain money for the pedestrian improvements but not the public art, and Council Member Clutterbuck stated that she wanted a chance to look at that personally and stated that she wanted to tag the item. Council Members Brown and Noriega.

24. ORDINANCE approving and authorizing first amended and restated agreement among the City of Houston, Texas, Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), and the **OLD SIXTH WARD REDEVELOPMENT AUTHORITY** to finance certain public infrastructure improvements - **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and H - GONZALEZ** – was presented. Council Members Brown and Noriega absent.

Council Member Clutterbuck stated that there was nothing in her backup about the particular plan and she was not sure if this particular TIRZ was the one that would encompass the proposed Dynamo Stadium, and Mayor White stated that it was not. Council Members Brown and Noriega absent.

A vote was called on Item No. 24. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Brown and Noriega absent. ORDINANCE 2009-0793 ADOPTED.

28. ORDINANCE appropriating \$2,739,000.00 out of Dangerous Building Consolidated Fund for Demolition of Dangerous Buildings - was presented. Council Members Brown and Noriega absent.

After discussion by Council Members Johnson, Adams and Gonzalez, Mayor White stated that what some people felt about BARC, some of them felt about their need to improve here, that as in the case of BARC it was not because it was worse then when they came into the administration but was not what they were up to, that he had given people responsibilities and was as close as he could come to an order, which affected their job security, about their need to get these buildings down, that they needed to go through case by case; that there was one burned out structure that was in Council Member Johnson's district ,and he had sent a note out yesterday, and he thought that Mr. Michel had received it, where there were two citations, it was a burned out structure, and the last entry was abstract ordered in April, that he did not think it was even necessary to do an abstract if they Knew the record title owner, that it was a dangerous building, a burned out structure, that if individuals were bottlenecks they should be

assigned to BARC or assigned somewhere else in the City rather than doing Neighborhood Protection, that the tax collection firm was given the responsibility and undertook to do title searches of record in a short term route if the City could not do them, that they were frustrated; that if they could bring pictures, like Council Members Johnson and Adams, and information, he wanted it to be public of who was responsible for checking it off and who was responsible for getting it demolished and what was the name of that position, and were they not doing it because they were given improper legal advice, where they not doing it because they did not have the money, that in all the things it was the sense of Council that there would be things that took a lesser priority to this if they thought they could find the money, that to the City Attorney, they could sue people, the property owner of record, so they could get a judgment lien on that property and he had requested that be done for five or six times, sometimes in open Council meetings, that he wanted them to help him to their job, that they had not yet filed such a suit on residential property. Council Members Brown and Noriega absent.

A vote was called on Item No. 28. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Brown and Noriega absent. ORDINANCE 2009-0794 ADOPTED.

34. ORDINANCE appropriating \$594,216.00 out of Parks Consolidated Construction Fund; awarding construction contract to **D. L. MEACHAM, L.P.** for Sylvester Turner Park; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund, State Grant Fund, and other Government-Grant Fund \$1,200,000.00 - Grant Funds - **DISTRICT A – LAWRENCE** - was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Brown and Noriega absent. ORDINANCE 2009-0795 ADOPTED.

**MATTERS HELD** - NUMBERS 40 through 43

40. RECOMMENDATION from Purchasing Agent to award to **BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC** for Purchase of Automated People Mover System Parts for the Houston Airport System - \$2,580,545.91 - Enterprise Fund – **(This was Item 37 on Agenda of August 12, 2009, POSTPONED BY MOTION #2009-609)** - was presented, previously moved by Council Member Lovell, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Brown and Noriega absent. MOTION 2009-0636 ADOPTED.
41. RESOLUTION approving the creation of the **LELAND WOODS REDEVELOPMENT AUTHORITY II**; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the initial directors and chairperson - **DISTRICT B – JOHNSON – (This was Item 14 on Agenda of August 19, 2009, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. Council Members Brown and Noriega absent.

Council Member Johnson stated that they discussed this item several years ago at great length and since that time this particular development was seemingly almost foreclosed on, the original developer was not able to fulfill the obligations and the requirements to build out this particular area, that they were in negotiations with North Houston Bank to make sure that this development did not go into foreclosure, that going into foreclosure meant that the 41 homes that were built by the original developer would put those homeowners in a bad situation and prolong the opportunity of development of that particular community for years to come and they did not want to do that to any one particular neighborhood; that he had often heard that this may



be one of those situations where they were throwing good money after bad, that while he may concur to that, to a certain extent, he would believe that this was the right thing to do, that what they were going to do was not only prevent the foreclosure, but give them the opportunity of going back in and redeveloping this particular community. Council Members Brown and Noriega absent.

Council Member Lawrence stated that she certainly concurred with most of the things that her colleague just said, that nobody wanted any neighborhood to fail, but at the same time they had four more months left before they had a new Mayor and Council and she did not want to tie the next Mayor or Council to debt, that Susan Bandy saw her on Friday and said there was going to be a lot more debt than they knew, that they were putting this City into a tremendous amount of debt going into this, that the developers that went in and formed a conglomeration all thought they were going to succeed and that happened in the last month of the last administration so they were given TIRZ 22, so there was a problem, that she thought if they went into foreclosure there was not going to be a gravel pit or concrete crushing because there was not a railroad track around, that was kind of a scare tactic in the backup, that she had a problem with their making a commitment for the next Council, that for the next four months she wanted to be sure that she was not making some commitment that was going to cause the CIP or other things not to be done for various Council Members here, that was a huge concern, that she had an area that was developed in her area that had metal around it because the setback was not right, that it was a blighted area, that homeless people were pushing back the sheetrock and living in that area, that there was nothing she could do about it and wished the City would buy it and redevelop it but that was not going to happen, that if they did not do that to all neighborhoods why did they do it to one neighborhood, that she thought if it went into bankruptcy the next Mayor would have a chance to buy the land at an even cheaper price, that they were not just dealing with 41 homes, they were saying they were going to buy the land behind it, that they were going to buy half the land and taking a chance that somebody was going to buy a house, that so far nobody had bought anything and developers that built those 41 houses most of them lost money because they wanted to get rid of them, that they had a problem, but it was not the City's business to go in and do this and put the next year's budget at an even worse situation than it was going to be in, that she wanted a roll call on this because in January or February if things continued to go down they would look to this particular ordinance and say this was what they voted on to cause the budget to go down even more. Council Members Brown and Noriega absent.

Council Member Clutterbuck stated that she to was concerned about this and spoke with Council Member Johnson last night and then with Andy Icken, that both she and Mr. Icken saw the same Channel 11 news report, that it was excellent and highlighted how these problems were all across the City unfortunately, that the article discussed a development project on Highway 290 and was not clear if it was inside the City of Houston, that they had seen previous reports also about some development projects on the East End where the developer had completely walked away, that Mr. Icken told her that was not the case with the Leeland Woods Redevelopment Project and that all the houses were built; that her next question was what was going to be the collateral for their investment, that she did not want to support something where they were collateralizing or investing in just the land or the un-built houses, that to her this was akin to a DPC, Developer Participation Contract, which was not in place for this development, as she understood, that she was asking for Mayor White's explanation and confirmation of her understanding that what they were doing was that with the money in 41A appropriating money out of the TIRZ Low Income Housing Fund for this low income housing development project to reimburse the cost the bank had spent on the infrastructure, so what they would end up owning at the end were the infrastructure, the streets, roads and sewers and asked if she was correct in her understanding. Council Members Brown and Noriega absent.

Mayor White stated that he believed that was correct and believed it was also some land,

that he thought they would own the land, that he did not know what it meant when people had liens on the infrastructure, usually the infrastructure costs for residential portions was reimbursed by the City, but he did believe there was land there that could be developed, and rather than having the land next door to people tight up in insolvency proceedings, and it was also a very reasonable price for that land, that he heard what Council Member Lawrence stated that they did have the TIRZ affordable housing set aside, much of that came from agreements they had with other entities, other taxing jurisdictions, including school districts and the County, concerning the uses, that this was a high priority use for several reasons, one was housing at this location with a good land cost could be built at a reasonable price, that another was that much of the work on the subdivision itself had been done so they would be continuing it, and third, really based on support from Council Member Lawrence and others they had been promoting single family home ownership so that people could build equity and wealth and have the pride to be tied to commitment rather than multi family so whatever criteria they used for promoting single family development this seemed to meet those criteria, that he did not think that they were creating recourse back to the General Fund for them in this but if that was wrong they could reconsider this at another time, that he did not know whether that answered her question, that he thought what they were going to get was the land. Council Members Brown and Noriega absent.

Council Member Clutterbuck stated that she was not present last week so she would like to have another week to look at this and tag it, and Mayor White stated that she had a right to tag it but Mr. Icken had said there was some time thing and they did not know there was going to be a problem, and Council Member Clutterbuck stated that she would withdraw her tag. Council Members Brown and Noriega absent.

After further discussion by Council Members, a roll call vote was called on Item No. 41.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Gonzalez voting aye
Council Member Lawrence voting no	Council Member Rodriguez voting aye
Council Member Johnson voting aye	Council Member Brown absent.
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Adams voting aye	Council Member Noriega absent
Council Member Sullivan voting aye	Council Member Green voting aye
Council Member Khan voting aye	Council Member Jones absent on
Council Member Holm voting aye	personal business.

RESOLUTION 2009-0021 ADOPTED.

- 41a. ORDINANCE appropriating \$952,761.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 2409), approving and authorizing agreement between the City of Houston; **NORTH HOUSTON BANK; BUILDERS COMMUNITY DEVELOPMENT CORPORATION; REINVESTMENT ZONE NUMBER TWENTY-TWO, CITY OF HOUSTON, TEXAS (LELAND WOODS ZONE); LELAND WOODS REDEVELOPMENT AUTHORITY**, and **LELAND WOODS REDEVELOPMENT AUTHORITY II** relating to the purchase of lots owned by Builders Community Development Corporation for the purpose of developing affordable housing in the Leland Woods Subdivision; providing funding for contingencies related to associated transactional costs and certain authorized expenses of Leland Woods Redevelopment Authority II **DISTRICT B - JOHNSON – (This was Item 14A on Agenda of August 19, 2009, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. Council Member Lawrence voting no, balance voting aye. Council Member Jones absent on personal business. Council Members Brown and Noriega absent. ORDINANCE 2009-0796 ADOPTED.
42. RECEIVE nominations for Position 13 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term that will end March 1, 2011 – **(This was Item 27 on Agenda of August 19, 2009, POSTPONED BY MOTION #2009-619)** – was presented. Council Members Brown and Noriega absent.

Council Member Lovell nominated Mr. R. Maverick Welsh III for Position 13 of the Houston Archaeological and Historical Commission Board of Directors. Council Members Brown and Noriega absent.

Council Member Khan moved to close nominations for Position 13 of the Houston Archaeological and Historical Commission Board of Directors, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Brown and Noriega absent. MOTION 2009-0637 ADOPTED.

43. ORDINANCE approving and authorizing agreement by and between the City of Houston and **HARRIS COUNTY, TEXAS**, for Harris County to acquire needed property to be conveyed to the City, and to design, construct and fund the reconstruction of Lorraine Street in connection with the extension of the Hardy Toll Road South from its current terminus to connect with U. S. Highway 59 and the northern approach to the Elysian Viaduct - **DISTRICTS B - JOHNSON and H - GONZALEZ – (This was Item 31 on Agenda of August 19, 2009, POSTPONED BY MOTION #2009-620)** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Brown and Noriega absent. ORDINANCE 2009-0797 ADOPTED.

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

Council Member Adams stated that she knew that everyone was going to give condolences for Senator Kenney for the many milestones that he had paved the way for, that their prayers in Houston would continue to be with his family; that Monday was the first day of school and she wanted to thank Principle Adams at Turner Elementary for allowing her to come and be a part of the welcoming committee for the new students arriving at Turner this week; that tomorrow their office would be hosting the MacGregor President's Round Table, that this was something their office started last year, that they went to various communities and having a dialog with the presidents of those particular areas, that it would take place at the Smith Neighborhood Library at 3624 Scott St.; that she played basketball for the past 14 years and was a Texas Southern University Lady Tiger, that every year during the season when the ladies came back to school they hosted a Life Skills Week and she had the opportunity to share with them the life skills that she learned by playing the sport and how she arrived at where she was today, that it would be on Friday and she wanted to thank Coach Carter for all she did as head

coach at Texas Southern University; that on Tuesday, September 1, 2009, there would be a ribbon cutting ceremony and open house at the HCC Stanford Learning Center; that as to Item No. 28, the passing of the \$2.7 million about dangerous buildings, that she wanted to give kudos to Neighborhood Protection Captain Curran, Chief Hurtt, Ms. Claudia Vasquez, Ms. Angela Solis, Ms. Shavonda Johnson, Ms. Karen Haller and her staff for working very hard in doing drive through's, that she wanted to thank Ms. Alice Coffee for the picking up of a lot of tires, that she appreciated that; that as to Sister Serinity, there was something about the criminal justice part on the RCA, it was something that was added, that she knew a lot of people coming out of the criminal justice system needed some type of education and training when coming back into society. Council Members Johnson, Sullivan, Brown, Lovell and Noriega absent.

Council Member Gonzalez stated that he wanted to thank his staff for their hard work in putting together the District H Townhall Meetings, that they had two which were very successful, that they had two upcoming meetings, one in the Near Northside on September 1, 2009 and another on September 3, 2009 at Monty Beach; that this weekend they would get the Get Alarmed Houston Event in Denver Harbor and wanted to thank HFD and the CERT Team for coordinating this, that they would be block walking and installing smoke alarms in underprivileged homes; that he wanted to remind all of their citizens that they were in hurricane season and to be prepared to visit the City website for emergency preparedness and weather information; that speaking about abandoned and dangerous buildings, that he had just gotten word that one was going to be demolished today in the 3600 Block of Canal in District H, that he wanted to thank Ms. Jessica Holtze for her long hard work on this, that it had been in the making for over 7 years, that he wanted to give props to Mr. Daniel Franklin and MPC for their help in making it happen as well. Council Members Lawrence, Johnson, Adams, Sullivan, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he wanted to thank Mayor White and his colleagues for all of their well wishes on the birth of his new son, Jake James Rodriguez, last week, that he and Wendy also appreciated all of the well wishes from the many City employees, Council staffers and the residents of the City and their thoughts and prayers, that on behalf of he and Wendy they wanted to say thanks for all of the well wishes and support. Council Members Lawrence, Johnson, Adams, Sullivan, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to say that they had lost a great public servant when Senator Ted Kennedy died, that he was one of the great leaders of movements that were not popular and for people who felt like they did not have a voice; that there would be a joint TIA and Budget and Fiscal Affairs meeting prior to the Budget and Fiscal Affairs Committee meeting on Tuesday, September 1, 2009; that there would be a theater open house on Sunday, August 30, 2009, hosted by Downtown Alliance and co sponsored by Capital One and Continental Airlines, that they had the second most theater seats outside of the City of New York; that she wanted to congratulate the West University Little League who won the world series for their senior division, players who were 14 to 16 years of age, that they brought home yet another world series championship to the City of Houston, that the Kyle Champion Pony League 13 year olds also won the world series and brought that championship to Houston. Council Members Johnson, Sullivan, Gonzalez, Brown, Noriega and Green absent.

Council Member Lawrence stated that Goodman Air Conditioning listened to the community around them, that they were asked to help out on a park that had not ever made the CIP, a small neighborhood park with a play area and a nice baseball field, that the neighborhood wanted to redo that, to demolish a pavilion that was very dangerous, that they had decided to raise money and they asked Goodman to participate and they were participating in a big way by giving money for the park, that she hoped that more companies realized that

working together they would have a better community and a better quality of life; that she wanted to thank the MWBE Program, that she got their data sheet, that for some reason when she asked how many people had graduated in the administration the number 68 was flashed out at them, that they had a database with 26, but when they took 6 of them that were out of State actually it was 19 people who had graduated, that she hoped it was looked at as far as making the partnership, that she thought they could do better as a City and more people should graduate. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Holm stated that today, August 26, 2009, marked the 89th Anniversary of the passing of the 19th Amendment to the Constitution, that this was at the time when women received the right to vote and now showed that when women vote women win; that she wanted to discuss the issue called Huntley, that for four years all of the stakeholders had looked for a positive resolution to the stub street called Huntley, that what they wanted was an aesthetically appealing street that offered much needed pedestrian access to Uptown, and as a street, if the abutting property owners needed automobile access from north and south Winden that to would be supported as long as they knew and had direction that it was in the best interest and it fit with the needs of the street and community and was not at the expense of communities, that more importantly when all the stake holders had come together and worked there had been, one more time, no communication from the City, outside of her office, with any party other than what was perceived to be an agreement that kept trying to be formed between the City of Houston and one property owner, that she had asked and failed to get a lot of information although she knew that Mayor White was actively engaged and knew that Mr. Icken was actively engaged, and sometimes she thought that breakdowns occurred because the team really did not meet and function as a team, they got to many people talking in too many directions, that she was asking, one more time, to be included as a part of that team and would like to be included in the discussions and the meetings that were held in discussion of this issue and would like for the City to have some meetings with the community in order to share with them and let them know how the processes were going to be impacted and that they were following their policies and processes and that they as a City were doing what was in the best interest and following the principles that allowed them to coexist and move forward, that she thought because there had been so many people talking in different direction and maybe with different agendas, the message had gotten lost, that it was a stub street that went nowhere and the citizens wanted assurance that they were not creating conditions that were going to someday allow some conductivity to a private driveway that would impose and create a horrible traffic hazard. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that the Mayor's Annual Ramadan Dinner was scheduled for Saturday, August 29, 2009, at George R. Brown Convention Center; that their was a puppet show coming to town, the Counsel General of Indonesia and Rice University Public Affairs Office, along with the Asia Society Texas, were bringing the first Japanese Shadow Puppet performance ever in Houston, that it was free on Monday, August 31, 2009, at Stewart Concert Hall in the Shepherd School of Music at Rice University; that all during the month of Ramadan please try to go to a mosque and meet their neighbors; that they received complaints from neighbors at Cookwood Subdivision about a lot of cut through traffic, that especially during peak hours they saw a lot of traffic going at a very high speed, that they had requested speed humps but their application was not approved, that the minimum they were requesting was to have officers monitor that area, especially during the peak hours in the morning and afternoon, that the streets in questions were Cookwood and Barrett Brae in the Alief area, that they would appreciate if somebody could take a look at having some monitoring there. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to give a sincere thank you to Mr. Dan Menendez and all of the good people at the Public Works Department who had changed the petition form for the neighborhood street reconstruction, that it was significant, that she wanted to thank the Legal Department for their assistance as well, that as they knew in order to get their neighborhood streets reconstructed they must sign with their neighbors and petition the City of Houston to agree to undergo that, that why did they have to sign a petition, that believe it or not a lot of their neighbors liked bumpy roads, it kept the traffic slow, that on the old form they used to have a section on it that said they agreed to be assessed for this and the news was that they removed that portion from the petition, they were not enforcing that part of the petition and in her mind it inhibited neighborhoods that were of lesser means from seeking the kind of public service that all of them should be entitled to; that they had Item No. 16 approving and authorizing the Interlocal Agreement with the Houston Galveston Area Council for National Emergency Grant Public Service Employment Project, that they received federal grant funds in the amount of close to \$223,000 and they passed them on to the Houston Galveston Area Council for distribution, that it was her privilege and pleasure to serve as this body's represent on the HGAC and it was important work, that the HGAC was a COG, a Council of Government through which most of their federal funds were administered, that it was essential that they have adequate vocal and informed representation, not only at the board level but on all other aspects of their participation in the HGAC, that the HGAC was a 13 County regional organization a Council of Governments where they voted on administering these monies, they voted on who got what share of the money and if they were not at the table then they lose out, that as she had expressed to the Mayor and he had agreed and expressed his frustration, they had lost on a few battles recently, they had not gotten, what she thought, the City of Houston's fair share, which they would have received had their positions been adequately advocated, that she would like to add her comments to all of the department directors that she concurred 100% with his memo that he sent out last week, and she also thanked him for sending out that memo last week, on Tuesday evening, encouraging all of the department directors that if they had appointees on these HGAC boards or other boards that he had given them authority to serve on it was critical that they show up, that these were not resume padding appointments, these were the director's commitment that their people would be there and that the directors would grant them the time to be there and that they would be informed, up to speed and advocates for the City of Houston's position, that they sadly lost the opportunity to have close to a million dollars in police radios because of their lack of participation at that committee, that she would have to say as the Council Member and person who, along with Council Member Lovell this past week, was the vocal advocate, it was very difficult for them as elected officials, to through themselves into the breach and incur the animosity of their colleagues on this important government body when their appointees had not appeared before the committee, that she knew that had been expressed and knew that some directors, namely Chief Hurr of the Police Department, had submitted other individuals, and she would reiterate that they much make sure that those individuals had been impressed upon them the importance of their role in the committee and that they were given the time to appear at the committee, that she wanted to thank Mr. Darren Hall for an outstanding job, that she thanked him for his abilities to help coordinate that and for the renewed effort that was being put into that, as well as Ms. Ann Travis. Council Members Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:56 p.m. Council Member Jones absent on personal business. Council Members Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary