

City Council Chamber, City Hall, Thursday, January 3, 2008

A Combined Meeting of the Houston City Council was held at 9:00 a.m. Thursday, January 3, 2008, 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, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Claudia Vasquez, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 9:24 a.m. Mayor White called the meeting to order and called on Council Member Clutterbuck for the prayer and pledge of allegiance. Council Members Johnson and Green absent.

Council Members Khan and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION ADOPTED.

At 9:27 a.m. Mayor White requested the City Secretary to call the roll. Council Members Johnson and Green absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 31

MISCELLANEOUS - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$139,405.67 to the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for 2008 Water System Fees - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0005 ADOPTED.

ACCEPT WORK - NUMBERS 3 through 6

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,128,031.38 and acceptance of work on contract with **EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P.** for LPST Site 91472 - Soil Remediation and Underground Storage Tank Replacement, WBS D-000073-0006-4 - 4.73% over the original contract amount - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0006 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,605,910.11 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00D1-4 - 0.35% over the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0007 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,542,689.18 and acceptance of work on contract

with **GARVER CONSTRUCTION, LTD.** for Water Line Replacement for an area in Near Northside, WBS S-000035-00NN-4 3.02% under the original contract amount - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0008 ADOPTED.

PROPERTY - NUMBERS 7 through 9

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Barry Goodman of the Goodman Company, on behalf of the Holocaust Museum Houston, for abandonment and sale of Calumet Drive, from Caroline Street to Austin Street, in exchange for the conveyance to the City of a full-width utility easement, both located in the Hermann Park Addition Section 2, J. Christie Survey, A-212, Parcels SY8-034 and VY8-033 - **APPRAISERS - DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0009 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel CY6-009, owned by Cole Family Partnership Two, Ltd., a Texas limited partnership, Robert B. Cole, General Partner, Champion Family Partnership Seven, Ltd., a Texas limited partnership, Howard B. Chapman, General Partner, Cole Family Partnership Seven, Ltd., a Texas limited partnership, Robert B. Cole, General Partner, for the **WESTWAY LIFT STATION CONSTRUCTION PROJECT**, WBS R-000267-0082-2 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0010 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel LY7-022 and LY7-023, located at the northwest corner of Aldine Westfield and Margaret Street, owned by Maha H. Nussar, for the **ALDINE WESTFIELD PAVING PROJECT from Tidwell to Little York - DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0011 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 17

10. **SHOPPA'S FARM SUPPLY** for Mowers and Hay Balers through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for the Houston Airport System - \$140,976.55 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0012 ADOPTED.
11. **VOLVO CONSTRUCTION EQUIPMENT & SERVICES** for a Light Tower, Air Compressors and Generators through the Interlocal Agreement for Cooperative Purchasing with the Houston- Galveston Area Council for the Houston Airport System and the Department of Public Works & Engineering - \$797,870.20 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0013 ADOPTED.
14. **NORTEX MODULAR SPACE** for Lease of a Modular Office Building from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering -

\$118,960.40 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0014 ADOPTED.

15. **WYATT RESOURCES, INC** for W-Beam Guardrails and Terminal Ends for Department of Public Works & Engineering - \$163,960.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0015 ADOPTED.
16. **HERSEY WATER METERS, LLC** for Water Meters and Water Meter Replacement Parts for Department of Public Works & Engineering - \$325,329.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0016 ADOPTED.
17. **FORMS WORLD, INC** for Continuous Forms for Various Departments - \$301,839.75 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0017 ADOPTED.

ORDINANCES - NUMBERS 19 through 31

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (i) Airplane Drive, from Freehill Street ±721 feet east to the west boundary of Ellington Field Addition, (ii) a 2-foot-wide sanitary sewer easement, and (iii) a 10-foot-wide water line easement; Parcels SY3-035A through SY3-035C, respectively; vacating and abandoning said parcels to Southway Business Park, Ltd., the abutting owner, in consideration of its conveyance to the City of a 25-foot-wide sanitary sewer easement and a 10-foot-wide water line easement; Parcels DY6-012 and KY6-055, respectively; all located within Southpoint Subdivision, Section 3, Houston, Harris County, Texas, and its payment of \$78,268.00 and other consideration to the City **DISTRICT E – SULLIVAN** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0001 ADOPTED.
21. ORDINANCE approving and authorizing contract between the City of Houston and **NEW HOPE COUNSELING CENTER, INC** providing up to \$169,595.00 for the administration of a short-term rent, mortgage and utility assistance program under the Housing Opportunities for Persons With AIDS (HOPWA) Program - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0002 ADOPTED.
22. ORDINANCE approving and authorizing agreement between the City of Houston and **SUNNYSIDE PLACE COMMUNITY DEVELOPMENT CORPORATION** to provide \$50,000.00 in Home Investment Partnerships (“HOME”) Funds to cover operating expenses associated with the development of two (2) Affordable Single-Family Homes in the Sunnyside Houston Hope Area **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0003 ADOPTED.
24. ORDINANCE approving and authorizing submission of grant application to the **DEPARTMENT OF STATE HEALTH SERVICES** for the City’s HIV/STD Prevention and Control Program; declaring the City’s eligibility for such grants; authorizing the Director of the Health and Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any - \$1,649,652.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Johnson and Green absent.

ORDINANCE 2008-0004 ADOPTED.

25. ORDINANCE approving and authorizing contract between the City of Houston and **MILLER & VAN EATON, P.L.L.C.**, for legal services in connection with representation of the City in telecommunications and cable television-related matters; providing for payment for services rendered; providing a maximum contract amount - \$197,000.00 - General Fund – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0005 ADOPTED.
26. ORDINANCE appropriating \$162,800.00 out of Reimbursement of Equipment/Projects Fund; awarding Construction Manager At Risk Contract to **SPAW GLASS CONSTRUCTION CORPORATION** for Midwest Police Station - District 18, WBS G-000120-0001-4; providing funding for Civic Art Program financed by Reimbursement of Equipment/Projects Fund **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0006 ADOPTED.
28. ORDINANCE appropriating \$298,675.00 (this amount includes \$284,452.65 estimated cost of pipeline and \$14,222.35 City salary recovery costs) out of the Street & Bridge Consolidated Construction Fund No. 4506 for the removal or relocation of pipelines for the Mesa Drive Reconstruction Project (N-000680-0002-4); approving a Reimbursement Agreement with **EXXONMOBIL PIPELINE COMPANY - DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0007 ADOPTED.
31. ORDINANCE appropriating \$5,000.00 out of Water & Sewer System Consolidated Construction Fund, and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **WESTON SOLUTIONS, INC - DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Green absent. ORDINANCE 2008-0008 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. CONFIRMATION of the appointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2008:

Position One	- Council Member Anne Clutterbuck
Position Two	- Council Member Adrian Garcia
Alternate At-Large Positions	- Council Members Pam Holm and Sue Lovell

- was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0018 ADOPTED.

Mayor White stated that they all appreciated the active participation of Council Members in HGAC because of the much greater participation of Council Members and City staff they had seen things break their way where sometimes in the past they were bystanders and he really appreciated that. Council Members Johnson and Green absent.

ACCEPT WORK

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$251,164.07 and acceptance of work on contract with **FOUR SEASONS DEVELOPMENT CO., INC** for Diez Park Concession Stand, WBS F-504C26-0001-4 17.59% over the original contract amount - **DISTRICT I – RODRIGUEZ** – was presented, and moved by Council Member Khan, seconded by Council Member Garcia. Council Members Johnson and Green absent.

After discussion by Council Members, a vote was called on Item No. 4. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2008-0019 ADOPTED.

At 9:32 a.m. the City Secretary began calling the public speakers. Council Members Johnson and Green absent.

Ms. Birdie Churchwell, 3310 Charleston, Houston, Texas 77024 (713-741-2739) had reserved time to speak but was not present when her name was called. Council Members Johnson and Green absent.

Ms. Dorothy Arnold, 11900 Wickerchester, Houston, Texas 77043 (281-635-1592) appeared, presented information and stated that they had an interior car repair business and did not sell anything; that they repaired seats, windows, carpet, etc., and now she was told they needed a permit, but when they went to obtain the permit they requested she open a physical location and they were 100% mobile; that no one came to them, they went to the location, the car lot, etc., walked the lot and told them what needed to be done and then they were told which ones to repair; that if she opened a building no one would be in it and it would simply sit unattended and they would be paying rent and insurance on something they did not use; that all they used were in their vans; that in her information it showed all city offices she contacted as she had been trying to obtain a permit since the end of November and some said she did not need a permit, but others said she did and she needed a certificate of occupancy to get a permit. Council Members Johnson and Green absent.

Upon questions by Council Member Khan, Ms. Arnold stated that she had been in business 2 to 2 1/2 years, they were an LLC and they went to car lots and repaired; that there were a few other such businesses and she thought at least two had no physical address; that she had a P. O. Box for address and she had a physical address, she did books at her place or her son's; and Council Member Khan stated that it seemed they had a reasonable concern and if they could get input from the department it would be appreciated. Council Members Johnson, Rodriguez and Green absent.

Mayor White stated that Captain Williams was present and would meet with her. Council Members Johnson, Rodriguez and Green absent.

Council Member Lawrence stated that she thought there was a problem with various people who gave out occupancy permits, it was more than a state issue; that there may be something in committee they need to change and hopefully they could correct it; that she would look through the state law with the past president of the Auto Dealers Association and Representative Bohac and if there was something in the state or city needing to correct she would try and do that and it may take the following month to get it on their agenda and if she would give her their email address she would let her know how it was progressing. Council Members Johnson, Rodriguez and Green absent.

Upon questions by Council Member Brown, Ms. Arnold stated that what they did was cosmetic, they fixed tears and burns in the car and repaired window chips; that when her son was ticketed he was doing a paint touch up; that an officer asked for information and he gave it to him but then asked for a permit and they did not know a permit was required, when she started the business no one told her of a permit, but the next work day they went to get the

permit; and Council Member Brown stated that ordinances should be clear as to whether you needed a permit and given all the issues of crime he wondered why an officer would spend time ticketing them for detailing a car; and Ms. Arnold stated that some offices said if selling just a service they did not need a permit. Council Members Johnson and Green absent.

Upon questions by Council Member Holm, Ms. Arnold stated that they used glue, thread, needles, etc., and it was all stored in the van as they worked out of the van. Council Members Johnson and Green absent.

Mayor White stated that in answer to Council Member Brown's question, employees did enforce laws which the Council body had passed and sometimes those laws needed to be corrected, for example this law had a facility for someone providing a service, maybe it was not well written and Council Member Lawrence stated that the city would do their best to change it if it was not well written; that to Council Member Lawrence on the general concern, no one here was present when the laws were passed, but he would say they had done a good job in cracking chop shops and that was one reason they brought down the stolen vehicles by 20% in the last six years and now working on scrap metal, part was to know who was in the business and it included getting permits to know who and where they were; that some scrap dealers operated out of trailers in low-income neighborhoods and the city took severe actions; that in this case there should be a way to write the statute in order to accommodate this concern but also listen to people in auto dealers who knew where the people were who were doing business which could be used by people stealing cars; that they just had a bunch of school buses taken apart and used for scrap, so when this ordinance was passed it was probably for a good reason, but did not take into account a business such as hers and there was an ambiguity in this because those trying to read the law, it defined facility as being a service so then they had to give a certificate of occupancy to someone who did occupy, but Council Member Lawrence said she would work and Mr. Arturo Michel would work; and to Mr. Michel he would say they would not be perfect but without ringing to many hands it seemed someone could write a very narrow and clear exception to this. Council Members Johnson, Rodriguez and Green absent. Council Member Johnson absent.

Upon questions by Council Member Jones, Ms. Arnold stated that it was seldom they went to anyone's home, they usually went to dealerships; and Council Member Jones stated that her concern was if someone was dissatisfied with the service how would they know how to contact her if she was mobile; and Ms. Arnold stated that their business cards had all their phone numbers, but when you went to an auto dealer's lot they had to approve you. Council Member Johnson absent.

Council Member Lawrence stated that what she eluded to earlier was if there was something like a definition the city followed or if it was a state definition they had to follow she did not know at this point, but Rep. Patricia Harless had been on the state committee and now handled a lot of it in the state and she thought one way or the other they could work on changing it for businesses such as hers; and with her email she would be getting back with her. Council Member Johnson absent.

Ms. Juana Hawk, 7824 Pacific Pearl, Houston, Texas 77072 (713-459-6508) had reserved time to speak but was not present when her name was called. Council Member Johnson absent.

Ms. Vivian Harris, 13906 Regg, Houston, Texas 77045 (713-433-4597) appeared and stated that she understood the Buffalo Speedway bridge project was being done by Harris County, however, the City of Houston had to give final approval before the project could begin and she and her husband owned property at 14311 Buffalo Speedway and it supplemented their income; that when the houses were bought there they told them they did not need their property only a part and so they sold them the portion they needed, but because they did not live in the

home they would not receive all that could be paid and it was so unfair; that they did 27% depreciation on the appraisal and they had just completely redone the home with all new appliances including air conditioning, heating, oven, stovetop, bath fixtures, etc., after Tropical Storm Allison, they were led to believe their property was not required for the right of way and they felt they were dealt a serious injustice because of the poor planning by the City Road and Bridge Department and the engineer and contractor for this project; that the county was now demanding their property by eminent domain and was less than what they felt was market value, their first offer was \$70,000 and that was less than what was on the tax rolls, an appraiser was brought in and he appraised it at 1,400 square feet at \$64.00 plus per square foot and they had been paying taxes on 1,500 square feet for years; that they hired a private appraiser who appraised their property at 1,500 plus square feet so the county came out again and came up with 1,400 plus square feet at \$61.00 per square foot; that they were going to be penalized by incompetent employees and their quality of life, their income was being destroyed; and the contractor's work was so bad part of it was already having to be torn down and she would ask someone go out and see what a gross injustice the Lone Star Company was doing; and if Mr. Cooper, the appraiser did not know the difference between a 1,400 and a 1,500 square foot home something was wrong. Council Member Lovell absent.

Council Member Adams thanked Ms. Harris for coming and for all the work she did in the community; that she was with her when Tropical Storm Allison came and she invested her time, energy and finances into that property; that a member of her staff had already made contact with her and they would like to sit together and see how they would be able to help her. Council Member Lovell absent.

Council Member Jones stated that she appreciated what Ms. Harris did as a citizen and this did concern her and she would work with Council Member Adams to the extent her office could help her to resolve this. Council Member Lovell absent.

Mayor White stated that he had been here four years and occasionally they were caught paying too much, but he was proud of the Department of Public Works, they tried to do things by consent when they could; and upon questions, Ms. Harris stated that she sent her information to many and the only one who responded was State Representative Alma Allen's office; and Mayor White stated that he mentioned it because sometimes when the city tried to give those at the county advise about county business it was not always welcomed; that Mr. Gary Norman with the Department of Public Works did work with the county infrastructure department and the city attorney worked with the county attorney from time to time and maybe he could give her some guidance; that a couple of Council Members also stated they would try and help, but ultimately the county had to approve their acquisitions and it may be worth it bringing this to the direct personal attention to their elected officials. Council Member Lovell absent.

Upon questions by Council Member Brown, Ms. Harris stated that the address to the property was 14311 Buffalo Speedway; and Council Member Brown stated that he would go out and look at the property and would call her before going. Council Member Lovell absent.

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

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Member Lovell absent.

Ms. Yolanda Gladney, 301 W. Little York Road #221, Houston, Texas 77076 (713-691-3975) had reserved time to speak but was not present when his name was called. Council Member Lovell absent.

At 10:06 a.m. Mayor White stated that they would return to the agenda.

PURCHASING AND TABULATION OF BIDS

12. **INX, INC** for Maintenance and Support Agreement from Cisco Network Equipment through the City's Master Agreement with Texas Department of Information Resources (DIR) for Information Technology Department - \$1,465,522.75 - Central Service Revolving Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0020 ADOPTED.
13. **EOS ENTERPRISE, LLC** for Professional Consulting Services for Programming, Configuration and Support Services for the Information Technology Department - \$150,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0021 ADOPTED.
18. **TURTLE AND HUGHES, INC** for Electrical Supplies and Fittings for Various Departments \$1,730,937.04 - General, Enterprise and Fire Department Revolving Funds – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0022 ADOPTED.

ORDINANCES

20. ORDINANCE approving and authorizing agreement between the City of Houston and **BLUE TRIANGLE MULTI-CULTURAL ASSOCIATION, INCORPORATED**, to provide \$1,300,000.00 in Community Development Block Grant Funds for the Renovation of a Public Facility located at 3005 McGowan Avenue, Houston, Texas - **DISTRICT I – RODRIGUEZ** – was presented.

Council Member Lawrence stated that she did not make a comment on Item No. 13 but the comment applied to both Item No. 13 and 20, that they had to quickly google on Item No. 20 the Blue Triangle Branch to find out who they were, that it would not be too much trouble to have that type of information in the backup so they would know who some of these companies were, so she would request that purchasing give them a little bit more information.

Mayor White stated that maybe they could think on what Council Member Lawrence said as they complete the committee assignments, that some goals that people who were registered with the City, that the technology existed and somebody ought to be able to type something in on a database and retrieve any information that was in the City files.

After discussion by Council Members, a vote was called on Item No. 20. All voting aye. Nays none. ORDINANCE 2008-0009 ADOPTED.

Council Member Sullivan requested a point of personal privilege and introduced Boy Scout Troop No. 952 who was present in the audience with their Scout Leader Mr. Andrew Gardner and asked that they stand and be recognized. Council Member Clutterbuck absent.

23. ORDINANCE approving and authorizing an \$85,000.00 Legal Services Agreement between the City of Houston and **ANDREWS & KURTH, LLP** to provide legal services in connection with borrowers' prepayments and the City's defeasance of certain Sec. 108 Economic Development Loans and the reprogramming of excess proceeds – was presented. Council Member Clutterbuck absent.

Council Member Lawrence stated that she would like to have a discussion with either Legal or Housing on Section 108 and would like to be briefed on it. Council Member

Clutterbuck absent.

A vote was called on Item No. 23. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2008-0010 ADOPTED.

27. ORDINANCE appropriating \$650,000.00 out of Parks Consolidated Construction Fund as an additional appropriation for Professional Architectural Services Contract between the City of Houston and **M2L ASSOCIATES, INC** for Parks and Recreation Department Master Plan Phase 1 Implementation (approved by Ordinance No. 02-0615), WBS F-00504C-0020-3 - was presented. All voting aye. Nays none. ORDINANCE 2008-0011 ADOPTED.
29. ORDINANCE amending Ordinance No. 2007-557 passed May 9, 2007 relating to construction contract for the Safe Sidewalk Program to correct the Outline No. of the Engineering Testing Services Contract - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and G - HOLM** - was presented. All voting aye. Nays none. ORDINANCE 2008-0012 ADOPTED.
30. ORDINANCE appropriating \$2,910,000.00 out of Drainage Improvements Commercial Paper Series F, Fund No. 4030 as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **TCB, INC** for services associated with the Storm Water Management Program (SWMP) (Approved by Ordinance No. 03-1195), WBS M-000220-0003-3; M-000250-0001-3; M-000276-0001-3; M-000282-0001-3; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F, Fund No. 4030 - was presented. All voting aye. Nays none. ORDINANCE 2008-0013 ADOPTED.

MATTERS HELD - NUMBER 32

32. RECOMMENDATION from Finance & Administration Department to award to **CEMEX, INC** for Ready Mix Concrete for Various Departments - \$7,413,738.75 - General, Storm Water and Enterprise Funds – **(This was Item 13 on Agenda of December 19, 2007, TAGGED BY COUNCIL MEMBERS HOLM and GARCIA)** - was presented, moved by Council Member Khan, seconded by Council Member Garcia.

Council Member Garcia stated that he would move to postpone Item No. 32 for one week, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0023 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Lawrence stated that she wanted to thank Keep Houston Beautiful and Mr. Harry Hayes, Solid Waste, for their partnership in working with the bicycles for various youngsters, that she went to their reception afterwards and they happened to have an extra bike and they got it to a very needy child, they told different Council Members that they could have some bikes from the program, so to the new Council Members be aware for next Christmas, it was a wonderful program, that she worked with the school boards of the various school districts in District A, seven of them, and they came up with some kids that really needed some bikes, so a big thank you to Mr. Hayes, who took a great leadership in delivering bikes and getting things done and Keep Houston Beautiful. Council Member Sullivan absent.

Council Member Lawrence stated that Item No. 10 was where the Airport was buying some tractors, etc., for making hay, that some people may not be familiar with that, it was a National program that started in Houston with the director of their airport, it was a wonderful program and they were making millions of dollars for that enterprise fund, that no airport had

ever thought of such a program, that they would be mowing about 2,000 acres with the new equipment, 1,200 at Bush and 800 at the other airport, that they would do five to eight cuttings a year and again weather and market price would determine how much they would actually make, that they were estimating \$1.5 million to \$2 million, that it was just another way that the Airport was doing a great job and being very resourceful and thinking through things. Council Members Clutterbuck and Sullivan absent.

Council Member Lawrence stated that she wanted to welcome the new Council Members and looked forward to working with them through the next two years. Council Members Clutterbuck and Sullivan absent.

Council Member Johnson stated that he again wanted to say Happy New Year to everybody and hoped that they all had a great year moving forward. Council Member Clutterbuck absent.

Council Member Johnson stated that he wanted to thank his staff for the past two years; that over the Christmas holidays they had a great time doing his second annual Winter Wonderland, they did it at the Acres Homes Multi Purpose Center, that they had over 300 youth from across the district to come out and they were able to give them toys and bikes and did a lot of giveaways for the parents, that one of the most important aspects of their program was a dinner and theater show, which he thought for many of the children that came from Acres Homes and the Fifth Ward and Kashmere Gardens and Inwood area, not often were they given an opportunity of having a dinner theater show and they transformed the Acres Homes Multi Purpose Center into just that, a theater in which they had a sit down dinner, that many volunteers from across the district came out and supported and helped out; that he wanted to thank all who were involved. Council Member Clutterbuck absent.

Council Member Holm stated that she continued to wish everyone a Happy New Year as they started in a new term of office; that one of the things yesterday that Mayor White said still rang in her ear, when he was talking so much about the things that this administration had accomplished and that in a two year period there was a lot that they could do, that in particular he noted the Discovery Green which was an incredible new project for the City and the housing developments that it had brought with it and the economic boost, that it reminded her that she was not a status quo person and this City could not afford to be a status quo City, that it meant that their tomorrow may look a little bit different than it did today; that she wanted to talk about the two issues that they had coming before the Planning Commission this afternoon; that Representative Kevin Bailey came to City Council about a month and a half ago and talked about a replatting process, that Council Member Lawrence made a statement that some of their deed restrictions, unless they specifically stated that they could not subdivide, no matter how well intended they were, within restricted neighborhoods, the whole face could change by someone replatting, that she had two instances coming forward today; that throughout the holidays one neighborhood had spent their whole time rewriting and permitting and getting certified new deed restrictions, that they were coming down this afternoon and finally had assurances that it was going to be deferred, that the developer was coming in and he wanted to subdivide a lot into two residential homes as opposed to building one home on it as was intended in the deed restrictions, that her point was that they worked their citizens to death rather than helping them maintain what was supposed to be adapt to the changes, that she did not think that every single neighborhood should be having to redraft their deed restrictions right now in order to take care of replatting, that a lot of it stemmed from her panic that with the Planning Commission "no" never, ever meant "no", that "yes" was always final, so if something was passed, whether right or wrong, there was no recourse, that she was asking that they really look at establishing some ways of evaluating, interpreting and defining what deed restrictions were and supporting deed restrictions as they were written; that second she was asking that they establish some type of a process that allowed them to reexamine a decision that could have been made in error, that in everything they did there had always been some type of an

appeal process; that she was encouraging and hoping to work diligently to make sure that they were really protecting their citizens and not creating a lot of additional work for them.

Mayor White stated that he would suggest that when particular cases came up where people thought that citizens were not getting what they legitimately should have expected under either the residential subdivision plat or the deed restriction, then that they work through those cases and figure out if there was a particular problem created by either the ordinance, policy and then go through some of their details; that he understood Council Member Holm's point about appeal and he did not address that, which he thought posed more difficult issues but on these issues if people could come and they could look at the specifics of the issue and then say okay was it something that was under State law, or City law or was it an interpretation of a deed restriction, and if so how did it comport with what the courts have said concerning that interpretation of a deed restriction and then how could they assist the citizens, based on the instruments by which they bought their property.

Council Member Holm stated that all she was asking was that they really review, not for specific loopholes, that to, but review their processes that enabled them to go through and set the standards that protected the only thing that the City could protect and that was a deed restricted neighborhood and then be able to help people embrace what that meant around it.

Council Member Garcia stated that on December 29, 2007 he celebrated his birthday, that it was actually on December 26, 2007, that on December 29 he asked his friends and staff to help him celebrate in a different way, that in his district there was a woman, Ms. Josephine Allen, who was abundant in energy and spirit, but for obvious reasons it was hard for her to keep up her yard, that she had a huge lot next to her house, that he called on friends and staff to help him celebrate his birthday by going out and whacking down some weeds and stuff in her yard, that had it not been for Mr. Earl Jones in the Solid Waste Department they were able to fill an entire canister with weeds and branches and trash bags, that he wanted to thank those folks who helped and participated and Mr. Earl Jones; that Ms. Allen stated that maybe there was something that the City could do with the lot and he asked what would be the appropriate steps if a neighbor like her wanted to donate her land, that it was probably a 10 by 10 lot.

Mayor White asked if she could sell it, that they would go broke to mow all the lots of the City, that was not to say that they did not have a budget and that they did not do weeded lots, they did, but the best way was to have someone who could own the lot, take care of the lot and maintain it, that there was time to time where people were seeking to donate property to the Parks Board, that before there was a just say no mentality, that if a civic club wanted to take over a particular property they really would not need to much permission from the City, that the best way to do was for the civic association to deal with the homeowner directly; that the best advice he would give to an individual was if there was a problem with the maintenance of that lot and it was a lot that could be developed, he was not her personal counselor, attorney or family member, but they ought to consider selling the lot; that if people had larger parcels, yes, the Parks Board did take donations of property; that if somebody wanted to donate and then have them sell it, that was something else that they could do.

Council Member Khan stated that he wanted to invite his colleagues to a townhall meeting with Chief Hurtt about the crime situation in the City, particularly in southwest Houston, that it would be on January 14, 2008, Monday, at the Southwest Multi Service Center, located at 6400 High Star at 6:30 p.m., that the Chief would give an update as to what worked in 2007 and what some of the plans were which would be effective, especially in southwest Houston. Council Member Lawrence absent.

Council Member Green stated that the Houston Bar Foundation would host it's Day of Giving on Saturday, January 12, 2008 from 9:00 a.m. to 12:30 p.m., that volunteer attorney's would provide brief legal consultation and advice to qualifying participants at 10 locations across

Houston, for more information they could call 713-228-0732; that also on Monday, January 21, 2008, which was also the Martin Luther King Day celebration the Children's Museum always had a great celebration for children to learn about Dr. King and all of his legacy, that it would be from 9:00 a.m. to 5:00 p.m. at the Children's Museum. Council Member Lawrence absent.

Council Member Green stated that he was excited about how they were going to be able to help the crime situation here, that Council Member Holm brought up a very good issue that he thought was starting to be a little bit more pervasive than they really realized and that was their coordination with the Planning Department and the deed restrictions; that since they had been in Council he supposed that they had already purchased the software to catalog the deed restrictions and those type of things, so he would encourage the administration, along with all of them, to get involved to show people how to update those deed restrictions and not have them spend all of their time always scrambling, that unfortunately he thought there was a disconnect with them and the Planning Commission because the Council was on the backend and they did not hear things until a neighbor called them or until it was already on the agenda, so he thought they needed to foster more of a symbiotic relationship so that they could stop the panic before it started, so that was one of the things that he would be glad to assist in during his last term. Council Member Lawrence absent.

Council Member Brown stated that he wanted to say, along with his other colleagues, that he thought they were all excited about the future; that they were so pleased to have their four new Council Members joining them, that as the Mayor pointed out yesterday they had accomplished much, were a great City and had some challenges, so they all needed to work together on that. Council Members Lawrence and Green absent.

Council Member Adams stated that she wanted to thank everybody and was excited about sitting in her first Council meeting; that she wanted to thank the community for their support during their campaign and thank them for their votes and looked forward to serve them during the next two years. Council Members Lawrence and Green absent.

Council Member Adams stated that they were planning for their first Capital Improvement Budget meeting that was coming up at the end of January or early February; that their staff was settling in and looking forward to serving them; that she also wanted to thank the Texas Southern University School of Public Affairs for all of their support during the campaign,; that she would like to thank the Mayor's Citizens Assistance Office for having the opportunity to serve them for six years and the proud employees and former co workers of the Solid Waste Management Department for the last year and seven months. Council Members Lawrence, Garcia and Green absent.

Council Member Adams stated that yesterday Council Member Green provided them with a mug and she wanted to tell him and inform him that yes Houston was worth it and she looked forward to serving them as the next City Council Member for District D for the next two years. Council Members Lawrence, Garcia and Green absent.

Council Member Jones stated that she knew that they wanted for everything to be great and she believed that Houston was the best City in the world to live in; that she wanted to work with other Council Members on crime in neighborhoods, that there were areas in the City where crime was blatant, that she looked forward to working with them on that issue. Council Members Garcia and Lovell absent.

Council Member Rodriguez stated that with all the excitement yesterday he forgot to recognize a few people, he wanted to introduce his District I team, his Chief of Staff Ms. Gracie Garza, Mr. Jerry Greenspan, his Council Aide, Ms. Loretta Acevedo was staying on, and an intern Mr. Brad Ray, from the University of Houston Downtown and his campaign manager Mr. Nick Hellier would be joining them in a few days. Council Member Lovell absent.

Council Member Sullivan stated that he wanted to thank the City for building Fire Station 105, which was open for business and wanted to thank the firefighters who would be there to serve the community, that he looked forward to stopping by and having some coffee and dinner with them.

Council Member Lovell stated that she wanted to thank Ms. Susan Christian for an incredible day, that she wanted to thank Mayor White for the dinner last night. Council Member Jones absent.

Council Member Lovell stated that they talked about the deal with the lots and she wanted to propose an idea for people to think about, that it took a long time when someone did not pay their taxes on a lot for it to make it's way up to the auction or for the City to eventually take it back, about 7 years, that she wanted for them to look at the idea if there was a lot that was not being maintained and they got the appraised value on it and the neighbors in that neighborhood continued to maintain the lot that the City attach a dollar amount to their maintenance and keep tabs on it, that it was like sweat equity and when they put that much into that lot as the appraised value that it was when they would get to take the lot over because in essence they had really bought it, as if they would have bought it at the auction, rather than waiting all the years, that she knew the legality may be difficult but she thought it would be a great way for neighbors to want to chip in and in a much quicker time be able to get those lots and do what they needed to do with them, that was something she would like to explore in the next term. Council Member Jones absent.

Council Member Lovell stated that she wanted to say welcome to her new colleagues and looked forward to working with them. Council Member Jones absent.

There being no further business before Council, the City Council adjourned at 11:00 a.m. Council Member Jones absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary