

City Council Chamber, City Hall, Tuesday, December 16, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 16, 2008, 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; Ms. Jo Wiginton, Division Chief, Contract Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Xavier Herrera Citizens Assistance Office; and Ms. Marty Stein Agenda Director present.

At 2:06 p.m. Vice Mayor Pro Tem Lovell called the meeting to order and stated that Council Member Green would begin presentations. Council Members Johnson, Clutterbuck, Adams, Holm, Garcia, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Green stated that this was a great day and invited Dr. Charlesetta Deason, principal of the DeBakey High School for Health Professions to the podium and stated that Dr. Deason did so well she was asked to go to Qatar and start a similar school; that she was employed over 30 years with HISD and last August she retired and went to Qatar; and presented her a Proclamation proclaiming today as "Dr. Charlesetta Deason Day" in Houston, Texas. Council Members Johnson, Clutterbuck, Adams, Holm, Garcia and Jones absent.

Dr. Deason thanked Council Member Green, the Mayor and Council Members for the recognition and stated that they were very excited to have been one of two schools worldwide; that she went to Qatar and started a school like the one in Houston and knew the Houston school would go to further heights; and introduced her friends and family. Council Members Johnson, Clutterbuck, Adams, Holm, Garcia and Jones absent.

Vice Mayor Pro Tem Lovell stated that at a good school you always found a very fine principal and was glad she had now gone international. Council Members Johnson, Clutterbuck, Adams, Holm, Garcia and Jones absent.

Council Members congratulated Dr. Deason on her works and new beginnings. Council Members Johnson, Clutterbuck, Holm and Garcia absent.

Council Member Noriega invited those present with the CBeyond presentation to the podium and stated that at the HCC Southeast College they had a POD during the hurricane aftermath; that after the hurricane they were called for help and did not hesitate; that they also had a great need for volunteers and a group who appeared was CBeyond; and Council Member Rodriguez stated that CBeyond was a company who really cared about the community, they provided voice and broadband internet exclusively to small businesses and when Hurricane Ike hit Houston CBeyond was left without power and their employees came out and went to work; delivering supplies, etc., in areas of Houston; and Council Member Noriega stated that the One in a Million Foundation also pitched in, but CBeyond was committed and volunteerism was core to the company; that CBeyond reached out to make sure their Houston employees were safe, worked to restore service to Houston customers and asked employees to not come in but use the next two weeks to volunteer in hurricane recovery efforts which they did; and today the volunteers were being honored for their efforts and presented them a Proclamation proclaiming today as "CBeyond Day" in Houston, Texas. Council Members Johnson, Holm, Brown, and Lovell absent.

Council Member Lawrence stated that many had been through ALF and LF or LH Leadership Houston and American Leadership Forum and the two groups trained and helped future leaders of the City of Houston; that in 1998 the Planning Department stepped up and

decided the city needed a leadership forum for neighborhood constituents and created a Neighborhood Leadership Institute; that there were over 200 community leaders and today they were recognizing the class who just graduated and thanked the Planning Department for giving constituents knowledge information. Council Member Lawrence stated that all had received their Certificates but today they were recognizing them. Council Members Johnson, Clutterbuck, Holm, Rodriguez, Noriega and Lovell absent.

Council Members thanked all present for what they did and congratulated them on their success. Council Members Johnson, Clutterbuck, Holm, Rodriguez, Noriega and Lovell absent.

At 2:31 p.m. Council Member Jones led all in prayer and the pledge. Council Members Clutterbuck, Holm and Noriega absent.

At 2:32 p.m. the City Secretary called the roll.

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

Council Member Brown on a point of personal privilege stated that he wanted to welcome Ms. Kimberly Nichols a member of the Kings Crossing Neighborhood Association Board; and asked that she stand to be recognized. Council Members Johnson, Lovell, Green and Jones absent.

At 2:34 p.m. the City Secretary began calling the public speakers. Council Members Johnson, Lovell, Green and Jones absent.

Mr. Eric Potier, 8320 Gulf Freeway #214, Houston, Texas 77017 (832-549-7342) appeared, presented information and stated that he wanted to thank all for their community work and especially thank Council Members Garcia, Jones, Johnson and Brown for supporting the Houston Full Circle who provided senior and youth services; that today he was present asking for their support and their monetary support for their second annual Valentine Dance on February 11th; that they planned about 800 senior citizens would attend. Council Members Garcia, Lovell and Green absent.

Council Member Johnson stated that he was familiar with Full Circle, their group did a fabulous job; that they worked together on different occasions and he applauded their working to better the city; and upon questions, Mr. Potier stated that his information contained their budget and they had their 501c3; and Council Member Johnson stated that his presentation would be looked at. Council Members Khan, Garcia, Lovell and Green absent.

Council Member Jones thanked Mr. Potier for his work and stated that she attended the dance last year and she and her staff had helped Full Circle replace windows, paint, etc., that they provided what people needed and she thought it important to support those who were providing services to the community. Council Members Khan, Garcia, Lovell and Green absent.

Council Member Brown thanked Mr. Potier and stated that he appreciated his work and looked forward to helping him out. Council Members Khan, Garcia, Lovell and Jones absent.

Mr. Joseph Edmond, 7370 Addicks Clodine Road, Houston, Texas 77083 (281-561-8301) appeared, presented information to Citizens Assistance and stated that he was present to present a problem and see if they could refer him to someone for help; that he was sick and borrowed money from his credit card and put the money to the company account; that he paid all taxes on time and was now audited for 2001-2004 taxes; that he had deposited more than he should in the bank and he gave it to them; that he was told they would charge him for the

franchise, and that was part of what the CPA took from the bank and he owed big money, \$80,000 plus and had no money to pay; that he wanted to show all his checks, he had copies and when he talked to his CPA he told him he did not owe any tax and he did not know what to do. Council Members Khan, Garcia, Lovell and Jones absent.

Mayor White stated that the state collected sales tax and the city could not control that, but to give his information to Ms. Shaw who was present and could speak with him at this time and explain the division of responsibilities, maybe she could see if the material he sent to the state..., they could not be his accountant or lawyer, but she could look and listen at how he presented things. Council Members Khan, Garcia, Brown, Lovell and Jones absent.

Ms. Olivia Randle, 6023 Beldart, Houston, Texas 77033 (713-733-2348) had reserved time to speak but was not present when her name was called. Council Members Khan, Garcia, Brown, Lovell and Jones absent.

Ms. Michelle Harris, 12731 Braewood Glen, Houston, Texas 77072 (832-876-0339) had reserved time to speak but was not present when her name was called. Council Members Khan, Garcia, Brown, Lovell and Jones absent.

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

Mr. Ernesto Flores, 11723 Meadow Trail Lane, Houston, Texas 77077 (832-877-5369) had reserved time to speak but was not present when his name was called. Council Members Khan, Garcia, Brown, Lovell and Jones absent.

Ms. Karen Weir, 20915 Manon Lane, Spring, Texas 77388 (281-353-5031) appeared, presented information and stated that she wanted to speak about an outstanding group of young men and women, the Klein Collins High School Air Force Junior ROTC Drill Team, they earned five consecutive national championships in the American Legion Coca Cola Drill Competition and a week ago they were selected to participate in the 56th Inauguration Parade; that a total of 1,382 organizations applied for the parade and only 100 were chosen and Klein was one, it was truly an honor; that each group was required to raise funds for their travel, lodging, etc., and they were off to a good start but needed sponsors to make their historic trip a reality and today she was asking Council Members to help them find sponsors to get them to such a historic event and represent the City of Houston and State of Texas. Council Members Khan, Garcia, Rodriguez, Brown, Lovell and Jones absent.

Mr. Tim Campbell, 714 Valentine Way #N, Houston, Texas 77088 (713-739-7576) appeared and stated that he lived in Allen Parkway Village Senior Section and over the last year he started an effort to clean up West Dallas between the Pierce Elevated and 1600 and 1700 block which ran along Allen Parkway Village; that he had made some progress and some interesting discoveries, one he was surprised the surrounding properties were not taken care of and one humorous thing was some property was operating as a massage parlor with religious exemption for taxes and another surprise was some were on city property and Neighborhood Protection was doing a very poor job and today he was back as he was asked to wait two more months for a property owner to clean up six to eight piles of dumped rubble and the problem was he did not think the property owner was responsible, he thought contractors for the city and Houston Housing Authority dumped it there and to wait two more months the year on the clock would run out and the city would have to start notification all over again. Council Members Khan, Holm, Garcia, Brown absent.

Council Member Rodriguez stated that Mr. Campbell should continue and Mr. Campbell stated that his request was for the Mayor and Council Member Rodriguez to ask those working with him to get some action now; and Council Member Rodriguez stated that he was right two months was way too long and he would go out there with him; that Mr. Fontaine's office was working on this now and Citizens Assistance was going out today and he would like to know when as he would like to go and get to the bottom of it. Council Members Khan, Holm, Garcia, Brown absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated www.mayorgalvan.com, that this morning a notice was on his door, which he displayed, and he called Oscar Como at 713-392-2234 and he came back and brought him papers for his lot on 1611 Holman, District I, if the city thought they would take his property without a fight, they were not because they owed him money for tearing down his house under the corrupt White Administration, they tore it down without letting him know and all his artwork, etc., was in there and he did not know where his belongings were; that he wanted to know how many people died because of their corruption; and he was not just letting them take his house; and in 2009 he was running for Mayor. Council Members Khan, Holm, Garcia, Brown absent.

Council Member Jones stated that she wanted to see Mr. Galvan's paperwork and asked for a copy; and Mr. Galvan stated that he would get her a copy and his legal name was Partsch-Galvan. Mayor White, Mayor Pro Tem Garcia, Council Members Khan, Holm, Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated welcome to Death Valley Days, this episode was Cool Hand Luke; and continued expressing his personal opinions until his time expired. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Khan, Holm, Brown absent. Vice Mayor Pro Tem Lovell presiding.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Sullivan, Khan, Holm, Brown absent. Vice Mayor Pro Tem Lovell presiding.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was again present requesting a YMCA be placed in their area and funded through the tax money they paid, the "Y's" problem was money and she would like to get with Parks and Recreation who was looking into this. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 2:58 p.m. City Council recessed until 9:00 a.m., Wednesday, December 17, 2008. Mayor White, Mayor Pro Tem Garcia, Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, December 17, 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. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:19 a.m. Mayor Pro Tem Garcia called the meeting to order. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 51**

#### **MISCELLANEOUS** - NUMBERS 1 through 3

1. RECOMMENDATION from Director General Services Department for the designation of a residential parking permit area in the Super Neighborhood of University Place and the Greater Third Ward - **DISTRICTS C - CLUTTERBUCK and D – ADAMS** - was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0899 ADOPTED.
2. RECOMMENDATION from Director Health & Human Services for approval of Revised Laboratory Fee Schedule to be utilized in the City of Houston Department of Health & Human Services Laboratories - was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0900 ADOPTED.
- 2a. ORDINANCE **AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Laboratory Fees; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1171 ADOPTED.
3. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$141,683.81 to the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for 2009 Water System Fees - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0901 ADOPTED.

#### **DAMAGES** - NUMBER 4

4. RECOMMENDATION from City Attorney for settlement of lawsuit styled **JOYCE YANDELL, REBECCA MACHORO, and KATHY HENDLEY, individually and as Heirs and Representatives of the Estate of Kenneth Yandell, Deceased** v. Frederick Moore, City of Houston, et al; in the 281st District Court, Harris County - \$70,650.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0902 ADOPTED.

#### **ACCEPT WORK** - NUMBER 5

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$952,345.41 and acceptance of work on contract with **MOMENTUM CONTRACTORS, INC** for Haden Park, Scenic Woods Park, Freshmeadow Park and

Agnes Moffit Park - 4.18% over the original contract amount - **DISTRICTS A - LAWRENCE and B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0903 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 11

7. **NWN CORPORATION** for Cisco Smartnet Maintenance Agreement through the City's Master Agreement with the Texas Department of Information Resources for the Houston Airport System \$115,342.80 - Enterprise Fund - had been pulled from the Agenda by the Administration, and was not considered. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding.
10. ORDINANCE appropriating \$418,819.00 out of Equipment Acquisition Consolidated Fund for Purchase of NetMotion Wireless Mobility Software for Information Technology Department - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1172 ADOPTED.
- 10a. **INSIGHT PUBLIC SECTOR, INC** for NetMotion Software from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program under Section 211 of the Government Act of 2002 for Information Technology Department - \$410,569.00 - was presented, moved by Council Member Sullivan, seconded by Council Member Lovell. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0904 ADOPTED.
11. **INTERCOMP COMPANY** for Portable Scales and Associated Equipment from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - \$335,546.11 - Digital Automated Red Light Enforcement Program Fund (DARLEP) - was presented, moved by Council Member Sullivan, seconded by Council Member Lovell. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0905 ADOPTED.

**ORDINANCES** - NUMBERS 19 through 50

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Bartlett Street, extending from Montrose Boulevard to Roseland Street; Parcel SY6-010; vacating and abandoning said parcel to the Museum of Fine Arts, Houston, the abutting owner, in consideration of its conveyance to the City of a 20-foot-wide storm sewer easement; Parcel LY6-011; and its payment of \$409,500.00 and other consideration to the City; the abandonment parcel and the conveyance parcel both being out of the N. P. Turner Addition, in the Obedience Smith Survey, A-696, Houston, Harris County, Texas - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1173 ADOPTED.
20. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two 20-foot-wide drainage easements, an 80-foot-wide utility and a street right-of-way easement (Parcels SY8-005A, SY8-005B and SY8-005C), containing an aggregate of 3.6051 acres of land, more or less, vacating and abandoning said tracts to KDC Houston Industrial One, LLC, abutting owner, in consideration of

owner's conveyance to the City of a 100-foot-wide utility easement (Parcel VY8-051), containing 3.6692 acres of land, more or less; all located in the August Whitlock Survey, A-798, and Luke Hemenway Survey, A-800 and A-802, Houston, Harris County, Texas, and owner's payment to the City of \$133,003.00 - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1174 ADOPTED.

21. ORDINANCE releasing certain territory in **WALLER COUNTY** in the vicinity of the City of Katy, Texas, from the extraterritorial jurisdiction of the City of Houston - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1175 ADOPTED.
22. ORDINANCE releasing certain territory in **HARRIS COUNTY** in the vicinity of the City of Tomball, Texas, from the extraterritorial jurisdiction of the City of Houston - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1176 ADOPTED.
23. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 514** - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1177 ADOPTED.
24. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 515** - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1178 ADOPTED.
25. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 516** - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1179 ADOPTED.
26. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 517** - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1180 ADOPTED.
27. ORDINANCE consenting to the creation of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 160** - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1181 ADOPTED.
28. ORDINANCE consenting to the addition of 245.432 acres of land to **HARRIS-MONTGOMERY COUNTIES MUNICIPAL UTILITY DISTRICT NO. 386**, for inclusion in its district - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1182 ADOPTED.
29. ORDINANCE consenting to the addition of 17.4477 acres of land to **MONTGOMERY COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1**, for inclusion in its district - was presented. All voting aye. Nays none. Mayor White and Council Members

Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1183 ADOPTED.

32. ORDINANCE approving and authorizing submission of an application for grant assistance to the **STATE OF TEXAS through the CRIMINAL JUSTICE DIVISION (“CJD”), OFFICE OF THE GOVERNOR**, for the Justice Assistance Grant (“JAG”); declaring the City’s eligibility for such grant; authorizing the Mayor to act as the City’s representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1184 ADOPTED.
33. ORDINANCE approving and authorizing contract between the City and **SPAY NEUTER ASSISTANCE PROGRAM, INC** for Professional Spay and Neutering Mobile Services on dogs and cats in neighborhoods affected by stray and loose animals; providing a maximum contract amount - 1 year with 4 one-year renewals - \$500,000.00 - General Fund - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1185 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City of Houston and the **CENTER SERVING PERSONS WITH MENTAL RETARDATION** to provide \$180,276.00 in Community Development Block Grant Funds for Vocational Training and Medical and Dental Services - 1 Year - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1186 ADOPTED.
35. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** to provide up to \$89,360.00 in Community Development Block Grant (“CDBG”) Funds to assist in the administration of the Stay In School Program - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1187 ADOPTED.
37. ORDINANCE approving and authorizing contract between the City of Houston and **MONTY PARTNERS LLP** for Legal Services; providing a maximum contract amount - \$188,400.00 Property and Casualty Fund - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1188 ADOPTED.
39. ORDINANCE appropriating \$1,175,000.00 out of Houston Airport System Consolidated 2001 NONAMT Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **REYNOLDS, SMITH AND HILLS, INC** for Rehabilitation of Runway 4-22 and Taxiway “C” at William P. Hobby Airport (Project 462); providing a maximum contract amount - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1189 ADOPTED.
45. ORDINANCE appropriating \$19,365.00 out of Street & Bridge Consolidated Construction Fund No. 4506, to be added to the amount previously appropriated in Ordinance 2007-0680, passed by City Council on June 13, 2007 and relating to the Public Road At-Grade Crossing of Union Pacific Railroad at Gessner Road near Hempstead Highway, Houston,

Texas - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1190 ADOPTED.

46. ORDINANCE appropriating \$1,310,530.00 out of Metro Project Commercial Paper Series E Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **REYNOLDS, SMITH AND HILLS, INC** for Design of Ella (Wheatley) Boulevard Paving from Little York to W. Gulf Bank (approved by Ordinance No. 2007-0268) - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1191 ADOPTED.
47. ORDINANCE appropriating \$12,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Construction Management and an Inspection Services Contract between the City of Houston and **AIA ENGINEERS, LTD.** for West Little York Paving from Wheatley to TC Jester - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1192 ADOPTED.
48. ORDINANCE appropriating \$24,000.00 out of Drainage Improvements Commercial Paper Series F Fund, \$44,000.00 out of Street & Bridge Consolidated Construction Fund, \$132,000.00 out of Water & Sewer System Consolidated Construction Fund for Advertising Costs for various C.I.P. Projects relating to construction of facilities financed by the respective funds for the Department of Public Works & Engineering - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1193 ADOPTED.
50. ORDINANCE appropriating \$935,086.00 out of Parks Consolidated Construction Fund and awarding construction contract to **AIA GENERAL CONTRACTORS, INC** for Wheeler Park Facility Underground Storage Tank Modification and Cleanup at 6200 Wheeler Road; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for materials testing services, project management and construction oversight services and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1194 ADOPTED.

Council Member Khan moved to suspend the rules to consider Item No. 36 out of order, seconded by Council Member Lovell. All voting aye. Nays none. Mayor White and Council Members Johnson, Holm and Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0906 ADOPTED.

36. ORDINANCE approving and authorizing contract between the City and **GREAT-WEST LIFE AND ANNUITY INSURANCE COMPANY** for Third-Party Administration Services for the City's Section 457 Deferred Compensation Plan - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1195 ADOPTED.

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

### **ACCEPT WORK**

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,290,636.14 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Buffalo Speedway: W. Orem to W. Airport - 2.27% over the original contract amount - **DISTRICT D - ADAMS** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0907 ADOPTED.

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

8. ORDINANCE appropriating \$2,198,870.00 out of C & E Construction Fund for Roof Restoration Services at the George R. Brown Convention Center for the Convention & Entertainment Facilities Department - was presented, and tagged by Council Member Jones. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding.
- 8a. **DESIGN-BUILD SOLUTIONS, INC** for Roof Restoration Services for the George R. Brown Convention Center from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Convention & Entertainment Facilities Department - was presented, and tagged by Council Member Jones. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding.
9. ORDINANCE appropriating \$571,434.25 out of Equipment Acquisition Consolidated Fund for Purchase of Capital Equipment for Houston Fire Department - was presented. All voting aye. Nays none. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1196 ADOPTED.
- 9a. **MOTOROLA, INC** for Mobile Data Computers through the Interlocal Agreement with Houston-Galveston Area Council for Houston Fire Department - \$401,513.70 - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0908 ADOPTED.
12. **MD HELICOPTERS, INC** for MD Helicopter Professional Training Services for the Police Department - \$61,000.00 - Police Special Services Fund - was presented, moved by Council Member Khan, seconded by Council Member Rodriguez. Mayor White and Council Members Johnson and Green absent.

Council Member Holm stated that she would like to get a report on how many officers they were training and if this had to do with the new training, that she was trying to find out how many of their HPD officers would be moving from different departments into the helicopter service and what that would mean, and Mayor Pro Tem Garcia stated that they would make sure she got that information. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding.

A vote was called on Item No. 12. All voting aye. Nays none. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0909 ADOPTED.

13. **ALTIVIA CORPORATION** for Chemical, Liquid Gaseous Chlorine for Department of Public Works & Engineering - \$5,320,200.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Lovell. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Brown stated that he did not get adequate information on this and could any of this \$5 million could be delayed, that he had a general concern that rather than cutting back on capital projects, which created jobs and all this sort of thing could they be a little more frugal about advance purchasing of materials such as this, and Mayor Pro Tem Garcia stated that as he understood it was a purchasing agreement meaning that \$5 million was not actually being spent but the capacity to spend up to \$5 million over a 5 year period was what was being authorized. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Lovell stated that part of it to was that if everybody remembered during Hurricane Ike their water treatment and wastewater treatment plants got clobbered pretty good and some of the parts they had to go in and replace and before what they had been doing was that they had been sort of cannibalizing, taking one part from one facility and one from the other and they were trying to get Public Works not to do that now, to go ahead and keep these facilities up at functioning capacity so this was part of doing that. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that the administration would follow up with Council Member Brown to make sure his questions were answered. Mayor White and Council Members Johnson and Green absent. Mayor Pro Tem Garcia presiding.

A vote was called on Item No. 13. All voting aye. Nays none. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0910 ADOPTED.

14. **ALSTOM POWER, INC, AIR PREHEATER COMPANY, RAYMOND OPERATIONS** for Cage Mill Flash Dryer Replacement Parts for Department of Public Works & Engineering - \$545,000.00 Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0911 ADOPTED.
15. **HOUSTON FREIGHTLINER, INC** - \$1,723,853.00, **DUNCAN FREIGHTLINER, L.P.** - \$528,200.00, **SANTEX TRUCK CENTER, LTD** - \$378,300.00, **McNEILUS FINANCIAL d/b/a McNEILUS TRUCK AND MANUFACTURING, INC** - \$1,086,755.00, **CHASTANG'S BAYOU CITY FORD** - \$255,612.00 and **TEXAN WASTE EQUIPMENT, INC d/b/a HEIL OF TEXAS** - \$590,634.00 for Cabs & Chassis and Refuse Bodies through the Interlocal Agreements for Cooperative Purchasing with BuyBoard and Houston-Galveston Area Council for the Solid Waste Management Department - Equipment Acquisition Consolidated and Reimbursement of Equipment/Projects Funds - was presented, and tagged by Council Member Jones. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.
16. **TURTLE AND HUGHES, INC** for Miscellaneous Wire and Cable for Various Departments \$881,548.20 - General, Enterprise and In-House Renovation Revolving Funds - was presented, moved by Council Member Khan, seconded by Council Member Sullivan. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.

Council Member Holm stated that she wanted to remind them that they do not use this to buy a stockpile of equipment and cables, but be very prudent and responsible in their spending

of that. Mayor White and Council Member and Green absent. Mayor Pro Tem Garcia presiding.

A vote was called on Item No. 16. All voting aye. Nays none. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0912 ADOPTED.

17. **BKW ENVIRONMENTAL SERVICES** - \$2,381,754.29 and **LIGHTLE ENTERPRISES OF OHIO, LLC** - \$255,852.00 for Traffic Safety Devices for Various Departments - \$2,657,606.29 minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC, for a net award amount not to exceed \$2,637,606.29 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0913 ADOPTED.

### **ORDINANCES**

18. ORDINANCE **AMENDING ARTICLE XI OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to transportation of certain liquid wastes; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented, and tagged by Council Member Brown. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.
30. ORDINANCE providing for an Ad Valorem Tax Exemption on a historical site located at 2116 Chilton Road in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - HOLM** - was presented. Council Member Sullivan voting no, balance voting aye. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1197 ADOPTED.
31. ORDINANCE providing for an Ad Valorem Tax Exemption on a historical site located at 1132 Rutland Street in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GARCIA** - was presented. Council Member Sullivan voting no, balance voting aye. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1198 ADOPTED.
38. ORDINANCE approving and authorizing contract between the City of Houston and **AIRPORT INTERVIEWING & RESEARCH, INC** for Customer Service Surveys at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - \$686,400.00 - Enterprise Fund – was presented. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.

Council Member Adams stated that she wanted information on how they had probably done surveys in the past and if they had done surveys in house or had they always used outside resources when they were doing surveys, that she wanted more information and would like to get it to her office, and Mayor Pro Tem Garcia stated that the administration would be responsive to that. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.

Council Member Khan stated that he would like the same answer and would tag the item,

that he wanted to know what the surveys were entailing because the Mayor's Task Force on International Travelers gave a report to them at Monday's International Liaison and Protocol Committee meeting, that he understood there were some services they were already doing. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.

After further discussion Council Member Clutterbuck moved to suspend the rules to hear from Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office, at this time, seconded by Council Member Khan. All voting aye. Nays none. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0914 ADOPTED.

Mr. Hall stated that as they knew airport services were difficult to gage the actual level of performance for the people there, that it was unlike some of the other things that they did where it was fairly quantitative, that there were so many different issues that impacted the quality of service at an airport, that one of the primary drivers for this was that the Mayor wanted a specific measurement of the performance of their Airport System and the 1,200 or so employees who worked there, that it ranged from everything, quality of the concessions and the food, whether the signage was correct, whether the restrooms were clean, the kinds of issues like whether the terminals were clean, the baggage service, which they did not have a lot to do with, it always tended to be an issue that was noted by travelers, and it did include the processing of international travels and how they felt the City was responding, that it was relevant for them to judge the performance of their Airport System employees so that they knew they were performing, but it also had the benefit of being independent and this group surveys virtually every airport in the world, so they would get a ranking on the objective basis with other airports so that they were not skewed by their own view of what they thought good service was, that the world was becoming smaller and the airlines that operated there thought it was an important part of their business because of the choices people made, either where they pass through and what the processing was as they come and go and could have much to do with it, that as they knew the international travel issue, that he thought they had been making progress and overcoming, much of that had to do with what they perceived as a service level, and some people indicated they were making their choices on whether they came or not to the OTC and things like that based on the service that they got or did not get at the airport and the processing, that all of those issues of the survey were published, that he would close by saying that the critical nature of this and what made it last long was when those issues were identified they needed to know whether or not those issues were being solved and resolved and some of those could not be solved and resolved in a very short, signage issues and that kind of thing was far more complicated than he had initially thought it would be but the idea was to assure that they were always in the top tier of their performance and the service they provided to people because it was the gateway for so many people who come and go to Houston. Mayor White and Council Members Holm and Green absent. Mayor Pro Tem Garcia presiding.

After further discussion, Mr. Hall stated that this was a result of an RFP, that he was told that there were 5 respondents, that it was in the RCA, that Continental Airlines was a beneficiary of the survey, that they believed that the level and quality of the service that was offered by the Airport System employees had a direct impact on how their airline and airline services were perceived so there were fairly constant conversations about issues of cleanliness, cleanliness of the restrooms, quality of the concessions, all of those things they thought were critical to their success as an airline and a constant effort to improve those; that they had not offered to help with the cost, they did not run the airport. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.

After further discussion Council Member Khan stated that he would remove his tag on Item No. 38, that he was totally in support of having the Airport System do the surveys. Mayor White and Council Members Brown and Green absent. Mayor Pro Tem Garcia presiding.

After further discussion Mr. Hall stated that the surveys, quarterly, would be submitted to Council, that it was something that Council would get the result of and they could help monitor whether or not they were improving on the things that were not in the best class. Mayor White and Council Members Brown and Green absent. Mayor Pro Tem Garcia presiding.

A vote was called on Item No. 38. All voting aye. Nays none. Mayor White and Council Members Brown and Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1199 ADOPTED.

40. ORDINANCE awarding contract to **JOHN BEAN TECHNOLOGIES CORPORATION** for Baggage Handling and Aircraft Support Systems Maintenance and Hardstand Operations Services for the Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$14,716,068.89 - Enterprise Fund – was presented, and tagged by Council Members Jones and Rodriguez. Mayor White and Council Members Brown and Green absent. Mayor Pro Tem Garcia presiding.
41. ORDINANCE approving and authorizing contract between the City of Houston and **EBSO INDUSTRIES, INC** for Periodicals, Serials and Newspaper Subscription Services for the Houston Public Library; providing a maximum contract amount - 3 Years with two one-year options \$2,500,000.00 - General Fund – was presented, and tagged by Council Members Jones and Rodriguez. Mayor White and Council Members Brown and Green absent. Mayor Pro Tem Garcia presiding.
42. ORDINANCE awarding contract between the City of Houston and **HOLMES ROAD RECYCLING COMPANY, INC** for Sale of Scrap Metal Materials for Various Departments - 3 Years with two one-year options - Revenue - was presented. All voting aye. Nays none. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1200 ADOPTED.
43. ORDINANCE approving and authorizing agreement for Coordination and Facilitation Services between the City of Houston and the **HOUSTON DOWNTOWN MANAGEMENT DISTRICT** for a City Project Coordinator for the Department of Public Works & Engineering - 3 Years with two one-year options - \$450,000.00 - Building Inspection Fund - was presented. All voting aye. Nays none. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1201 ADOPTED.
44. ORDINANCE appropriating \$5,750,000.00 out of Drainage Improvements Commercial Paper Series F Fund and \$1,276,066.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Interlocal Agreement between the City of Houston and **UPPER KIRBY REDEVELOPMENT AUTHORITY** for Design and Construction of Kirby Drive from Richmond to Westheimer - **DISTRICT C - CLUTTERBUCK** - was presented. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.

After discussion by Council Members Clutterbuck and Lovell a vote was called on Item No. 44. All voting aye. Nays none. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1202 ADOPTED.

49. ORDINANCE appropriating \$3,861,187.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LTD.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and

contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1203 ADOPTED.

51. ORDINANCE appropriating \$2,537,518.00 out of Equipment Acquisition Consolidated Fund; awarding construction contract to **SPAWGLASS CIVIL CONSTRUCTION, INC** for Memorial Park Pedestrian Bridge; 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 Equipment Acquisition Consolidated Fund - **DISTRICT G - HOLM** - was presented. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.

Council Member Clutterbuck stated that she would tag Item No. 51 and asked why it was coming out of the Equipment Acquisition Fund rather than the Street and Bridge Fund. Mayor White and Council Member Green absent.

**MATTERS HELD** - NUMBERS 52 through 54

52. ORDINANCE enlarging the boundaries of Reinvestment Zone Number Five, City of Houston, Texas, (Memorial Heights Zone); containing findings and provisions related to the foregoing subject; providing for severability - **DISTRICTS A - LAWRENCE; D - ADAMS G - HOLM and H - GARCIA** – (**This was Item 29 on Agenda of December 10, 2008, TAGGED BY COUNCIL MEMBER HOLM**) – was presented. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.

Council Member Adams offered the following written amendment to Item No. 52:  
"I move to amend Item No. 52 on the December 17, 2008 City Council Agenda by adding the following after the final 'WHEREAS' clause on page 3 of the proposed Ordinance:

and

**WHEREAS**, the City Council finds that if an amendment to the Project Plan and Reinvestment Zone Financing Plan for the area proposed to be added is not presented to the City Council by April 1, 2009, the Administration shall present to the City Council an ordinance reducing the boundaries of the Zone by removing from the Zone the areas described in Exhibit "A" and depicted on the map in Exhibit "B," each of which is attached hereto;"

After further discussion Council Member Jones asked if Council Member Adams could explain how it changed what was there before. Mayor White and Council Member Green absent. Mayor Pro Tem Garcia presiding.

Council Member Adams stated that it was an annexation, that in TIRZ No. 5 there was a square footage of land, like 38 acres down Dunvale off of Allen Parkway and Regency Square Development wanted to come in and do a major development, that the community had been working on it all year, that it was just a reimbursement back to the development so if they put in infrastructure, streets and sidewalks, the things that were needed to put back into the community to sustain the development the reason she was offering the amendment was to make sure they would do that, because if they did not do that it meant that they were going to give the property back to the community, they were holding the developer accountable for what

they were saying in the RFP. Mayor White and Council Member Noriega absent. Mayor Pro Tem Garcia presiding.

Council Member Rodriguez asked if this amendment was just germane to Item No. 52 and not to other TIRZ, and Mayor Pro Tem Garcia stated yes. Mayor White and Council Member Noriega absent. Mayor Pro Tem Garcia presiding.

A vote was called on the motion to amend Item No. 52. All voting aye. Nays none. Mayor White and Council Member Noriega absent. Mayor Pro Tem Garcia presiding. MOTION 2008-0915 ADOPTED.

A vote was called on Item No. 52 as amended.. All voting aye. Nays none. Mayor White and Council Member Noriega absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1204 ADOPTED.

53. ORDINANCE approving and authorizing contract between the City and **WADE WELLNESS CENTER** for Professional Services for the Ex-Offender Community Re-Entry Program; providing a maximum contract amount - 2 Years with three one-year renewals - \$450,000.00 - General Fund – **(This was Item 30 on Agenda of December 10, 2008, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. Mayor White and Council Member Noriega absent. Mayor Pro Tem Garcia presiding.

Council Member Clutterbuck stated that she was shocked that Mr. Andy Khan, Mayor's Victims Assistance Program, had not been told about the item and was told that probably in some people's opinion there was no reason for him to know about it and she thought it was essential that Mr. Khan have the opportunity to review it and would urge that on future contracts relating to crime, criminals, offenders and victims that Mr. Khan's office be consulted on it. Mayor White absent. Mayor Pro Tem Garcia presiding.

Council Member Brown asked how many ex-offenders was the program going to service and what was the proportion of the administrative cost to the actual providing the services to the ex-offenders, and was this to tell them what kind of program to have or to operate the program. Mayor White absent.

Mayor Pro Tem Garcia stated that they would get him a briefing on it and would encourage the administration to work through the Chair of the Public Safety Committee to have a discussion on it. Mayor White absent.

After further discussion by Council Members, a vote was called on Item No. 53. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1205 ADOPTED.

54. ORDINANCE appropriating \$3,841,900.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing third amendment to Professional Engineering Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** (approved by Ordinance No. 2006-0277) for the Surface Water Transmission Program; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – **(This was Item 48 on Agenda of December 10, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-1206 ADOPTED.

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

Council Member Khan stated he wanted to make a correction, that in his discussion with Mr. Hall he had said that two people were detained, one was a 8 year old boy, but the age of the boy was much older than 8 years old, that it was probably a 17 year old boy, and Mr. Hall asked if Mr. Khan could get that information to him, that those incidents were individually checked out, they tried to figure out what was happening, that as they knew they had to do that working with the Customs Border Patrol people because they were the ones who were responsible because they were the ones responsible for international screening, but they had tried to work with them, the Mayor had negotiated additional personnel, they had 8 new people put on board to help deal with those issues, they tired to deal with some of the sensitivities, they obviously could do continually better and if they would get it to him they would get to the bottom of what that was about so that they could help them fix those problems. Council Members Lawrence, Garcia and Jones absent.

Council Member Khan stated that last night he heard the same compliant, that last night young people went to watch the ball game and except for game nights the parking at Toyota Center was free after 6:00 p.m. but during game nights it is not but the sign for that information was so obscure that at least twice in two weeks he had found that cars were towed, that it was a lot of a hassle and he would request that someone take a look at that because if they were going to have different parking downtown, especially on game night, that it should be very clear and people should not be confused. Council Members Garcia, Rodriguez, Noriega, Green and Jones absent.

Council Member Khan stated that he was hearing a lot of discussion in Washington regarding the need for infrastructure investment by the new administration and it was an economic necessity and he was sure they would do a very prudent job in identifying the places to invest in infrastructure and would like to know what Mayor White had in mind in that regard because the need for infrastructure investment in Houston was really very great and the citizens of Houston could not afford to make those investments on their own, that they wanted to make sure that their needs were properly identified and scrutinized and considered when the decision came as to what projects to support. Council Members Garcia, Rodriguez and Noriega absent.

Mayor White stated that during the next year it would particularly a good time for various Members of Council to consider following in some of the publications which the Council Members were active participants because there was going to be a ferment, both because of the new administration, but more importantly because of the economic times they were in and a bipartism agreement on infrastructure development, his belief was that they would see bills like the Transportation Authorization Bill be expanded and there were certain types of infrastructure that would be expended through authorization and appropriations with various formulas that were associated with them concerning the allocation of funds, that he would just ask his colleagues and Ms. Travis to be aware, traditionally the way those funding formulas had been allocated on the basis of State population to entities such as TxDOT, with the exception being the CORP, where it was done on a project by project basis, so let's all monitor those things and would encourage people to keep abreast of what would be incurring in Congress, that he did not think it was realistic to suppose for example that there would be a Houston bill, that would not happen, but it was realistic to say that there may be some new types of funding that were available, and Council Member Khan stated that he was part of the National League of Cities Transportation Committee and he would like to have a discussion with Ms. Travis, that they wanted to make sure that Houston's general needs were included and proper appropriations were made. Council Members Johnson, Clutterbuck, Garcia, Rodriguez and Noriega absent.

Council Member Brown stated that they had a groundbreaking at the Kingwood Library on the weekend and wanted to thank Council Member Sullivan for asking him to be a part of it, that the community in Kingwood was excited about the facility and he looked forward to be a part of

the ribbon cutting a year from now; that on the issue of infrastructure, yes they needed to get some really good projects and thought that part of the emphasis from the City ought to be money for expanding their rail transit network; that he went out to Bonita Gardens, and he passed out a handout, that it was an area off of Crosstimbers east of Highway 59 where about 80% of the lots were vacant, that he went out there and walked the neighborhood and he realized there and other places that they had vast areas of their City that were under developed or undeveloped, that they could see it dramatically in the aerial photograph, that his office had done a calculation of the appraised value per square foot of land and improvements in each of the Council Districts and there was a large discrepancy, that it went from \$5 to \$22 per square foot, that where the appraisals were low that was where they generally had a lot of vacant land, that they also had a lot of social problems and what they needed to do was a strategy to get the value up in some of the areas where there were fabulous opportunities; that he wanted to wish them all a Merry Christmas. Council Members Johnson, Clutterbuck, Garcia and Rodriguez absent.

Council Member Adams stated that she wanted to thank the Parks Department, Mr. Joe Turner and everybody, that yesterday in Council they unveiled the first mural at a City Park, that the After School Program at McGregor Elementary School painted the mural and she asked them to go by Judson Robinson Junior Park to look at the mural, that Mr. Turner said that he was going to try and implement the program throughout the City parks, that she wanted to thank the Museum of Fine Arts for their partnership; that she wanted to thank the Fort Bend Boys and Girls Club for allowing them to have Christmas in District D on Friday, they were able to give over 900 toys to kids throughout the district, that they wanted to give kudos to Toys for Tots for their commitment in making sure that their kids in Houston had a joyous and wonderful Christmas; that she wanted to thank Shannon Wesley, an NBA wife of Mr. Wesley who used to play for the Rockets, that she wanted to thank her for picking Sunnyside this week, that they were able to provide toys and food to over 1,000 families in District D and the Sunnyside area and wanted to thank Marsha Lester at the Sunnyside Park for partnering with the communities and making it happen and thinking about their families during the holiday time; that Ms. Harris and the bunch over there were really excited about the Townwood Park Community Center, they had the groundbreaking on Saturday, that they wanted to give thanks to State Representative Alma Allen for her contribution in making sure that their park grows and making sure they had a wonderful pool, that she wanted to thank Mr. Turner; that every week she had been thanking the Houston Texans, that last week they dedicated the "Y", that it would be the Houston Texans Y at Palm Center, that she wanted to thank them for their dedication and commitment to the community; that she wanted to thank Council Member Jones for her commitment and dedication in partnering with the District D office about the CES Environmental Service Center, that she wanted to thank Mr. Michel and the Legal Department for all they were doing, that they had been working on the project since she came to office this year, that it took a team to have their District Council Members work with the At Large District Council Members to make sure that the communities be environmentally friendly so she wanted to thank the Council Members for that, that she wanted to thank Mayor White for being attentive to the environmental issues in the City of Houston, that CES being such a small environmental service center was permitted by TCEQ so they were trying to hold TCEQ as well for their accountability in making sure when they give permits to actually go out and continue to investigate the site, that the City of Houston had been working and she knew there were some legal things that were pending but she wanted to thank Mr. Michel and his team for diligently working with their office and making sure they moved quickly on this; that she wanted them to remember all of the families who were without this holiday season and to remember them in their prayers and when they were gathering with the families, that she wanted to wish everybody a Merry Christmas and a prosperous end of the new year. Council Members Johnson, Garcia, Noriega and Green absent.

Council Member Jones stated that she wanted to welcome to her staff some new people,

that Ingrid Flornoy, who started as an unpaid intern and had a Masters in Public Policy, that she was going to head up the Public Policy, James McCabe, that was a coordinator and had a degree in Criminal Justice and would be Director of Constituent Services and working on public safety and issues of criminal justice as it related to the City, that E. B. was now full time and graduated from Texas Southern; that she wanted to talk about CES, that they had an explosion before and she wanted people to think how they would feel as a community if there was a neighborhood with single and multi family there, that prior to CES getting the permit from TCEQ there was a school there, it was called Beatrice Mays, and there was a church there and they were all there before CES, that she needed help in figuring how they allowed them to start doing what they do in the middle of a residential area with kids, churches and families, that she wanted to thank Mayor White for moving on it because they just had another explosion yesterday and she understood they were going to be filing a nuisance suit and she wanted to thank David Burg for helping them to make sure that people were good neighbors, that they definitely needed to have it on their legislative agenda to figure out how they could let people dispose of chemicals and pollute their sewer system in the middle of places where people lived. Council Members Johnson, Garcia, Noriega and Green absent.

Mayor White stated that Council Member Brown gave them some very important maps of the Trinity Houston Gardens area and something consistent with their Housing meeting, something that came forth before then, that they had accumulated some lots within the Trinity Houston Garden area that were just vacant, weeded and abandoned and no real way to identify ownership and were now owned by LARA and they were proposing, and he would need their help in talking it up and publicizing, that some times they did not do as good a job with communication with the Greater Houston Home Builder Association and small and medium size builders, etc., the fact that they were going to simplify the program and it would be lots for free for an experienced home builder, that they could pick them, they could be together and they could get a substantial amount of down payment, that they could do it on the web if they were a qualified builder, that one of the issues that they had, because of the need and historical practices, was that they wanted to give them a piece of land so long as they would build an affordable house on that property, that it was going to be before the LARA Board on January 9, 2009, that there were going to be a lot of lots that were going to be available for free, that they were trying to get everybody they could to build here and now this was the simplest of all and people ought to be aware of that, that they may want to figure out how to have a forum because there were a lot of home builders who did not know about the programs they had and they had to figure out a way to communicate, that they were going to try to strip it down to do the transaction on the internet, that the neighborhood deserved something that worked rather than a good idea if only it worked, and Council Member Jones stated that it made her happy to see that they were going to do that and thought the most important issue was that it remain affordable, that she would love to have it on the Housing Committee to make sure they balanced the equity and not displace people and move them out farther and make sure affordability was really the most important issue and trying to work with people in those communities. Council Members Johnson, Khan, Garcia, Noriega and Green absent.

Council Member Rodriguez stated that she wanted to wish his mother, Mary Rodriguez, a very happy birthday and would like to reach a belated happy birthday to his father-in-law, Joe Montoya, who celebrate a birthday last week. Council Members Adams, Khan, Garcia, Noriega and Green absent.

Council Member Sullivan stated that there were two Victims Remembrance Trees in the City Hall Annex that were put up by the families and encouraged everybody in the City Council and the City departments to take a look at the trees; that he wanted to express his appreciation with everybody involved with the funeral service last week for Officer Abernathy, that he was proud of every single person who attended, that they owed a debt of gratitude to Chaplain Montgomery who was always at the forefront when they had those tragedies and also the HPD

Honor Guard; that they had a successful and fun Kingwood Library groundbreaking last week, that besides all the interested parties like Mayor White, Judge Emmet and Commissioner Eversole he wanted to thank Cory Clinton with the Mayor's Office of Special Events for making it all go; that last night there was a TCEQ hearing that was canceled, that it was for Houston Refining, that he sent a staff member to Cesar Chavez Senior High School to attend the public hearing and when she showed up she said it was cancelled, that they were going to try to find out why, they had no idea, they were not notified, that it was in their district and they were curious, they were interested in jobs and clean air and were trying to find a balance so when there was a public hearing from TCEQ which got canceled he thought it should certainly be made public. Council Members Adams, Khan, Garcia, Noriega and Green absent.

Council Member Lovell stated that the Unruh Family received a Christmas gift in that Captain Unruh went home from the hospital on December 12, 2008, that they wished him continued recovery; that the Abernathy Funeral was incredible and was an incredible experience, that she wanted to say to his wife and children that when she left the funeral she felt like she knew him and knew what kind of person he was, that she wanted to thank them for sharing the service with them; that the Hess Toy Truck Company donated 5,000 trucks for holiday gifts for children, that her office got 1,000 of them and were going to distribute them, that she wanted to thank Neighborhoods Centers for taking them to all the Head Start Programs and the Charter Schools around the City, that she wanted to thank Mayor White for taking and sharing that with the Council Members; that she wanted to thank Terence Fontaine for managing that; that on behalf of her family and staff she wanted to tell everybody Merry Christmas and happy holidays and to please remember to be safe; that most people do not think about the teenagers in the City who were not going to have gifts for the holiday season so as they are charitable and give to organizations to please ask them if they were going to distribute gifts to teenagers. Council Members Sullivan, Khan, Garcia, Noriega, Green and Jones absent.

Mayor White stated that he was inspired at the funeral by the different witnesses to the fact that they had somebody who wanted to do things the right way and not just the easy way, that was a lesson they could all learn from, but he thought at some approach to policing that frankly could, from time to time, cause a bit attention in labor management relations and had, that he reviewed some of the cases, but he thought he (Abernathy) exemplified the spirit of what he wanted the HPD to be, to do things the right way and not just the easy way, and that was uplifting to him, that there were people who recognized that there were people who did recognize that was not an easy thing to do and that people who did that were real leaders, even if they were quite leaders. Council Members Sullivan, Khan, Garcia, Noriega, Green and Jones absent.

Council Member Lovell stated that she wanted to congratulate the Police Department for their discipline, that they went about finding who the killer was and used their good policing skills, that she understood they reached out to different agencies to help them and that was why they were able to catch him very quickly, that she wanted to commend them for the discipline in getting that person to the jail so that they could face the criminal justice system. Council Members Sullivan, Khan, Garcia, Noriega, Green and Jones absent.

Council Member Lawrence stated that she wanted a little more information on the LARA property, the stipulations that were going to be on there, that if they say they were going to build a house did they have a certain length of time to pull the permits, that the property was not going to be put in their name until certain things happened because they could create an even worse problem. Council Members Sullivan, Khan, Garcia, Noriega, Green and Jones absent.

Mayor White stated that they had bent over backwards to do that and he had to explain to volume builders that there may be, and there frequently were people, who wanted to take down

lots who maybe had not had any experience in homebuilding and their philosophy was that people in every neighborhood deserved to have people who had built a house before, that they were not going to use their neighborhood as a guinea pig or somebody trying to figure out how to build a house, or warehousing properties, but in particular they were interested in some of those people who could build with more volume and had that capacity to do that. Council Members Sullivan, Khan, Garcia, Noriega, Green and Jones absent.

Council Member Lawrence stated that because a lot of people were capable of doing that, that it was a great chance for a small business or for some to say they knew how to build a house and this would give them a chance to start a company; that she looked at a shopping center that she knew of, a first time builder of a small strip center, they got the loan from Sterling Bank and it was sitting there now red tagged for over a year because he did not build within the guidelines and it had to be torn down, that was where she was going with it, that they not put that property just to get the foundation down, but it be permitted and everything and that there were some stipulations there before the property went into somebody else's name, that she used that as an example, that they were all hoping that the shopping center would work out but it was red tagged and was going to have to be torn down because of set backs and things like that, that was what they did not want to create, another problem that had to be torn down. Council Members Sullivan, Khan, Garcia, Noriega, Green and Jones absent.

Mayor White stated that their processes were designed and were very successful in assuring that there was not some CDC that just went and warehoused properties and then got half done or some small builder who builds ten things on spec without any contracts, that they did not provide interim financing but what they had done in doing that was that they had almost scarred off some of the volume builders, that was the balance they were trying to reach in Trinity Gardens and he wanted to make sure they did obtain that balance and part of it may be sort of pre approved or pre qualified individuals could go in and bid on these things, and there were a lot of small builders who were doing great within the program, that being small did not count against them and actually some of them could do better work, that being insolvent did. Council Members Sullivan, Khan, Garcia, Noriega, Green and Jones absent.

Council Member Johnson stated that he wanted to wish everybody a Merry Christmas, Happy Kwanza, happy holiday and Happy New Year, that they should all be safe out there and they should be very cognizant and watchful of each other; that tomorrow he was going to have his Third Annual Winter Wonderland at Discovery Green, that it would be a fabulous party for 500 children that he was going to be brining in from 23 schools from across his district, that they were going to be brining in 50,000 pounds of snow and were going to have one big huge snow party, that he had gotten all of the waivers and liability forms signed, that it was going to be a fun time, that he would welcome all of them to come out, that it would be from 10:00 a.m. to 2:00 p.m., that he wanted to thank the food sponsors, Frenchy's, McDonalds, Subway, Starbuck's and Adrians Hamburgers, that they had all donated the food and many sponsors had stepped up and made it the greatest Christmas ever, that he hoped to see all of them out there; that there would be a meeting at 7725 Sandra, the Trinity Gardens Church of Christ, that it would be to discuss some of the issues that the community was facing in respect to crime, that there was a double homicide in that community last weekend and it was an unfortunate and heinous crime, that they wanted to be able to galvanize the community to be able to get rid of the crime that had plagued their neighborhoods, that they were going to have to find ways to partner with the Houston Police Department, that their citizens were becoming more proactive in creating Citizens on Patrol, that certainly their churches had made the commitment and they had talked with many of them who had made the commitment to put their own patrols on the streets to make sure they sent a clear and strong message to these individuals that their community was not going to be a haven, that they knew that silence was not safety and they were not going to keep their mouths closed and let crime run amuck in their neighborhoods, that the meeting was going to be good and successful so they needed people to come out, that it

would be at 6:00 p.m. at 7727 Sandra; that he wanted to mention that the new buildings they were putting on the ground were going to be good for the neighborhood because he believed it was a new and great development even with the houses they were talking about putting on; that he had the opportunity, along with Council Member Brown, to talk about school closings at the Greater Houston Partnership and how to preserve their schools from closing down and creating more corporate sponsorships, that he wanted to talk with Mayor White some more about how do they save some of the smaller schools from closing down by creating a small school subsidy that they might be able to work in partnership with HISD, and Mayor White stated that h agreed. Council Members Sullivan, Khan, Garcia, Rodriguez, Noriega, Green and Jones absent.

Council Member Holm stated that she knew in the next session there would be an item that he was very supportive of that should be addressed before the end of the year, that she would encourage them that if they wanted Council to approve an item without a tag if they would make sure that all the information was distributed to Council Members and questions asked before it was posted if possible so they could assure a successful passage of a really good and hard worked project; that earlier they had the Memorial Heights TIRZ annexation for the Region Square Project and she wanted to thank Andy Icken and Robert Fiederlein for their help and answering the questions for them in order to move it forward; that they had a lot of reasons this week to celebrate life and to each person she wanted to wish a very joyous holiday season and best wishes for a coming year. Council Members Sullivan, Khan, Garcia, Rodriguez, Noriega, Green and Jones absent.

Council Member Clutterbuck stated that they had some exciting news for Rice University when the team of Rice University scientists and students won the City contest to devise a way to recycle tree debris by turning it into carbon sequestering bio mass charcoal, that she wanted to congratulate Rice University who were able to pull this together at a time when they were all preparing for finals as well, and also to thank Mayor White and his administration for setting up the contest, and Mayor White stated that they did not say that the prizes were privately funded, that perhaps they should have said that in the beginning but they did not take it out of the General Fund thanks to the Living Earth for having funded the project; that she wanted to offer her sincere thanks and appreciation to the good citizens of District C and all of Houston and wishing everybody a happy holiday season and a very Merry Christmas and to the family that sat around the table, that it was truly a pleasure to work with them all, that she would like to give thanks to the good people of her office who helped to do the job with love and passion. Council Members Sullivan, Khan, Garcia, Rodriguez, Noriega, Green and Jones absent.

There being no further business before Council, the City Council adjourned at 10:50 a.m. Council Members Sullivan, Khan, Garcia, Rodriguez, Noriega, Green and Jones absent.

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