

City Council Chamber, City Hall, Tuesday, December 30, 2008

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, December 30, 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, 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 and Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Peter Brown out of the city on city business.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:24 a.m. Mayor White called the meeting to order and called on Council Member Rodriguez for the prayer and the pledge, and Council Member Rodriguez called on The Very Reverend Lawrence W. Jozwiak, Pastor/Rector of the Co-Cathedral for the prayer and Council Member Rodriguez led all in the pledge. Council Members Sullivan and Jones absent.

At 9:27 p.m. Mayor White requested the City Secretary to call the roll. Council Member Brown out of the city on city business. Council Members Sullivan and Jones absent.

Council Members Khan and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Jones absent. MOTION ADOPTED.

Mayor White recognized Council Member Noriega. Council Members Sullivan and Jones absent.

Council Member Noriega stated that they would have some scouts that would be present from Troop 511 and Ricky Noriega was present representing Troop 511 from Palmer Memorial Episcopal, that they were getting a community badge today and were visiting the City Council meeting. Council Members Sullivan and Jones absent.

At 9:29 a.m. Mayor White stated that there were a number of people present for the consent agenda and asked the City Secretary to call the first category within the consent agenda. Council Members Sullivan and Jones absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 50

MISCELLANEOUS - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appoint of the following to the **AIRPORT BOARD OF ADJUSTMENT**, for two year terms beginning on February 1, 2009:
 - Position Five C - **MR. JOHN L. MARTINEC** (matters relating to Ellington Field)
 - Alternate Position Five A - **PASTOR DAVID A. MONTGOMERY, SR.** (matters relating to Bush Intercontinental Airport)
 - Alternate Position Five C - **MR. OMAR D. LOPEZ** (matters relating to Ellington Field) – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan, Lovell and Jones absent. MOTION 2008-0916 ADOPTED.

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of FY2009 Operating Budget for the **HOUSTON AREA WATER CORPORATION (HAWC)** \$12,020,113.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan, Lovell and Jones absent. MOTION 2008-0917 ADOPTED.
3. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$93,626.95 to **LONE STAR GROUNDWATER CONSERVATION DISTRICT** for water user fees for calendar year 2009 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan, Lovell and Jones absent. MOTION 2008-0918 ADOPTED.

ACCEPT WORK - NUMBERS 4 through 8

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$183,187.00 and acceptance of work on contract with **SEA-BREEZE ROOFING, INC** for Emancipation Park Roof Replacement - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan, Lovell and Jones absent. MOTION 2008-0919 ADOPTED.
5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,270,293.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for New Addition to Fire Station 35 - 4.98% over the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Sullivan, Brown, Lovell and Jones absent. MOTION 2008-0920 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,545,621.65 and acceptance of work on contract with **C AND C SERVICES** for Water Line Replacement in Lake Houston-East Subdivision - 8.92% under the original contract amount - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan, Lovell and Jones absent. MOTION 2008-0921 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,423,549.40 and acceptance of work on contract with **TROY CONSTRUCTION, LLP** for Water line Grid Extensions along Dairy Ashford, Veterans Memorial, Beechnut, Stancliff and Westpark - 3.28% over the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK and F - KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan, Lovell and Jones absent. MOTION 2008-0922 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,572,349.85 and acceptance of work on contract with **GARVER CONSTRUCTION, LTD.** for Runnels Lift Station - 3.03% over the original contract amount **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member

Brown out of the city on city business. Council Members Sullivan, Lovell and Jones absent. MOTION 2008-0923 ADOPTED.

PROPERTY - NUMBERS 11 through 26

11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from John English, Rekha Engineering, Inc, on behalf of Ali Reza Rastegar, for abandonment and sale of a portion of a 10-foot-wide utility easement, in exchange for the conveyance to the City of a 20-foot-wide storm sewer easement, both located at 2148 Troon, within Lots 13 and 14, Block 53, located in the River Oaks Addition, Section 3, out of the J. Austin Survey, A-1, Parcels SY9-013 and LY9-025 - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0924 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ali Bayegan, Coldwell Banker United, on behalf of Lou Gilpin and Colleen Corneau, for abandonment and sale of a 10-foot-wide utility easement in exchange for the conveyance to the City of a 10-foot-wide utility easement located within Lot 19, Block 6, Woodside Section 3, James Hamilton Survey, Section 27, Parcels SY9-026 and VY9-024 - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0925 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-051, located at 26 Parker Road, owned by Angel Roberto Avila and Maria Avila, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0926 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-080, located at 112 Parker Road, owned by Francisco Rodriguez, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0927 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-093, located at 164 Parker Road, owned by Jose Luis Balderas, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0928 ADOPTED.
16. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-101, located at 143 Parker Road, owned by Mildred J. Archibald Brake, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road -**

DISTRICT H - GARCIA – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0929 ADOPTED.

17. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-113, located at 226 Parker Road, owned by Manuel Garza and Rosa Christina Garza, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0930 ADOPTED.
18. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-114, located at 230 Parker Road, owned by Patricia Landa Martinez, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0931 ADOPTED.
19. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-116, located at 238 Parker Road, owned by Anselmo Gil and wife Ramona Gil, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0932 ADOPTED.
20. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-119, located at 205 Parker Road, owned by Gustavo Huerta and Homero Huerta, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0933 ADOPTED.
21. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-121, located at 213 Parker Road, owned by Raymundo and Teodora Vega, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0934 ADOPTED.
22. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-123, located at 221 Parker Road, owned by Hector G. and Rita Garza, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0935 ADOPTED.

23. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-138, located at 254 Parker Road, owned by Juan M. and Maria G. Jaramillo, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0936 ADOPTED.
24. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-162, located at 509 Parker Road, owned by Pedro Torres, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0937 ADOPTED.
25. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-170, located at 705 Parker Road, owned by Dennis Paul Bergeaux, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0938 ADOPTED.
26. RECOMMENDATION from Director Department of Public Works & Engineering for Purchase of Parcel AY7-189, located at 904 Parker Road, owned by Richard and Helen Villarreal, for the **PARKER ROAD PAVING PROJECT from Fulton to Hardy Toll Road - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0939 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 27 through 29

27. ORDINANCE appropriating \$239,806.00 out of Equipment Acquisition Consolidated Fund for the Purchase of Animal Control Trucks for the City's Health & Human Services Department – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1207 ADOPTED.
- 27a. **TOMMIE VAUGHN MOTORS, INC** for Animal Control Trucks for Health & Human Services Department – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0940 ADOPTED.
28. ORDINANCE appropriating \$7,500,000.00 out of Julia Ideson Library Contributions Fund; approving and authorizing first amendment to Construction Management-At-Risk Contract (approved by Ordinance No. 2007-1471) between the City of Houston and **SPAW MAXWELL COMPANY, L.P.** for the Julia Ideson Building Restoration and Addition; providing funding for Mobile High-Density Storage System, engineering and material testing, and contingencies related to construction of facilities financed by the Julia Ideson Library Contributions Fund – was presented. All voting aye. Nays none. Council Member

Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1208 ADOPTED.

- 28a. **SOUTHWEST SOLUTIONS GROUP** for Mobile High-Density Shelving System through the State of Texas Building and Procurement Commissioner's Contract - \$475,000.00 – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0941 ADOPTED.
29. **INFORMATION BUILDERS, INC** for Software Upgrade for Department of Public Works & Engineering - \$346,764.00 - Building Inspection Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. MOTION 2008-0942 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 32 through 50

32. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of 11,094 square feet of excess, dedicated Dacoma Street right-of-way from Hurfus Street to Karbach Street (Parcel SY8-010), vacating and abandoning said right-of-way to Pedro Arreguin, the abutting owner, in consideration of his conveyance to the City of a 20-foot-wide water line easement (Parcel KY8-275), his agreement to accept restrictions on his use of the abandonment parcel, and his payment of \$40,215.00 and other consideration to the City; the abandonment parcel and the conveyance parcel both being adjacent to Lot 75, located in Eureka Acres Subdivision, out of the John Flowers Survey, A-269, Houston, Harris County, Texas **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1209 ADOPTED.
34. ORDINANCE authorizing the Mayor to execute a Sub-recipient Agreement with the Governor's Division of Emergency Management (GDEM) to accept Regional Catastrophic Preparedness Grant Program FY07-08 Grant Award and authorizing the Director of the Mayor's Office of Public Safety & Homeland Security to request and/or accept any amendments or modifications to this agreement or any subsequent agreements necessary to secure the City's allocations through these grant programs - \$5,910,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1210 ADOPTED.
35. ORDINANCE authorizing the Mayor to execute a Sub-recipient Agreement with the Governor's Division of Emergency Management (GDEM) to accept FY2008 Homeland Security Program Grant Funding and authorizing the Director of the Mayor's Office of Public Safety & Homeland Security to request and/or accept any amendments or modifications to this agreement or any subsequent agreements necessary to secure the City's allocations through these grant programs \$15,488,525.30 - Grant Fund – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1211 ADOPTED.
36. Omitted
38. ORDINANCE approving the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS**

- (HARDY/NEAR NORTHSIDE ZONE)**; authorizing the City Secretary to distribute such plans **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1212 ADOPTED.
40. ORDINANCE appropriating \$400,000.00 out of Public Library Consolidated Construction Fund for Materials and IT Equipment at the Morris Frank Library - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1213 ADOPTED.
43. ORDINANCE appropriating \$150,000.00 out of General Improvement Consolidated Construction Fund for Purchase and Installation of CCTV and Access Control Equipment for the Municipal Courts Phase II Renovations under existing contract with **BL TECHNOLOGY, INC** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1214 ADOPTED.
44. ORDINANCE appropriating \$30,000.00 out of Public Library Consolidated Construction Fund for issuance of purchase order to **BAILEY ARCHITECTS, INC** for Design Services for Renovation of Stella Link Library - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1215 ADOPTED.
45. ORDINANCE amending Ordinance No. 2005-1184 (passed on October 26, 2005) to increase the maximum contract amount for contract between the City of Houston and **DC SERVICES, L.L.C.** for Communication Technician Services for the Information Technology Department \$910,906.25 - Central Services Revolving Fund – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1216 ADOPTED.
46. ORDINANCE appropriating \$4,677,423.00 out of Equipment Acquisition Consolidated Fund and approving and authorizing contract between the City of Houston and **DYONYX, L.P.** for Professional Services and related hardware and software to implement Windows Server 2003 Active Directory and Exchange Server 2007 for the City's Computer Network - 3 Years with two one-year options – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1217 ADOPTED.
48. ORDINANCE appropriating \$55,650.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Reconstruction of Little York from East of Hardy Road to US 59 (approved by Ordinance 96-0592) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1218 ADOPTED.
49. ORDINANCE appropriating \$10,551,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION CO.** for 42-inch water line along Tidewater, S. Post Oak, W. Orem, Croquet, and existing easements from Candleshade to Sims Bayou Pump Station; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the

deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS C - CLUTTERBUCK; D - ADAMS and G - HOLM** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1219 ADOPTED.

50. ORDINANCE appropriating \$3,488,362.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; 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. Council Member Brown out of the city on city business. Council Members Sullivan and Lovell absent. ORDINANCE 2008-1220 ADOPTED.

At 9:32 a.m. the City Secretary began calling the public speakers. Council Member Sullivan absent.

Mayor White thanked all speakers for coming and stated that to the extent people simply repeated at length what was said before they still listened to each, but asked nothing be said offensive based on stereotyping. Council Member Sullivan absent.

Ms. Kimberly Sadberry, 5925 Grace Lane, Houston, Texas 77021 (281-732-7511) appeared in favor of Agenda Item 30 and stated that she lived behind the plant which was a nuisance a long time; that there were two major explosions back to back, within a nine day period, and no one acknowledged it; that large pieces of debris were blown into their yard and there was night noise and the TCEQ said they could not say it would not happen again.

Council Member Adams asked all present on the issue to stand to be recognized; and upon questions, Ms. Sadberry stated that they wanted this stopped now, they were tired of it.

Mayor White stated that they were in agreement with them and he hoped they would get a unanimous vote to take legal action and do what was necessary including them shutting down if they could not comply with the law. Council Members Holm and Lovell absent.

Ms. Debra Dixon, 6002 Grace Lane, Houston, Texas 77021 (832-665-9843) appeared in favor of Agenda Item 30 and stated that they had lived there seven years and complained on the plant with the loud noise, odor and it being a fire hazard with explosions, no one from CES came to see about them and she thanked Council for their assistance.

Council Member Noriega stated that she appreciated all coming, it was an important issue.

Mr. Lee Dixon, 6002 Grace Lane, 77021 (832-665-9843) had reserved time to speak but was not present when his name was called.

Mr. Mark Schatz, 5910 Grace Lane, Houston, Texas 77021 (713-440-0083) appeared in favor of Agenda Item 30, presented information and stated that he was an architect and lived in one of five residential neighborhoods affected by the CES plant; that CES acquired their waste handling permit from TCEQ in August 2004 and permitted for 500 5,500 gallons of waste per day and they since modified the permit greatly; that in 2005 a new facility was built and in 2006 they were subject of a major criminal environmental crimes investigation in which the TCEQ and

state and City of Houston discovered they constructed a secondary bypass sewer connection and had been dumping industrial waste right into a sanitary sewer and at the same time marketed materials as a part of the Aggie 100 massive growth company with 40% growth and he would argue in their defrauding and stealing city services almost to the half million dollars the city subsidized some of that growth and since they had air quality concerns which compromised the ability of residents to enjoy their property; that they had explosions and a fire on October 2nd, December 6th metal debris was sent flying into three surrounding neighborhoods and December 16th after assurance it would never happen again, it happened again and on December 18th there was a fatality accident at their satellite location in Port Arthur and it was the second fatality for CES.

Council Member Jones stated that about a month ago she popped off about this, she had gone out and many present today were there and what caused her to pop-off was the City of Houston letter from February 9, 2007, to CES which stated they were doing a number of bad things and the gist of it was the city would disconnect their utility service for what they were doing, they had stolen water by underpaying the city \$480,589.59 and then in June we told them their wastewater would not be disconnected or revoke permits if they paid \$261,133.32 and she was very frustrated and did hope today they would move forward and allow the City of Houston to sue. Council Members Johnson, Garcia and Green absent.

Council Member Khan thanked Mr. Schatz for his presentation and upon questions, Mr. Schatz stated that he had suspicions they did not have proper permits, he came across the initial documents as he had concerns about the existing building and did an open record request in the Code Enforcement Division and that was how he found the footnote they did not have several occupancy certificates and there was a major investigation; that the Fire Marshall who came after the October fire ordered them to move trucks from the property lines and streets; and Council Member Khan stated that Agenda Item 30 if approved would allow the City Attorney to take appropriate legal action against CES, but in the presentation he saw code violations back in December 2006 and February 2009 so besides the actions of the City Attorney, he wanted to know what they were in violation of and what the City's action was on those violations; and Mayor White stated that both the Legal Department and Bureau of Air Quality had been working, there were many complaints investigated and some issues resolved and about \$2 million in improvements, but he would get back to him on permit violations; that the City would do what was right and he did not care who hired whom, the City policy would be comply with the law and no problems with the City and do not comply and there would be consequences; and asked Ms. Stein to get an answer on the permit violations. Council Members Johnson, Garcia, Noriega and Green absent.

Ms. Ann Eamon, 5910 Grace Lane, Houston, Texas 77021 (713-440-0083) appeared in favor of Agenda Item 30 and stated that Mr. Schatz was her husband and they had a series of complaints to CES regarding nuisances such as noise, light, etc., and they were health, safety and welfare complaints to them, they had chemical spills, chemical smells and chemical clouds and debris and soot over the neighborhood. Council Members Johnson, Garcia, Noriega and Green absent.

Upon questions by Mayor White, Ms. Eamon stated that there were two explosions and metal shrapnel was sent into the neighborhood along with soot and other debris and sometimes when they made mistakes cleaning they would get big clouds and their homes and cars and vegetation would get covered; and Mayor White stated that he and Council Members received a note that the company did recycle industrial gas and the employment was good, but no one had a right to place chemicals on someone else's property and if someone from the company was present the rules could be suspended to hear from them. Council Members Johnson, Garcia, Noriega and Green absent.

Council Member Clutterbuck stated that she supported the City's action; and would ask if OSHA should be involved; and Mayor White stated that he would ask Ms. Stein to see if the Bureau of Air Quality and Ms. Marks could get information for her concerning OSHA and OSHA for the entire metropolitan area had a very tiny number of individuals; that the City was hiring good outside counsel; and upon questions, Mr. Heilman stated that it was Mr. David Berg; and Mayor White stated that it was important to bring legal action in this form as there were so many violations. Council Members Johnson, Garcia and Noriega absent.

Upon questions by Mayor White, Ms. Marks stated that she did not know the answer to the OSHA question, but could find out and the reason they quit issuing citations was because they would just pay them and go on about their business so they now got legal involved and after negotiations of several months they had gotten nowhere and come to the point of two explosions this month. Council Members Johnson, Garcia and Noriega absent.

Council Member Adams thanked Mr. Michel and his legal team because every time they went to do a site visit he was there and did witness some of the incidents; and the legal team being used was doing it pro bono and she wanted all to know that. Council Members Johnson and Garcia absent.

Ms. Megan Sordia, 4620 Kingsbury, Houston, Texas 77021 (832-385-8334) appeared in favor of Agenda Item 30 and stated that she hoped all said today would aid Council in pursuing legal action immediately against CES Environmental, but ultimately believed the best course of action would be to remove them completely from the neighborhood as she believed they were a threat to the environment and community; that CES disposed and recycled and stored hazardous and nonhazardous waste for other companies; that she was afraid and angry at what continued to happen and what they breathed in; that during one boom things fell off shelves and her daughter was knocked to the floor and terrified; that the first explosion was December 7 and they said it would not happen again, but did on December 16; and read a list of chemicals they dealt with. Council Member Green absent.

Mr. Charles Jones, 6014 Grace Lane, Houston, Texas 77021 (832-487-6827) appeared in favor of Agenda Item 30 and stated that he wanted to express his frustrations with CES also, he had only negative experiences with them, they were not the good neighbors they claimed to be, in 2007 he had to redo his sewer line and he asked Mr. Bowman if he had something to help him dig because he had to dig under their fence because after they were cited in 2007 they built a big metal fence to obstruct big oil containers they received from various companies and he had to dig under their fence to get to his line, but Mr. Bowman said he had nothing to help him; that you could tell when they were doing things they should not and they even bragged to them stating fines they received from the city was just a drop in the bucket to them and said to him if he had problems to call him as he could take care of it faster than the City of Houston could and he had video of soot on his trees and cars. Council Members Garcia and Green absent.

Mayor White stated that a representative of the company may be present or someone watching by video and he wanted to share this with citizens and the company; that he knew some said they built a firm, invested millions and put \$2 million more in for odor equipment, but if you put soot on other's property, and odors did not just appear, and they needed to confine the odors and soot to their operations. Council Members Garcia, Noriega and Green absent.

Ms. Sarah Lancelin, 5403 Tallow Lane, Houston, Texas 77021 (713-741-2573) appeared in favor of Agenda Item 30 and stated that she thanked all Council Members and especially Council Member Adams and the Council Member At-Large; that she could stand repeating everyone, but she was representing the MacGregor Trails Association, about 600 people, that some had to move out of their area because of the terrible odor and her daughter had eye trouble and she got dizzy with the smell and today they were urging something be done.

Council Members Garcia and Green absent.

Council Member Adams thanked the Mayor for listening when she brought this to his attention and thanked Ms. Lancelin for all she did in the community; that she met with CES several times and did a tour of the facility; that CES did do good things, providing finances for those who worked there and hired ex-offenders, but when there was an environmental issue and the public was at stake they had to take a stand; and she thanked Council for their support and her staff for their work and Ms. Paulette Wolfson. Council Members Garcia, Rodriguez and Green absent.

Council Member Jones thanked all for coming and stated that it was determined CES discharged pollutants in violation of the permit limits and it could endanger city workers in the collection system and they underpaid the city by \$480,589.59 though it was worked out and they used capacity in the sewer system not authorized, it was 58 times higher than what was authorized and when this was all over she did not want CES just slapped on the wrist anymore. Council Members Lawrence and Rodriguez absent.

Council Member Adams moved the rules be suspended for the purpose of considering Item 30 out of order at this time, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Rodriguez absent. MOTION 2008-0943 ADOPTED.

30. RESOLUTION authorizing the City Attorney to take appropriate legal action against CES ENVIRONMENTAL SERVICES, INC to enforce the provisions of environmental laws and regulations - DISTRICT D – ADAMS – was presented.

Council Member Khan stated that the item had overwhelming support, this was approving the City Attorney take action, but no funds were allocated for outside counsel; and Mayor White stated that they were really blessed as a community to have outstanding advocates, firms taking up issues probably saved the city \$20 million; and asked if Ms. Marks would address the issue; and Ms. Marks stated that this body authorized, when they first retained Mr. David Berg pro bono, they authorized and encumbered up to \$50,000 for out of pocket expenses and the last go round he did not charge for out of pocket expenses so the money was still there and all his fees and that of his firms members were pro bono; and Mayor White stated that Mr. Berg agreed to represent the interest of the city without fee. Council Member Rodriguez absent.

A vote was called on Item 30. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Rodriguez absent. RESOLUTION 2008-0032 ADOPTED.

Mr. Brad Greer, 14451 Twisted Oaks Lane, Houston, Texas 77079 (281-948-0689) appeared and stated that he was present on behalf of his daughter who went to Meadow Wood Elementary School in the Spring Branch ISD and they crossed a very busy section of Memorial Drive, the 14000 block, and there was speeding and running of red lights and he was so close before he lightly tapped a couple of cars with his foot and his questions were whether the intersection was appropriate for a red light camera and he heard part of Memorial was to be reconstructed; that he had an idea on red light cameras if they were interested. Council Members Adams, Sullivan and Jones absent.

Mayor White stated that he appreciated his concern and he had been through some of the school intersections, one fact was in October and November there were about 17,000 and 18,000 another month who ran red lights at 70 intersections where there were cameras and a year ago there were over 25,000 a month running the lights so when people were ticketed they

did not run them as much and here he would do a pop test, was the city a bureaucracy or could they listen at what happened in Council and respond and he hoped this got the attention of the HPD representative and the City Attorney and his Chief of Staff and various Council Members, they were going to test whether the city was a bureaucracy or could they listen to citizens, the criteria for red light cameras were intersections most congested and it would not typically include a school zone near a major thoroughfare and they should work with schools to see if cameras could be placed there and then who would pay; that he would see if Michael Moore, HPD, and Legal could say if they wanted it, how much would it cost, who would pay and maintain it and how they would work out the arrangement with the vendor on processing the tickets. Council Members Lawrence, Adams, and Jones absent.

Council Member Noriega stated that a representative with HPD was present if Mr. Greer would meet with him and give him the right intersection. Council Members Lawrence, Adams, and Jones absent.

Council Member Holm stated there were many dangerous school crossings, but in District G they received more calls for Meadow Wood Elementary than any other school; that they had asked everyone for assistance and now the Mayor was asking for it and it was critical and the busiest intersections may not be the most dangerous and maybe the criteria needed changing. Council Members Lovell and Jones absent.

Council Member Clutterbuck stated that the issue was close to all Council Members and there was a tragic accident in district C when a boy was killed in a crosswalk holding his mother's hand and there was no speeding involved; that all needed to be aware of the school zones to protect children and the suggestion of a camera could be considered but other avenues needed to be pursued such as a rumble strip entering school zones and they would need permission from the legislature to add such to the streets; and Mr. Greer stated in Alabama they had strobe lights attached to an overhead sign at the crossing zone and Phoenix had warnings placed outside the area that there was photo enforcement; and Mayor White stated that in his area residents took up a collection and placed signs which showed how fast you were approaching; and Council Member Clutterbuck stated that they were looking at that and an ordinance did allow school districts or neighborhoods to pay for the speed feedback signs for school zones and the cost was \$12,000. Council Member Green absent.

Council Member Khan stated that there were great suggestions and they needed a good discussion with the school districts and there was no better deterrent from running a red light than a ticket and hopefully they would find a way to keep all children safe. Council Members Clutterbuck and Adams absent.

Council Member Garcia stated that from the time they started several initiatives there was talk on whether it was right, such as Safe Clear which now had double digit reductions in accidents, etc., and he believed such initiatives caused dividends to be placed in motorists pockets and red light cameras also brought safety and thought it should be brought on a regional level. Council Members Johnson and Clutterbuck absent.

Council Member Noriega stated that conversations with the school districts would help and they may want to look at four lane streets, etc., regarding the rumble strips and they needed to look at legislative efforts. Council Members Johnson, Clutterbuck, Garcia and Lovell absent.

Dr. Esperanza Fernandez, 5349 Lampass, Houston, Texas 77016 (713-621-2299) had reserved time to speak but was not present when her name was called. Council Members Johnson, Clutterbuck, Garcia and Lovell absent.

Mr. Steve Williams, no address (no phone) had reserved time to speak but was not

present when his name was called. Council Members Johnson, Garcia, Lovell and Noriega absent.

Ms. Lisa Johnson, P. O. Box 91037, Houston, Texas 77291 (713-476-9860) appeared and stated that she was present as on December 16th a warning sticker was placed on her vehicle and she had until the 26th before her vehicle would be removed, it was listed as abandoned as it did not have up to date stickers but her aunt had passed away and it was going through probate court; that the apartments said it was not their sticker but the City of Houston's so she contacted the City and was assured it was not the City's, but the next day a tow truck driver and about three police cars were in the complex and she said she knew they would not tow it, but the man said yes, they would be towing the car today so she called 911 and the officer spoke to the management and then told the others they could not tow her vehicle and left, but the tow truck driver went to pick up her car and she was holding her baby and went out to the car and the officers came and grabbed her arm and her baby was slipping and she told them the officer said they were not to take the car but they would not let her touch it and it was hard on her and her son and she was bruised; that the name of the complex was recently changed to Rancho Verde and they had quite a bit of police harassment there; that when Officer Abernathy was killed they all hurt, the majority of crime was trespassers and maybe a fence would help; that she had six children and she had to say all officers were not like that; that her car was still impound today and the complex said it was a major mistake and she could get it but she would not drive it with no stickers and did not see why they could not bring it back since they took it. Council Members Clutterbuck, Holm, Garcia and Lovell absent.

Upon questions by Mayor White, Ms. Johnson stated that her vehicle stickers had expired as she could not place it in her name yet with her Aunt not having a will; that the apartments had no stickers, a sticker had been placed on the car that it was to be towed on the 26th of December but they came to remove it December 17th and the officer told the wrecker driver she had until the 26th and to not tow the car, the apartment complex said the sticker was not up to date and they thought it abandoned, but she told them it was not abandoned and it did work. Council Members Clutterbuck, Holm, Garcia and Lovell absent.

Council Member Jones stated that they were towing the car because of an expired inspection sticker and it was abandoned, but the inspection sticker was not up to date because the car had been her Aunt's who passed away and it was in probate and she did not drive it because of the stickers; and upon questions, Ms. Johnson stated that she had a copy of the sticker and did not have officers names but wrote the vehicle number and could identify them; that she was told she did not have to pay that day to get the car but she could not drive it and she had the company name of the tow company; and Council Member Jones stated that she wanted all the information. Council Members Clutterbuck, Khan, Holm, Garcia and Lovell absent.

Mayor White asked Ms. Vasquez to get her copy of the sticker and make copies and asked Council Member Jones to look at her information while Council Member Green spoke with Ms. Johnson. Council Members Clutterbuck, Khan, Holm and Lovell absent.

Upon questions by Council Member Green, Ms. Johnson stated that the car received the sticker December 16th and she removed it the same day; that the apartments did not place the sticker and on the 17th no one would have known the sticker had been on the car and the driver who took the car was the same one there when the officer said the car should not be removed and when they did come to get the car no one said anything to her, she was on the patio and saw them start to take the car when she went over; that when she spoke to someone over the manager she came to her apartment and said they would take care of everything, but she would have to go pick up the vehicle and that was when she said she could not drive the car. Council Members Clutterbuck, Garcia, Adams and Lovell absent.

Upon questions by Mayor White, Ms. Johnson stated that she had two vehicles and she did not think the lease said how many vehicles she was allowed; and Mayor White stated that he wanted someone to look at the lease to see if the notice said she was violating terms of her lease and unless someone in the City Attorney's Office told him otherwise he wanted... he did not think someone would just tow it because of an expired inspection sticker, he thought it was something in the lease; if it was towed and it did not violate the lease the apartment manager or someone should go and get her car and bring it back because they stole her car, but they had to read the lease and the final thing he wanted from HPD was he wanted HPD policy; that they had zero tolerance in apartments for abandoned cars, drug dealing, etc., but this was the question, they had tow drivers trying to take cars and people trying to drive them away and if the goal was to get the vehicle out why should anyone interfere with someone trying to drive their vehicle away, he wanted the answer to the question from Legal, maybe a memo from Chief Hurtt and Arturo Michel, this did happen; and why should someone be stopped from driving their car away, he wanted the answer to that so he could understand because if there was no legal justification and it was not under immunity then it would be assault and if it was to enrich the tow company then it was called corruption, so he would like a report and jointly from the City Attorney and Police Department. Council Members Clutterbuck, Garcia and Jones absent.

Council Member Noriega stated that her concern was while all the issues were being discussed her car was in storage accruing fees and they would soon be into New Years and another weekend and more fees and her question to the city was if it was a legal tow, notice was to tow on the 26th and it was towed the 17th and if the sticker being removed negated that, if it was illegal someone was responsible and needed to get her car and she wanted it addressed quickly so it could be settled, it could be a fortune; and Mayor White stated that was why he wanted answers to his questions. Council Members Clutterbuck, Garcia, Rodriguez and Jones absent.

Council Member Khan stated with complaints against officers you could call Internal Affairs and he wanted to know about filing complaints against tow truck drivers and what was the consequences of towing in violation; and Ms. Johnsons stated that she went on line and filed a complaint against the tow truck service. Council Members Garcia, Rodriguez, Noriega and Jones absent.

Ms. Elizabeth Norwood, 8430 Antoine #294, Houston, Texas 77088 (832-882-5859) appeared and stated that she was present for her friend Lisa Johnson and what she witnessed, her concern was for her and the attitude of the officers; that she feared for her and her child's life as they were struggling with her and she was afraid they would tazer her; that when you entered the complex officers immediately would harass you; that one night a guy was scared to go home and said every day officers would go in his house and harass him, take his groceries and run his friends off and said they were waiting there now so they looked and four officers were at his apartment and she called a sergeant to come out, but his attitude was as bad as those on the property; that the boy said the officer stuck his hand in his pants and tried to stick it up his behind and while he was telling that to the sergeant Officer E. G. LaCourt came and was very intimidating. Council Members Garcia, Rodriguez, Noriega and Jones absent.

Ms. Marilyn Pickaree-Champagne, no address (713-779-8537) appeared and stated that she disagreed with the ruling from the state and federal courts that there was no reliable scientific data that Celebrex in the 200 mg dosages caused heart attack and stroke and believed the ruling was unfair and unjust and potentially put such cases in jeopardy; and to Defendant Pfizer and courts involved in the case she asked the litigation be ended and to fund the settlement proceeds offered by Pfizer to the individual plaintiffs. Council Members Garcia and Noriega absent.

Mr. James Nash, 8418 Colonial Lane, Houston, Texas 77051 (713-725-1664) appeared and stated that Terrance Fontaine and Michael Moore were members of the Mayor's staff and he was glad to be associated with them and today had a presentation for them in public for being so helpful and consistent. Council Members Johnson and Noriega absent.

Mayor White stated that they were extremely good at what they did and he figured they would get big heads so from time to time he tried to bring them down a notch to leave them just insecure enough to try harder and this positive reinforcement was new. Council Members Johnson and Jones absent.

Council Members thanked Pastor Nash and his family for all they did and gave kudos to Mr. Fontaine and Mr. Moore. Council Members Johnson, Lovell and Jones absent.

Mr. Wayne Webb, 3910 W. Pinebrook Way, Houston, Texas 77059 (281-480-5888) appeared and stated that he thanked all for leadership during Hurricane Ike and he was told by Council Member Sullivan coming today would be counterproductive so he hoped it was not true, but they had a speeding problem in southeast Harris County and he tried to do this the right way and talked with Precinct Eight and HPD; that they stood out in the street and hollered at speeders but it did not work so they came to the city and met with Mr. Drabek and Ms. Garcia and went through the process of a speed study and qualified for one speed hump, but because of the volume it would be way down the list for funding so he opted to pay for it himself and gave a cashiers check to the City of Houston, he heard there would be January construction of speed humps and so time was of the essence; that he did commend Council Member Sullivan for coming and walking the street but they disagreed on whether one was needed to protect their children and he did not think it was fair that speed humps were being built in other parts of Harris County and Houston and he would not allow him to have his when by today's criteria they did deserve one; but tomorrow HPD would start a radar program which he appreciated. Council Members Johnson, Lovell and Noriega absent.

Mayor White stated that the matter was being reviewed by committee and he was not present to argue, but would ask he walk in the shoes of himself and Council Members, in years he had learned that what was one person's way to slow traffic was another's way to wreck their car and there was not unanimity and as Council Member Holm points out repeatedly the maximum extent possible on objective criteria; and Mr. Webb stated that if someone did not want to travel and cross the speed hump there were alternate routes and he was required to get 21 signatures, but one house was vacant as he lived in New York and the other would not speak to any stranger and he had 19 out of the 21 in support. Council Member Johnson absent.

Council Member Holm stated that most complaints in her office was cut through and speeding traffic and at this point the only tool was a speed hump and there was a program for it and an amendment passed at the last budget was if people did qualify and were willing to pay themselves and went through procedures it would not count against their program and they would be able to follow through and she would encourage looking at that avenue; that they also had a split hump now and it was rubberized and it gave the Fire Department and emergency vehicles opportunity to go through without slowing them down, but did slow down in a more gentler way some others; that they had to look objectively at the program and then help people be a part of it. Council Members Johnson and Lovell absent.

Council Member Adams stated that in the past when speed humps were requested they got a response stating the Fire Department had to see if it was warranted, they were the final say; that on his it looked like Public Works gave the okay as they qualified; and upon questions, Mr. Webb stated that it did come up whether Fire would approve it and he measured the distance from Clear Lake City Blvd. to the mark on the map showing the speed hump and it was

the exact distance, five tenths of a mile to the stop sign, as on Park Center Way; that he did not think it fair if others in the city were having speed humps constructed now and Council Member Sullivan would not let him, he only wanted equal opportunity; that he did not contact the Fire Department, but Mr. Drabek and Ms. Garcia said it was okay and that was why he paid for it. Council Members Johnson, Lovell and Noriega absent.

Mayor White stated that it would not have gotten to this step without some clearance by the Fire Department and they were trying to reach that, he would have a digression here as Council Member Sullivan was to be recognized and he and some departments did give strong views to Council Members, but he would not say his petition was dead and this was a serious issue as it was a balancing of citizens; that Council Member Lawrence, Holm and he had been thinking a lot along with Mr. Icken and others about intact residential subdivisions and thought there was a good point to be made for more traffic calming devices and he thought over the next five years they should be looking at these devices within intact residential subdivisions and if they were wanted on major thoroughfares then they needed to campaign honestly that they were for more traffic congestion. Council Members Johnson, Garcia and Lovell absent.

Council Member Sullivan stated that Council Member Adams asked if this was approved by the fire Department and there were boxes on the form which showed HFD and HPD and METRO were not opposed to the application and he took this seriously and he and Mr. Webb just disagreed and in trying to be fair he asked the Mayor if they could take the program to TIA to be evaluated as it had not been looked at in a long time and Chairman Lovell agreed to do it and Director Marcotte came and Council Members were there and they all spoke about various sectors, the petition process, and he did not want to use 1996 data to make decisions in 2008 and 2009 so as a committee the TIA Committee and Public works were looking at this and he asked the Administration to allow him to hold up applications of speed humps until the evaluation was completed. Council Members Johnson, Garcia and Lovell absent.

Council Member Khan stated that Mr. Webb did a wonderful job of following the process and Council Member Sullivan was outstanding; that his question was if this had gone so far as for Public Works to issue a letter stating it could be constructed if he donated the money then he thought it was unfair for a citizen to have gone through the entire process, dealing with city bureaucracy was not fun, he did not see why it should be held up for whatever reason and he could see his point; that another point he would emphasize strongly was this was one of the most controversial things Council Members faced, it was basically a no win situation for Council Members and that was why the process was what it was and objective criteria should be used rather than who was for and who was against and he hoped this did not become more frustrating for him; and Mr. Webb stated that over 60% there had small children and over 90% were in favor and the percentage of speeders did not matter as it only took one. Council Member Johnson absent.

Upon questions by Mayor White, Mr. Webb stated that if they looked at the map to get out of the neighborhood in that direction you had to leave on Clear Lake City Blvd. and everyone affected by this...; that they could go by someone else's house; and Mayor White stated that in looking at traffic books keeping the grids free was the best way to reduce traffic congestion at intersections, he was convinced they did need to do more in intact subdivisions to try and slow traffic; that they were listening to him and there would be a fair hearing; and Mr. Webb stated he would like to know if other speed humps were to be constructed in January in other Council Members districts; and with a yes from Council Member Lawrence, Mr. Webb stated that he just wanted equal treatment and opportunity to protect his family and there were a lot of speed humps, his would not be the only one. Council Members Johnson and Noriega absent.

Council Member Holm stated that in the interim she would recommend this, the NTP Program, Neighborhood Traffic Program, right now was so capably run, Gary Drabek looked at

the whole picture and came up with alternatives and she would recommend getting with Mr. Drabek to look at the whole picture, one thing they did not want was to transfer traffic to someone else's street; and Mr. Webb stated that he had spent quite a bit of time with Mr. Drabek and he respected him and referred him to other sources and did not think he was being treated fairly; and Mayor White stated that probably a Council Member did have a right to delay something and have a full hearing, the outcome was not prejudged and a part of his job was to recognize that each of the people sitting around the Council Table brought different perspectives and he wanted to be sure the perspectives were at the table, but the door was not closed. Council Members Johnson and Holm absent.

Council Member Sullivan stated that with respect to HPD and in response he suggested to the petitioner he go to the Clear Lake Substation and ask for an alert slip to be dropped and apparently he did but did not like the response he received and then he, himself, went to Assistant Thaler who got involved and made phone calls to the Clear Lake Substation and they since followed up and said they would do random enforcement in monitoring speed there. Council Members Johnson and Holm absent.

Council Member Green moved the rules be suspended for the purpose of remaining in session beyond the scheduled noon recess to complete the Agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Johnson and Holm absent. MOTION 2008-0944 ADOPTED

Ms. Margot Benner, 21414 Ruth Ann, Humble, Texas 77338 (281-779-1355) had reserved time to speak but was not present when her name was called. Council Members Johnson and Holm absent.

Ms. Lidia Spaw, 3614 Montrose, Houston, Texas 77006 (713-5404712) had reserved time to speak but was not present when her name was called. Council Members Johnson and Holm absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated that he had a problem, he filed paperwork in government and some thought the judge was a joke; that he had his name changed and his name was President Ronald Wilson Reagan, he was not president of the U. S. but was Governor of California and President of the Hollywood Screen Actors Guild, he ran Hollywood, and continued expressing his personal opinions until his time expired. Council Member Johnson absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that again she was present speaking for funding for a YMCA on Veterans Memorial; that it be funded by tax money, she was determined to have such a place in their community. Council Member Johnson absent.

Council Member Sullivan moved to suspend the rules to consider Item Numbers 37, 37a and 31 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Johnson absent. MOTION 2008-0945 ADOPTED.

37. ORDINANCE approving third amendment of the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF HOUSTON, TEXAS (UPTOWN ZONE)**; authorizing the City Secretary to distribute such plans - **DISTRICTS C - CLUTTERBUCK and G – HOLM** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Brown out of the city on city business. ORDINANCE 2008-1221 ADOPTED.

- 37a. ORDINANCE relating to the Fiscal Affairs of the **UPTOWN DEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF HOUSTON, TEXAS (UPTOWN ZONE)**; approving an amended Fiscal Year 2009 Operating Budget for the authority and an amended Fiscal Year 2009–2013 Capital Improvement Budget for the zone - **DISTRICTS C - CLUTTERBUCK and G - HOLM** - was presented. Council Member Sullivan voting no, balance voting aye. Council Member Brown out of the city on city business. ORDINANCE 2008-1222 ADOPTED.
31. ORDINANCE **AMENDING THE HOUSTON SIGN CODE**, relating to directional and locational signs for institutions of higher education and medical institutions; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented.

Council Member Lovell stated that she wanted to move to delete all references and definitions related to medical institutions, so that today they would vote for the Sign Ordinance as it related to the educational facilities; that it was complicated trying to mix both of them, there were really different issues that were there, that she would like to vote on the educational today, pull out the medical and they could go back to committee on that, that she thought there were a lot of people who wanted to have some input on that and they needed to relook at it.

After discussion, Council Member Lovell moved to delete all references and definitions related to medical institutions, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Sullivan absent. MOTION 2008-0946 ADOPTED.

Council Member Holm offered the following written amendment to Item No. 31:

“I move to amend Item (8)(a) of Subsection (b) of Section 4605 to read as follows:

(8) Directional and Locational Signs

a. On-premise signs no larger than 6 square feet in size, and no more than 5 feet in height, that display only business names or logos, setting forth the location of or direction to parking or buildings located on the premises, or regulating the flow of the on-premise traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this chapter and with the requirements of the Construction Code. Such directional signs shall be limited to a maximum of two in number for each entrance utilized for vehicular access to the business premises. A sign permit is required.

Mayor White stated that they supported the amendment and would turn the chair over to Mayor Pro Tem Garcia.

A vote was called on Council Member Holm’s written motion to amend Item No. 31. All voting aye. Nays none. Council Member Brown out of the city on city business. MOTION 2008-0947 ADOPTED. (Note: Mayor White did not leave the council table area while the vote was being called) Mayor Pro Tem Garcia presiding.

After discussion by Council Members Clutterbuck, Lawrence and Lovell, a vote was called on Item No. 31 as amended. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2008-1223 ADOPTED AS AMENDED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PROPERTY

9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from James Harrison of Paxson & Associates, P.C., on behalf of Stacey Fine Homes of Texas, Inc, for abandonment and sale of a ± 72-square-foot portion of Kelving Drive adjacent to Lot 5, Block 19 of the Braeswood Subdivision, Section One, out of the P. W. Rose Survey, Abstract 645, in exchange for the conveyance to the City of the full portion as a street easement, Parcels SY8-068 and AY8-111 **DISTRICT C – CLUTTERBUCK** – was presented, moved by Council Member Lovell, seconded by Council Member Khan. Council Member Garcia absent.

After discussion by Council Member Clutterbuck a vote was called on Item No. 9. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Garcia absent. MOTION 2008-0948 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Frank Petrosky of Landtech Consultants, Inc, on behalf of Houston Community College System, for abandonment and sale of a 10-foot-wide utility easement and an 8-foot-wide utility easement from the east line of former Redwood Street to Garland Drive, Parcels SY9-018A and SY9-018B - **DISTRICT I – RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Green absent. MOTION 2008-0949 ADOPTED.

RESOLUTIONS AND ORDINANCES

33. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Calumet Drive (Parcel SY8-034), from Caroline Street to Austin Street, containing 0.4591 acres of land, more or less; vacating and abandoning said tract to the Holocaust Museum Houston, abutting owner, in consideration of owner's conveyance to the City of a utility easement (Parcel VY8-033), located in the Hermann Park Addition, Sec. 2, J. Christy Survey, A-212, Houston, Harris County, Texas, and owner's payment to the City of \$572,115.00; however, in lieu of immediate payment, owner will commit to seeking federal funding and such funds will be deposited, within five (5) years, into a special City account for the benefit of the Museum and Management District Area - **DISTRICT D – ADAMS** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1224 ADOPTED
39. ORDINANCE amending Ordinance No. 2006-0087 to increase the maximum contract amount and approve and authorize first amendment to Contract No. C53094 between the City of Houston and **NORTHROP GRUMMAN INFORMATION TECHNOLOGY, INC (formerly PRC PUBLIC SECTOR, INC)** for Maintenance and Operational Support of the Consolidated Dispatching System at the Houston Emergency Center - 3 Years - \$2,950,000.00 - Houston Emergency Center Fund – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-1225 ADOPTED
41. ORDINANCE approving and authorizing contract between the City and **RON SMITH & ASSOCIATES, INC** for Specialized Technical Audit and Management Consulting for the Latent Print Unit within the Houston Police Department's Identification Division - \$570,000.00 - General Fund – was presented.

After discussion by Council Members Khan, Garcia and Jones, Council Member Green tagged Item No. 41. (Note: Council Member Green released his tag later in the meeting.)

42. ORDINANCE approving and authorizing contract between the City of Houston and **MARSHALL & LEWIS LLP** for Legal Services to include representation of the City of Houston in litigation relating to the City's claim for access line compensation; providing a maximum contract amount \$200,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-1226 ADOPTED
47. ORDINANCE awarding contract to **LANDPRO, INC** for Tree Planting and Maintenance Services for the Parks & Recreation Department; providing a maximum contract amount - \$1,295,296.70 General and Parks Planting Trees Funds – was presented.

Council Member Holm stated that she had some questions, that in the partnership it appeared that 150,000 trees would be planted by the City of Houston and this item was for the first 20,000 for a total of \$1.2 million and asked what was the other General Fund money that would be allocated for the other 130,000, and Mayor White stated that there were a significant number of trees that would be donated and those trees would be distributed in some of the programs that they used in order where neighborhoods would support the tree planting in the mediums, that Apache Corporation, that they had been dealing with, had a lot and they would have a lot of tree planting days, for example the ones in January on Arbor Day, that they would plant 2,500 on Arbor Day; that second, there were significant amounts of private funding, that there was over \$150,000 that were privately funded; that on the out year amounts they did have some out year budgets, that in addition there were amounts that were appropriated, some that they did last year that they voted on and some this year from CDBG funds in certain neighborhoods; that he would get her that breakdown, that there was included within this number some SNAP requested plantings in seven areas. Council Members Garcia, Noriega and Jones absent.

After further discussion Council Member Holm stated that to her best knowledge there were four different funds in the Parks Department, one was the new established contribution for private partnerships, which they were calling the Tree Planting Fund; the 1% set aside, which were the Capital Improvement Programs that had trees planted; the Development Open Space that got money attributed to it; and then they had what she knew to call was the Old Tree Fund, where penalty money came in and she was trying to figure out what was their plan, where did it all come in and how did they assure fairness and equity, that she was looking at the fairness of equity and that they look at the whole City. Council Members Garcia, Noriega and Jones absent.

Mayor White stated that the first thing was that they should have a goal that would require people serving more than he or she would, that they fill their mediums with trees, that was a good thing for them to do; that second, she raised a very good point and they needed a report from Public Works, an accounting that those funds that were on the trees and landscaping set aside, where they could not be spent on the project, it needed to be located near the project and they needed some written policy, and Council Member Holm stated that she just wanted to make sure when the development came in and when the density came in that a portion of that went back into that area, not the project, but into that area so that as density came in they continued to maintain the integrity and intent of that area and not put everything into bigger projects, and Mayor White stated that in the case of the Parks Department to get a report on that as how the funds were allocated and have something in writing and finally, as an explanation, what they tried to do based on cost effectiveness in an area of high density because the real cost was not the tree material it was the watering cost. Council Members Garcia, Noriega and Jones absent.

Council Member Lawrence stated that she would like some accountability, that she had previously tagged an MWBE 11%, that it was a windshield company who used their 11% for termite control and a bible store, so she would like a list of those MWBE participants that were

getting over \$100,000 in the last year and a half and had turned in money back, that she was sure that the program was much more accountable since she brought up the 11% use. Council Members Garcia, Noriega and Jones absent.

Council Member Lovell stated that through the Quality of Life Committee they were taking the Tree and Shrub Ordinance through and they would be looking at a couple of things, one, when trees were taken out of a district or area they make sure that the trees that were given back in the area to replace those that had been lost and they were going to figure out a way to do that in the ordinance; and appropriate trees planted in appropriate places. Council Members Garcia and Noriega absent.

Council Member Sullivan stated that he wanted to recognize Ms. January Beavers who was in the audience, that she attended many meetings with them. Council Member Garcia absent.

Council Member Jones stated that she remembered when Congressman Poe did a lot with getting federal funds to put a lot of trees where he was, that she thought they were very cost effective; and Council Member Adams asked if they had a timeline of tree planting of their communities that were listed in the proposal and maintenance, and Mayor White stated yes, that they could get her some more information on that, and would ask the Parks Department in particular and make the comment that here would be a job for using Citizens Net and individual Council Members where there was a planting to be done based on the contractors work order schedule and job work order schedule, that it was easy to put something on the internet. Council Member Garcia absent.

After further discussion a vote was called on Item No. 47. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Garcia absent. ORDINANCE 1227 ADOPTED.

MATTERS HELD - NUMBERS 51 through 56

51. 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 – **(This was Item 8 on Agenda of December 17, 2008, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Member Garcia absent.

Council Member Green asked if any of the damage or repairs like related on the item and was their an opportunity to get reimbursement for any of it.

Mayor White stated that he thought there were two different components of it, that the answer was no, that for some time that he had looked at C&E budgets they had various roof repair and stuff in the budget and some of that was deferred, that in addition they wanted to provide 20% of the power by the solar panels, that a lot of that was donated and through grants and if they were going to do that they might as well do the roof at the same time. Council Members Sullivan and Garcia absent.

A vote was called on Item No. 51. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Garcia absent. ORDINANCE 2008-1228 ADOPTED.

- 51a. RECOMMENDATION from Purchasing Agent to award to **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 – **(This was Item 8a on Agenda of December 17, 2008, TAGGED BY COUNCIL MEMBER JONES)** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Garcia absent. MOTION 2008-0950 ADOPTED.

52. RECOMMENDATION from Purchasing Agent to award to **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 – **(This was Item 15 on Agenda of December 17, 2008, TAGGED BY COUNCIL MEMBER JONES)** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. Council Members Sullivan and Garcia absent.

Council Member Jones stated that she tagged the item because she had some concerns about maintenance and cost breakdown for 6 trucks that had low mileage but the Mayor's office explained to her why they needed to do it, that she was okay with it now. Council Members Sullivan and Garcia absent.

A vote was called on Item No. 52. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Garcia absent. MOTION 2008-0951 ADOPTED.

53. 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 – **(This was Item 18 on Agenda of December 17, 2008, TAGGED BY COUNCIL MEMBER BROWN)** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Garcia absent. ORDINANCE 2008-1229 ADOPTED.
54. 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 – **(This was Item 40 on Agenda of December 17, 2008, TAGGED BY COUNCIL MEMBER JONES AND RODRIGUEZ)** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Garcia absent. ORDINANCE 2008-1230 ADOPTED.
55. ORDINANCE approving and authorizing contract between the City of Houston and **EBSCO 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 – **(This was Item 41 on Agenda of December 17, 2008, TAGGED BY COUNCIL MEMBER JONES AND RODRIGUEZ)** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan and Garcia absent. ORDINANCE 2008-1231

ADOPTED.

Council Member Jones stated that she had a question regarding the cost for the library subscriptions, that it seemed like a lot of money, but the library came in and explained that it was to cover subscriptions all over the City for all the libraries. Council Member Sullivan absent.

Mayor White stated that there were a number of public libraries where the Houston Chronicle, in particular the employment sections, were just well thumbed through within their public libraries, that the public libraries were often the very first employment service that people looked for. Council Member Sullivan absent.

56. 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 – (This was Item 51 on Agenda of December 17, 2008, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Sullivan absent. ORDINANCE 2008-1232 ADOPTED.

Council Member Green stated that he would release his tag on Item No. 41.

41. ORDINANCE approving and authorizing contract between the City and **RON SMITH & ASSOCIATES, INC** for Specialized Technical Audit and Management Consulting for the Latent Print Unit within the Houston Police Department's Identification Division - \$570,000.00 - General Fund – was again before City Council. Council Member Sullivan absent.

Council Member Green stated that the consulting contract was not just for technical assistance but also for the management consulting piece of it which he thought was very important and led him to his main question, was \$570,000 enough when it came to the management issue because basically the RCA to him was almost a confession of mismanagement and it may not be from this department, it may be years on, but was the RCA encompassing enough and had they put enough into it so that when the recommendations came back, and obviously he thought they would come back probably pretty severe, had HPD made the necessary plan or were they making the necessary plans to institute the recommendations because it did not do any good to get a study if HPD was not going to institute the recommendations, that was his biggest issue because he thought a lot of these things that were in there he did not know what the baseline was for HPD and where the consulting was coming in and what they were saying that HPD was doing right, but based on the scope of the RCA it looked like there was a lot of stuff that probably could have been avoided, and a lot of that was just general management type things, so his concern was if it was something that HPD had thought long term, that it was one thing to get the study and he knew that sometimes they had the issue where they had to spend up some money, that he personally believed that some of these issues had been basically mismanaged and did the RCA or the amount or the amount of money they were allocating enough. Council Members Sullivan and Jones absent.

Mayor White stated that alternatively was it too much for the consultant or too little to solve the problem, because unless the consultant was going to be comparing finger prints; that he

would like for the department to report on that and in particular if he had the appropriate people here and he would say to Ms. Stein that as he understood it what it should be was that there should be blank time on average and at the longest it takes to process prints, they needed to match them with more rather than less databases and they needed to do it with less rather than more errors; that he had not had a degree in criminology but he bet that was what the goals were, fewer errors and faster processing against bigger databases, that if so then perhaps Council Member Noriega ought to consider having on an agenda in maybe two or three months from now, where had they been and what was their goal and what was their monthly process; and another thing that they did not want to do and maybe if he attended that meeting with Council Member Noriega, they did not want "well Council just approved our consulting contract on December 30, 2008 and that was twelve weeks ago and we were working on what the solution was for something", that the therapy ought to begin immediately and should not depend on the time table of the therapist, so hold a hearing and he would suggest to Council Member Noriega that it would be what was their goal on errors, number two, speed with which they process and the two dimensions on that or average speed of processing and their longest or stales; checking more rather than fewer databases, so they ought to have where they had been and what their goal was on that, that they ought to give HPD some opportunity to make progress and they should get a report on progress, and the entire answer should not be that a consultant was studying that, and Council Member Green stated that ultimately the consulting would not speed up the testing, what were they doing about the backlog now, was there some incentive to send it to an independent lab because it was still going to be a lag time and that was his question, was there some sort of funding, if they were serious about improving the department or this aspect of the lab, would not the smart thing to do was get caught up and send some of this stuff out and get some independent testing done so they could at least clear the backlog so that by the time the recommendations come in they could hit the ground running; and Mayor White stated that he believed there was a hearing on this, and this was what he understood, not at the committee hearing but when he went over there and looked at it with his own eyes, which was that there were some things that a consultant could do that might be able to speed up things, like right now for example, that there was pattern recognition software and then they did a lot that was visual and maybe they did want somebody to check, but their mix was software they used, how many different prints they compared with the visual and how many times they checked when they did think they had a visual match, that he thought those were some of the things that the consultant was talking about, that computers were doing all sort of things today that humans were doing about five or ten years ago, so that would be one of the issues that they needed to see, so why do they not get a hearing about three months from now. Council Members Sullivan and Holm absent.

After further discussion by Council Members, a vote was called on Item No. 41. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Sullivan, Rodriguez and Lovell absent. ORDINANCE 2008-1233 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Mayor White stated that there was a phrase that was used in Roberts Rules of Order that was called points of personal privilege and there was actually a very limited number of uses for that point of personal privilege, that if he could he wanted to recognize himself, that they could do it formally if Council Member Addie Wiseman was present and the Mayor Pro Tem could preside, but with consent they would wave that on two matters of personal privilege under Roberts Rules of Order; that first, one of the greatest honors of his life had been serving with his friend and colleague Council Member Garcia; that as he said, when Council Member Garcia was promoted to a new position, he thought the election was just one mark that their community had evolved and was embracing the politics of hope rather than the politics of fear, that it was embracing their future and not clinging with nostalgia to it's past, that he would say that not in any disparagement of his opponent, that he thought that his opponent, to his credit, when there

was an inappropriate ad took about two or three hours after a certain offer he made to pull it down, and he saluted the public service of people who served in the Sheriffs office before the Mayor Pro Tem, that they all knew what it meant to be a public servant and it had been an honor to serve with Adrian Garcia, that he particularly applaud to all leaders within their community, that all he could say was the leadership that he was shown after the death of Officer Johnson, that there were a lot of stereotypes and myths that were out there within their community that held them back from reaching their full potential and one myth was that they tolerate or encourage the activities of people who did not have documentation to be in this Country who commit violent crimes and often they do so against people who share their heritage and Council Member Garcia stood up and mobilized a lot of the community that they could put in protection for third citizens, and he did not care if someone had come from the UK or Nigeria or Mexico or wherever if they were in the Country in ways that violate the law and then they violate the criminal rights of others then they wanted to know who they were and they wanted to make sure they served their time and were asked to excuse themselves from the Country and his leadership on that issue, he thought, was something that rallied 99% of the community together within their great City and that was leadership. Council Members Adams, Sullivan and Jones absent.

Mayor White stated that they lived in a free democracy based on the competition for ideas, that he tells journalism students, as they came through, that journalism was a very important profession that was critical to their democracy, that he personally believed that the sign of a great city was a newspaper and other media outlets that were probing and thorough and that were one mechanism by which public servants could be held accountable, that he thought that the media was a very important source of government and he had been pretty impressed with their diligence and thoroughness of the number of reporters and the intelligence of the reporters, that he really respected people who were engaged in journalism; that there was part of some story that he saw, that he asked several people to read it, that seemed to impugn that the integrity, motives or ethics of Council Member Brown, that he found that to be highly offensive and misleading, that on this one thing Council Member Brown did not have secret agendas, that what they saw was what they got with Council Member Brown, that Council Member Brown was not in the business of politics to enrich his family or friends, that as a matter of fact he would tell them that a lot of the policies that he advocated would do just the opposite if implemented, that this was a man who had a lot of options with what to do with his life; that the story did involve facts concerning personal enrichment, there were not two sides to the story, that there was only one simple story that would take about three paragraphs to tell, that for a long time there had been in the plans of a TIRZ plans to improve the mobility in the San Felipe/Post Oak area that was one of the most congested areas in the City, far before any of the developments that were referred to in the article, it had been in the TIRZ plans and Council Member Lawrence had been at meetings that he had been at where he said why weren't these projects being done, why was the TIRZ sitting on money, they ought to do some of these projects, that before he had ever heard of any of these developments he did know this he got elected to improve traffic and this was an intersection; that they did not as a policy use eminent domain for economic development processes in this administration, that people had come up with various proposals, that they did have a policy to avoid wasting taxpayers money, it was a policy which he articulated clearly to the City Attorney and to others in his staff well before any of the issues came up and that was if they were to acquire a piece of property by eminent domain, and under law, they must pay for all of the property because both the other side and their own attorneys said the taking would render the rest of it useless, then they ought to consider, since the net cost would be free, if there was a public use, such as greenspace to be put for that property, that to do otherwise would be to waste the taxpayers money, that to do otherwise would be to enrich a private party at the public's expense; that he had never talked about this with Council Member Brown, he had no influence on his decision because he never recalled his talking to him about it and they knew that sometimes he went along with what he thought and sometimes he did not; that any implication that somehow Council Member Brown

had something to do with the policy of the administration, which would apply in any case that if they were to take something by eminent domain for necessary infrastructure and they were to pay for the entire thing they ought to consider if there were public uses for that thing, that was a policy that had nothing to do with Council Member Brown or whether his wife had an interest in any particular project or anything else; that finally he would say that he was pleased to know that his reputation for not doing favors for people just because he happened to know them had got around where nobody bothered to talk to him about doing favors for them like this because they knew he did not do it, and that included the individuals whose names were mentioned in the transaction, that he knew that there may have been citizens who read it and believed that somebody tried to create a storyline, the difference between an accusation and a fact was an important distinction in journalism. Council Members Sullivan and Jones absent.

Council Member Khan stated that he wanted to take the opportunity to wish Happy New Year to everybody and for everyone to have a safe, healthy and prosperous 2009; that he wanted to give his congratulations and good luck to Council Member Garcia. Council Members Lawrence, Sullivan, Holm, Rodriguez, Lovell and Noriega absent.

Council Member Green stated that he wanted to remind individuals if they had not given a coat or some sort of gently used outerwear they could do that to SEARCH, they could call them at 713-739-7752, that it was 2505 Fannin; that he wanted to congratulate Council Member Garcia, that they would miss him, that it had been a great honor serving with him. Council Members Lawrence, Sullivan, Rodriguez, and Lovell absent.

Council Member Clutterbuck stated that she too wanted to congratulate Council Member Garcia; that Terence Fontaine was also leaving, that their loss would be CenterPoint's gain; that Mr. Gary Norman was leaving the Public Works Department and moving to the Houston Police Department. Council Members Lawrence, Sullivan, Rodriguez, and Jones absent.

Council Member Green stated that Terence Fontaine was obviously another person they would miss around the Council table. Council Members Lawrence, Sullivan, Rodriguez, and Jones absent.

Council Member Noriega stated that she too wanted to take a minute and note the historic election of their colleague Council Member Garcia; that she wanted to say God speed to Terence Fontaine, that she got to know Terence at the George R. Brown; that they still had folks in the community who were hurting from the hurricane, that she thought there were folks that lost everything in Bolivar and Galveston that were clawing their way back in the coastal communities and there were folks in the City that were still struggling to figure out what to do with problems they had from Ike, so she would encourage all the folks out there to reach out to anybody they knew who were still needing assistance and please contact their Council Members and see if they could help them; that she wished everyone out there a Happy New Year. Council Members Lawrence, Sullivan, Khan and Rodriguez absent.

Council Member Adams stated that she wanted to thank the administration for their support and commitment to the CES agenda item, Item No. 30, that the community really appreciated the Mayor's support for that resolution; that also on Item No. 33 she wanted to thank the administration for the passing, for their support for the abandonment of Calumet Street for the Holocaust Museum; that KHOU TV, Channel 11, for those of them who wanted to get more information about what they were getting ready to do, the community outreach, for the monitors for the televisions for the seniors to switch to analog, that they would be going out to various communities through the City of Houston and they had a list of date and times, so if they would log onto the KHOU TV website she was sure they would have a list of their community outreach so that anyone could get the coupons to purchase the box that they needed to watch tv; that at Saint Johns they had a washing feet ministry of the homeless and they did it every

Saturday, that homeless men and women come in on Saturday's and the members of Saint Johns and volunteers actually wash the feet of the homeless who tread through the week and provide socks and toiletries and she wanted to commend Saint Johns for that, and those who wanted to volunteer or donate items she was sure they would welcome that at Saint Johns; that she noticed in the paper that they had a statistic of African American women on how they appeared to be shrinking and not growing in areas where they needed to grow, health wise, that when she looked at prayers three things came to mind, one to pray for them as women, that they continue to strive for the fullness that God would have them to strive, and second, that they pray for their kids, that crime would decrease in the City of Houston, and their kids would grow up to be prosperous and reach for goals, and finally prayers for their colleague, Council Member Garcia; that she wanted to congratulate the University of Houston for receiving the Carnegie Honors for their outstanding community outreach. Council Members Lawrence, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Jones stated that she wanted to commend Senator Ellis, that he had a conference call which her office participated in about recommendations for HIV testing; that they were going to miss Terence and who was going to be as responsive as he was; that one of her staffers went to the Divine Performing Art Show at Jones Hall and it showed Chinese tradition and culture, that it was great and it was the Year of the Ox; that for the CES issue she was thankful that the City listened to the people and she thought they did right for the people; that she wanted to say happy belated birthday to Council Member Green, and to her son, who just turned 17; and she wanted to say Happy New Year. Council Members Lawrence, Clutterbuck, Sullivan, Rodriguez and Green absent.

Council Member Lovell stated that she wanted to say congratulations to Council Member Adams who became engaged over the weekend; that they were so proud of Council Member Garcia for everything he had accomplished and she wanted to say congratulations to him and his family and she wanted to thank him for serving; that to Terence it had been a pleasure to work with him and to be a friend and she wanted to congratulate him and his family; to Gary Norman thank you for everything he had done at Public Works, that HPD was lucky to have him; that from her family staff she wanted to wish everybody a Happy New Year and to please be safe this weekend. Council Members Lawrence, Clutterbuck, Sullivan, Rodriguez and Green absent.

Council Member Johnson stated that he wanted to wish everyone a Happy Kwanza and a Happy New Year and hoped that everyone has a very happy and safe New Year; that he had a problem with Council Member Garcia's hair never being out of place, that he had a problem with him being very diligent and working hard, and a problem with the fact that he was going to move to a new department and clean up the act out there, that he was certainly very proud of the work that he had done on Council, that he knew the job that he was going to do as a Sheriff was going to be equally impactful; to Terence good luck to him and his family and hoped everything turned out well; to Council Member Adams congratulations; that he was instituting in his office a "Be Healthy District B" initiative by which they start looking at their health as a very important aspect of their community, that he was going to challenge all of his constituents to lead healthier lifestyles, that his mantra of always leading by example would now come into play and he was going to be challenging himself and giving updates on his health status, that hopefully the constituents of District B would accept the challenge and he would also extend the challenge to the Council Members, that they were going to create a basketball team and encourage people to come out and play basketball with them on Monday's and Thursday's; that he wanted to wish everybody a Happy New Year. Council Members Lawrence, Sullivan, Rodriguez and Green absent.

Council Member Holm stated that she wanted to say Happy New Year to all; that she also hoped that Council Member Johnson's health was better; to Council Member Garcia she could

not think of the most perfect job for him with his experience in the Justice Department; that Terence was another man of action, that he was always there to get the job done; to Council Member Adams, there was something about that chair, there was someone in it who actually proposed from that chair before her and now congratulations on her upcoming marriage; to Gary Norman they were so excited about his new move in the HPD area, that she thought that was a great and exciting move for him and they looked forward to it. Council Members Lawrence, Sullivan, Rodriguez and Green absent.

Council Member Garcia stated that he wanted to say to Houston and to his colleagues he wished them all a blessed and safe Happy New Year and may the New Year bring them all the prosperity and joy that each of them deserved, that after he first was elected he realized that he was going on to serve their City in a different capacity in the great body that they called City Council; that he had regretfully and with much hesitation but with much anticipation and excitement tendered his resignation to Mayor White as Council Member of District H and as Mayor Pro Tem, but he wanted to say thank you to each of them for all of the gracious and kind words that they had shared, that he would say that he was taking a great deal of each and everyone of them, even those Council Members who were not here any longer, even Council Member Wiseman, with him into the new role, Marty, Ms. Russell, Mr. Michel and even the staff who had served with them every week; that he looked at his wife and beautiful daughter, who he was more proud of her than she should ever be proud of him, that he was very grateful that the Good Lord had bestowed on him the tremendous treasure of these two beautiful people in his life; that there was Trish Herrington, Director of the Mayor's Anti Gang Office, who he had served with, Giovanni, who was his campaign manager on his first election, his great staff of District H, John Daniel, Tanya, Prince and regretfully Rhonda Sautter, his Chief of Staff, was having a root canal and Jason Cisneros who was handling an end of the year press conference about making sure they celebrated the end of the year safely and responsively; that he wanted to thank his family, that his Dad was not here for this one but was there for the first election, that he was grateful that he still had his beautiful Mom, that it had been a true attempt to make a family proud and to remember the story that his brothers said about his parents, his Dad in particular, when they came to this great country, that when his parents came here and his Dad was a guest worker and helped build the rail lines in California and by virtue of that experience he petitioned and eventually received permission to come to this great country and as they crossed the border he stopped the car abruptly and had everybody get out and kneel on the side of the road and said they were going to say a prayer and give the Lord thanks for the opportunity to come to this great country and do all things as citizens that they should do for the country of opportunity, so this service had really been trying to make good of a promise of a family who sacrificed a great deal and was trying to make good with the opportunity of opportunities, that the challenges in front of him in the new role would be something like making sure that the taxpayer was the boss, that they were public servants and were given tremendous authority and power at this body and as peace officers but as they wanted their law enforcement officers to be great fighters of crime his goal would be to make sure that they do fulfill that promise of being great fighters of crime but also being great defenders of the bill of rights, so that would be part of the re-engineering of the Sheriffs office that he would embark on; that he wanted to thank the people of District H who had given him the tremendous honor and the citizens of Harris County and each and everyone who had helped him achieve the tremendous milestone, and making out of this opportunity politics or public service, and he was so proud to say that around the table he saw public servants first before he saw politicians; that he wanted to thank all of the tremendous employees of the City of Houston who worked so hard to make each of them look so well, he wanted to thank the firefighters and police officers who risked their lives everyday, that he wanted to thank them all for everything they had done and their support and wished them all a blessed New Year. Council Members Lawrence, Johnson, Sullivan, Rodriguez, Green and Jones absent.

There being no further business before Council, the City Council adjourned at 2:32 p.m.

Council Member Brown of the city on the city business. Council Members Lawrence, Johnson, Sullivan, Rodriguez, Green and Jones absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary